



Complaints Policy

Version 2.3

<p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p>	<p>Francesca Roper, Director of Trust Development and Compliance</p>
<p>Name of Responsible Committee/Individual:</p>	<p>Trust Board</p>
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<p>Related Documents:</p>	<p>Best Practice Advice for School Complaints Procedures 2016 Department for Education.</p> <p>The Education Alliance Freedom of Information Policy.</p> <p>The Education Alliance Data Protection Policy.</p> <p>The Education Alliance Grievance Procedure</p>

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Policy Statement

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

1. Purpose and Scope

The Trust welcomes stakeholder comments, compliments, concerns and complaints as they help us to improve and ensure we best serve others' needs. Receiving feedback when people feel we have performed well (compliments), when people feel we can improve (comments) and when people feel we haven't done something well (concerns and complaints) will help us to continue to learn, develop and improve the services we deliver.

A concern can be viewed as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint can be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*. [Best Practice Advice for School Complaints Procedures 2016, Department for Education]. Certain complaints fall outside the remit of this policy (e.g. staff grievances) and there are other policies and procedures that may be accessed in such circumstances (e.g. the Grievance Procedure). Any person, including members of the general public, may make a complaint about any provision of facilities or services that the Trust provides, unless separate statutory procedures apply (such as exclusions or admissions). This procedure is not limited to parents or carers of children that are registered at the school, however, third party providers must have their own complaints procedures in place.

The Trust takes any form of concern or complaint very seriously and endeavours to resolve concerns and complaints informally, swiftly and discreetly wherever possible. However, formal complaints are managed via the formal complaints processes detailed within this procedure. Formal procedures will be followed when initial attempts to resolve an issue are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

The aim of this policy and procedure is to:

- Encourage resolution of concerns/complaints informally wherever possible
- Be easily accessible and publicised via the Trust website
- Be simple to understand and use
- Be impartial and non-adversarial
- Allow swift handling with established time frames for action, ensuring complainants are informed of progress
- Ensure a full and fair investigation is undertaken by an independent person where necessary
- Respect people's desire for confidentiality, sharing information on a need to know basis discreetly, respectfully and professionally
- Address all points raised and provide an effective response and appropriate redress where necessary

- Provide information to the Trust and school's senior leadership teams, the Trust Board and Local Governing Bodies (LGB) to enable the Trust and each of its schools to continually learn, develop and improve

2. Roles and Responsibilities

The **Chief Executive Officer (CEO)** is responsible for ensuring there is a consistent approach to managing and resolving concerns and complaints across the Trust that adheres to legal and statutory requirements.

The Education Alliance's **Trust Board** is responsible for the approval of this procedure and **Local Governing Bodies** must ensure that all concerns and complaints are logged, managed and resolved quickly and effectively and that learning points are captured and appropriate actions taken to ensure such issues do not occur again in the future.

The Trust's **Senior Leadership Team (SLT)** is responsible for overseeing the development, review, implementation, communication, monitoring and evaluation of this procedure and will report to the CEO, Executive Principal (EP), the Trust Board and Governors as required. **Headteachers** (HTs) must ensure that stakeholders are aware of this procedure; that the procedure is easily accessible and; that it is implemented fairly and consistently.

Leaders and Managers must ensure they respond to concerns and complaints swiftly, fairly and consistently in line with this procedure. They must ensure that all concerns and complaints are logged and acknowledged and they must investigate issues discreetly, thoroughly and quickly, accessing support, guidance and training as and when required.

Employees in receipt of concerns or complaints must respond professionally, objectively, swiftly and effectively. They should try to resolve matters informally wherever possible, seeking further advice and support where required, escalating issues as appropriate and as detailed within this policy and procedure.

Trustees and Governors will monitor and review complaints on a regular basis and ensure that appropriate actions have been taken to resolve any issues raised, whilst also monitoring the actions the school and Trust take to improve services.

3. Equality and Diversity

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines. The Trust is aware of its obligations under the Equality Act 2010, therefore while complaints are usually made in writing, the Trust acknowledges that the complainant may have communication preferences due to disability or learning difficulties and Trust will accept complaints submitted by alternative methods of contact, including a complaint made in person, by telephone or in writing. The Trust can also arrange for a translator to be accessed where language is a barrier (e.g. where English is not the complainant's first language and their understanding of the English language is limited).
- Delivering high quality teaching and services that meet the diverse needs of its student's population and its workforce, ensuring that no individual or group is disadvantaged.

