



Staploe Education Trust

Complaints Policy

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Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils currently attending schools within Staploe Education Trust.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department of Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage Statutory Framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage requirements.

Definitions and Scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurance is sought.”

The Trust and our schools will resolve concerns through day to day communication and resolve them as quickly as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The Trust and our schools intend to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

Complaints by persons who are not parents of attending pupils will be considered by the Headteacher or referred to the Executive Headteacher of the Trust as appropriate. Their decision will be final.

The Trust expects that before seeking to use this formal policy the complainant:

- a) will have raised the matter with the pupil's Head of Year or class teacher, as appropriate, if the matter relates to a pupil, and;
- b) will have made reasonable attempts to seek an informal resolution.

The Chair of the Trust Board shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

The Trust believes it is best practice and beneficial for all parties to conduct minuted meetings and hearings face to face, including virtually, where possible.

Purpose of Policy

The purpose of this policy is to meet our statutory obligations when responding to complaints made by parents or carers of pupils currently registered at a school within Staploe Education Trust.

By exception this policy does not cover complaints relating to the following; which have their own processes and policies in place:

- Admissions;
- Exclusions;
- Safeguarding matters;
- Whistleblowing;
- Staff grievance and discipline matters.

Complaints relating to services provided by other providers who use school premises or facilities should be directed to the provider concerned.

When responding to complaints; we aim to:

- Be impartial and non-adversarial;
- Facilitate a full and fair investigation by an independent person or panel, where necessary;
- Address all points of issue and provide a prompt and effective response;
- Respect complainants desire for confidentiality;
- Treat complainants with respect;
- Keep complainants informed of the progress of the process.

The school/Trust will try to resolve concerns or complaints made by parents or carers by an informal means wherever possible. Where an informal resolution has not been possible, formal procedures should be followed as outlined within this document.

Complaints from parents of former pupils

Where the complaints process has been started (but not completed) whilst parents and carers have had children at the schools, but the children have since left, the schools should continue to follow this policy.

Where complaints have been started by parents or carers of former pupils after they have left a trust school, albeit about incidents that arose during the pupils' time at the school, the school may use the shorter complaints policy below;

Complainants should first attempt to address their complaint to the school informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Executive Headteacher. The Executive Headteacher will acknowledge receipt of the complaint before considering it and issuing a final written response. If the complaint relates

to the Executive Headteacher then the Chair of the Trust will respond to the complainant in the same way.

Timescales

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.

The school/Trust will consider exceptions to this time frame in circumstances where valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair and consistent manner for all those involved.

When complaints are made outside of term time, the school/Trust will consider them to have been received on the first school day after the holiday period.

If for any reason the school or the Trust cannot meet the timescales set out in this policy, we will;

- Set new time limits with the complainant;
- Send the complainant details of the new deadline and explain the reason(s) for the delay.

Complaints about Our Fulfilment of Early Years Requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk

An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting.

Complaints against the Executive Headteacher

Any complaint relating to the Executive Headteacher of the Trust must be raised in the first instance with the Chair of the Trust who will, if an informal resolution cannot be reached, designate a member of the Trust Board to investigate the complaint as per Stage 3. Stage 2 does not apply to a complaint against the Executive Headteacher.

Complaints against a Headteacher

Where a complaint relates to the Headteacher, the complaint must be raised, in the first instance, with the Executive Headteacher of the Trust who will try to resolve the matter informally. If an informal resolution cannot be reached, the Executive Headteacher will designate a member of the Trust

Board to investigate the complaint as per Stage 3. Stage 2 does not apply to a complaint against a Headteacher.

Complaints against a Member, Trustee or Advisory Body member

Where a complaint relates to a Member, Trustee or Advisory Body member, the complaint must be raised, in the first instance, with the Chair of the Trust who will try to resolve the matter informally. The Chair can appoint another Trustee to act on their behalf. If an informal resolution cannot be reached, the Chair of the Trust will appoint a Complaints Review Panel and follow Stage 3 of the formal process.

