



CHANGE SCHOOLS PARTNERSHIP

Complaints Policy and Procedure

Issue	Date Issued	Date for Review
1	Summer 2016	Summer 2018
2	Autumn 2018	Autumn 2020
3	Spring 2019	Spring 2021

Document Detail	
Policy Reference:	CHANGE Schools Partnership
Category:	Complaints
Authorised By:	The Board of Trustees
Status:	Approved
Date Approved/Ratified by the Board of Trustees:	3 April 2019
Issue Date:	Spring 2019
Next Review Date:	Spring 2021
Version:	3

Compliments

These are always welcome and very encouraging to teachers and staff. The Trust encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents' Association. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back.

Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The Trust welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the subject co-ordinator if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The Trust has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

Complaints

The procedure is again to speak to the child's class teacher in the first instance or contact the school office to arrange an appointment to discuss your complaint with whoever you wish. The school's policy is to follow the Education and Skills Funding Agency's guidelines when handling concerns and complaints. Just ask if you would like advice or a copy. It would be unusual to deviate from this procedure but the school always retains discretion in these matters.

Unacceptable Behaviour

The Trust will expect parents/carers/members of the public who wish to raise a complaint to:

- a) Treat all staff with courtesy and respect.
- b) Respect the needs and wellbeing of pupils and staff.
- c) Avoid any use, or threatened use, of violence to people or property.
- d) Avoid any aggression or verbal abuse.
- e) Recognise the time constraints under which members of staff in schools work and allow the Trust a reasonable time to respond.
- f) Recognise that resolving a specific problem can sometimes take time.

If the above is not adhered to the Trust will refuse to investigate until the above behaviour is evident.

In summary, the nationally accepted procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage where written complaints are considered by the Headteacher/Head of School (or a designated governor, if the complaint is about the Headteacher/Head of School), who has responsibility for dealing with complaints.

Stage 3 is the next step once Stage 2 is complete. It involves a review of the complaint by the Chair of Governors, who may convene a complaints review panel of trustees.

If you are unhappy with the outcome or your complaint, or the way it has been handled at school level, you can contact the Education and Skills Funding Agency and register your complaint via a schools complaint form. This form can be found at:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

If you should need to refer to the full procedures and government guidance, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

Complaints Procedures

Our procedures for dealing with general concerns

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

Stage 2 is the first formal stage at which written complaints are considered by the Headteacher/Head of School (or a designated governor, if the complaint is about the Headteacher/Head of School), who has responsibility for dealing with complaints.

Stage 3 is the next stage once Stage 2 has been worked through. It involves a review by the Chair of Governors, who may then convene a complaints review panel of trustees.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the Headteacher/Head of School. If, however, your complaint concerns the Headteacher/Head of School personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher/Head of School, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher/Head of School or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher/Head of School or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher/Head of School's Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. If you are not satisfied with the outcome of the Stage 2 investigation and the schools findings, you may wish to proceed to Stage 3, as described below.

Stage 3 - Consideration by a complaints review panel

- If your concern has already been through Stages 1 and 2 and you are not satisfied with the response to your complaint, provision will be made for a hearing before a panel appointed by or on behalf of the Headteacher and consisting of at least three people who are not directly involved in the matters detailed in the complaint. This is a formal process, and your ultimate recourse at school level.
- The purpose of this arrangement is to give your complaint a hearing in front of a panel of trustees, at least one member of which will be independent of the management and running of the academy, and all will have no prior knowledge of the details of the complaint and can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.

3. The Headteacher/Head of School will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the Headteacher/Head of School, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the Headteacher/Head of School may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher/Head of School;
 - you to question the Headteacher/Head of School about the complaint;
 - you to be questioned by the Headteacher/Head of School about the complaint;
 - the panel members to be able to question you and the Headteacher/Head of School;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the Headteacher/Head of School to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher/Head of School and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to board of trustees changes to the Trust's systems or procedures to ensure that similar problems do not happen again.
15. The clerk will send you and the Headteacher/Head of School a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the board of trustees, is available to you.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of complaints

- Very occasionally, a school will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied.
- We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the Headteacher/Head of School, designated governor, Chair of Governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

Complaints received from non-parents of attending pupils

Complaints received from non-parents of attending pupils will be subject to the same policy and procedure outlined above.

Other sources of information and advice

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our **Parent Partnership** team on their helpline: **01245 436036**.

The Education and Skills Funding Agency has published guidance – Creating an Academy Complaints Procedure – which the school adheres to.

For more information go to <https://www.gov.uk/government/publications/complain-about-an-academy> **What happens if you're not happy with the outcome?**

The Role of the Education and Skills Funding Agency (ESFA)

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to ESFA.

ESFA will check whether the complaint has been dealt with properly by the academy and will consider complaints about academies that fall into any of the following three areas:

1. Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
2. Where the academy is in breach of its funding agreement with the Secretary of State.
3. Where an academy has failed to comply with any other legal obligation.

ESFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, we will ask the academy to put this right. We may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

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

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

Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Learning lessons

The Board will review any underlying issues raised by complaints with the CEO, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Board will track the number and nature of complaints, and review underlying issues as stated in section 10.

Appendix 1

Complaints not in scope of the procedure

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

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, the admissions authority is the Local Authority. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

- Whistleblowing

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: 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.

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- Complaints about services provided by other providers who may use school premises or facilities.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.