4. Complaints Procedure (not complaints against the headteacher or governor)

Where an individual has raised a concern with a member of staff and that person then would like to make a complaint, they will be asked to submit their complaint in writing to the school's PA or Administrator, or where it is a Trust issue, to the Executive Assistant. There are three stages to The Education Alliance's Complaints Procedure:

- Stage 1: informal concerns raised with the relevant member of staff or the Headteacher in writing. If the complainant is unclear who to contact or how to contact them, they should contact the school or trust reception in the first instance. The school will acknowledge informal complaints within 3 working days and will investigate and make a response within 10 working days. It may be that the provision or clarification of information will resolve the matter.
- Stage 2: If a complaint is unresolved at stage 1, it can then be escalated to a formal response at stage 2. The complainant should put their concerns in writing using the complaints form and detail what actions they feel should resolve the complaint. The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.
- Stage 3: Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the school/trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, may be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave the meeting and evidence will then be considered.

The panel will then put together its findings and any recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust and headteacher.

The school will inform those involved of the decision in writing within 2 school days.

5. Complaints against the Headteacher, a Governor or the Governing Body

- Stage 1: informal. Complaints made against the Headteacher or any member of the governing board should be directed to Executive Assistant to the Trust in the first instance.

If the complaint is about the Headteacher or one member of the governing body (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1.

- Stage 2: formal. If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing board, an independent investigator will carry out the steps in stage 2. They will be appointed by the trust, and will write a formal response at the end of their investigation.
- Stage 3: review panel. If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 3.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the Trust may use recording devices to ensure the complainant is able to access and review the discussions at a later point. The Trust will record the progress of the complaint and the final outcome and the Executive Assistant will hold records of complaints centrally. The Trust recognises that complainants have a right to copies of these records and may seek copies under the Freedom of Information and Data Protection Acts. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

Where a complainant tries to re-open an issue once the internal processes have been exhausted, the Chair of the Trust Board can inform the complainant that the matter is closed, providing them with information regarding the external escalation processes, should the complainant wish to address their complaint externally.

6. Serial and Persistent Complainants

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure

- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

7. Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options.. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary
- Stopping responding
- We may stop responding to the complainant when all of these factors are met:
- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience
- Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

8. Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again.

9. Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Complainants should limit the numbers of communications with a school/the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of the LGB will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust premises. Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust will therefore act to ensure its premises remain a safe place for students, staff and other members of their community. If a parent's behaviour is a cause for concern, the Trust will request they leave the premises. In serious cases, the Headteacher, Executive Principal, CEO, Chair of the LGB or the Trust Board will notify the complainant in writing that their implied licence to be on Trust premises has been temporarily revoked subject to any representations that the complainant may wish to make. The Trust will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to bar will be reviewed following receipt of written representations, and either confirmed or lifted. If the decision is confirmed the complainant will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher, the Executive Principal, the CEO or Chair of the Trust Board of LGB. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

10. Referring Complaints on Completion of the Trust's Procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

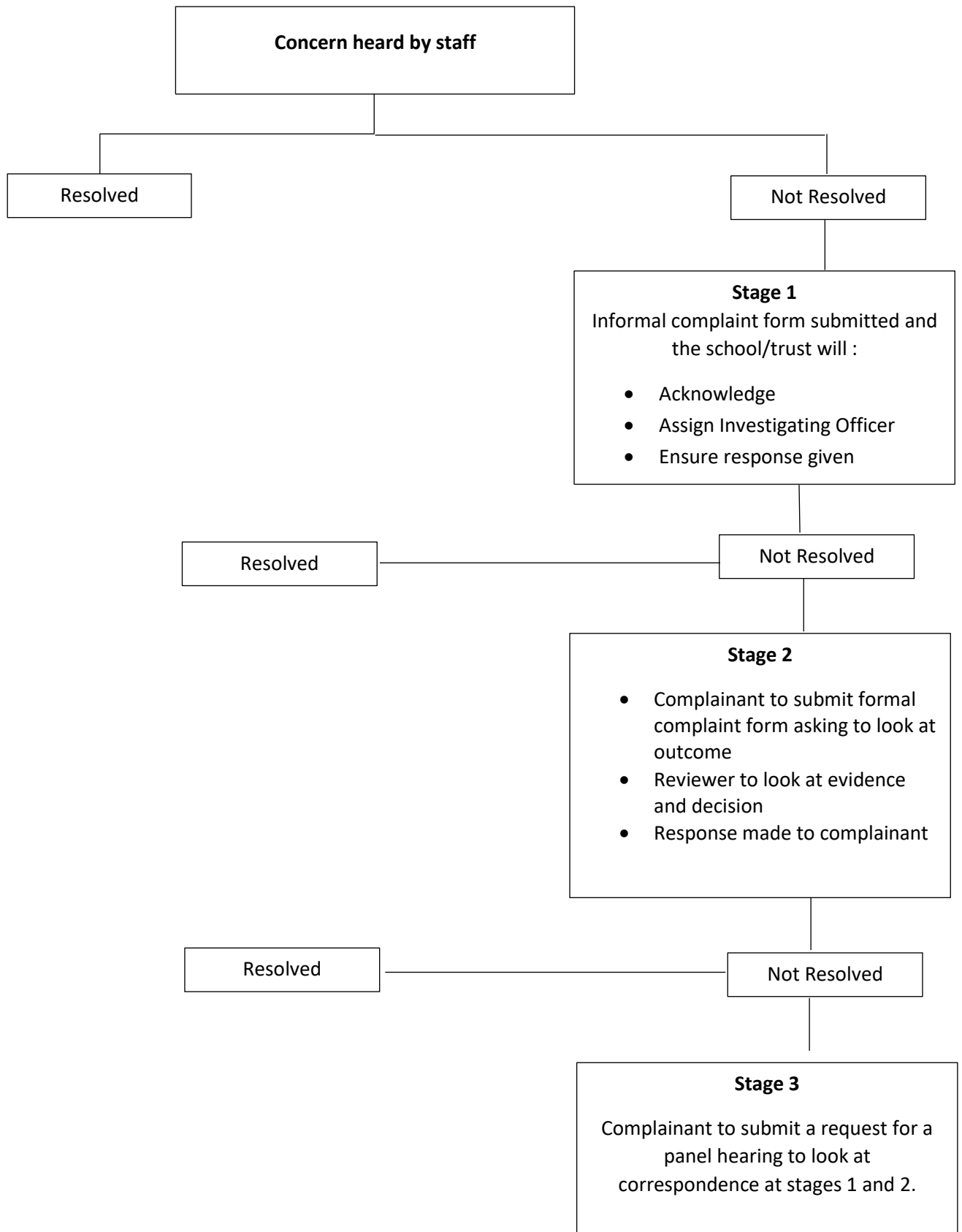
<https://www.gov.uk/complain-about-school>

11. Monitoring of compliance with and effectiveness of the policy and procedure

The LGB will review a summary of complaints each term and the Trust Board will review a summary of complaints annually to ensure learning is shared within the school and across the Trust as appropriate. The Trust Trade Union Forum will review the application of the procedure on an annual basis, advising the Trust if they have experienced any issues or concerns in relation to this procedure.

12. Review

This policy and procedure will be reviewed within 2 years of the implementation date with recognised trade unions at local secretary level.



Complaints not in scope of the Complaints Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to Contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with Local Authorities (LA). For school admissions, it will be the Trust who liaises with the LA as part of the Admissions SLA.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>The Trust has a Whistleblowing Policy which is located on the Trust website. Other concerns can be raised direct with Ofsted by telephone (0300 123 3155), via email (whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Employee grievances and disciplinary procedures 	<p>These matters will invoke the Trust's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use Trust premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Complaint Submission Form

Please complete and return to the Heads PA/Administrator in the first Instance, who will acknowledge receipt and explain what action will be taken.

Your name:

Student name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Preferred method of contact:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

(Should you not be satisfied with the outcome of the investigation, you will be asked to submit a revised copy of this form to the Headteacher).