If the complaint is against the Chair of the Trust, then the Vice Chair will try to resolve the matter informally. The Vice Chair can appoint another Trustee to act on their behalf. If an informal resolution cannot be reached, the Vice Chair of the Trust will appoint a Complaints Review Panel and follow Stage 3 of the formal process.

Complaints Procedure

Stage One: (Informal)

The Trust and our schools will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

Where possible an attempt to resolve the complaint informally should be made.

The Trust or the school will acknowledge informal complaints within 10 school days, and investigate and provide a response within 15 school days.

Informal complaints or concerns should be raised with the relevant member of staff directly, for example class teacher, subject teacher or Head of Year. Where an informal complaint is raised with the Headteacher (or Executive Headteacher for Trust complaints), it will normally be passed to the most appropriate member of staff to deal with it informally.

If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Headteacher (or Executive Headteacher if appropriate) may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Headteacher (or Executive Headteacher) may direct the complainant to another member of staff.

In certain circumstances, the Headteacher (or Executive Headteacher in the case of a Trust complaint) may instead choose to deal with the complaint informally in person.

The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action.

When investigating a complaint, we will try to clarify:

- What has happened;
- Who was involved;

- What the complainant feels would correct the issue.

Should further investigations be necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The complainant and Headteacher (or Executive Headteacher in the case of a Trust complaint) will be informed of the conclusions drawn from the investigation and the action to be taken.

Stage Two: Formal Resolution at School Level

If the complainant is not satisfied with the outcome of the informal process, they can elevate the matter to the formal stage.

The complainant must put the complaint in writing, addressed to the Headteacher (Executive Headteacher for Trust complaints), setting out briefly the facts and stating what it is that the complainant considers should have been done or where the Trust or the school has not met reasonable expectations.

The Executive Headteacher must be informed of the school complaint for information purposes only.

An investigation will be carried out by a nominated individual identified by the Headteacher as appropriate, who may offer the complainant a meeting. The investigator will speak to those involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever possible, this will be completed within 15 school days of any meeting with the complainant, if no meeting is arranged it will be within 25 school days of the written complaint being received. If a full response cannot be provided within that time, they will write to the complainant explaining this and provide a date by which a full response will be provided.

If the complainant remains dissatisfied they may request the complaint proceeds to the next stage of the procedure.

Stage Three: Formal Resolution at Trust Level

The complainant must put in writing, addressed to the Governance Professional how they believe the previous stages have not addressed their complaint sufficiently, and what they believe would resolve the complaint. This complaint must be received within 10 school days of the complainant receiving the findings in writing.

The Governance Professional will acknowledge the receipt of the complaint within 10 school days.

A review panel of the Trust will consider all complaints at Stage 3.

The Complaints Review Panel of the Trust will comprise two trustees of the Trust Board who have not previously been involved in the complaint, and one person independent of the management and running of the school that the complaint relates.

Complaints Review Panel members will have access to all existing records of the complaints progress.

The Governance Professional will invite the school (or Trust if a complaint pertains to the Trust) to put in writing its response to the complainants' reasons. The school or Trust will provide this within 15 school days of receiving the request.

At the end of that period, the Governance Professional will convene a meeting of the Complaints Review Panel.

That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the review panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time.

At any meeting, the complainant will be entitled to be accompanied by a friend, though a legal representative will not be permitted.

The complainant must state clearly what it is that they consider should have been done or where the school (or Trust) has not met reasonable expectations.

The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school (or Trust) will have the opportunity to put its side forward. Each side, as well as the panel members, will be able to ask questions.

The complainant will have an opportunity to make final comments to the panel.

Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered by the panel.

The panel may make findings and recommendations and a copy of those findings and recommendations will be

- Sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and;
- Available for inspection on the school premises by the Trust, Headteacher and the Executive Headteacher.

The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days and the Governance Professional will notify all concerned.

Attendance at a Complaints Review Panel Hearing

The review panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section of this policy.

Stage Four: Appeals Hearing at Trust Level

The complainant must put in writing, addressed to the Governance Professional, how they believe the previous stages have not addressed their complaint sufficiently, and what they believe would resolve the complaint. This complaint must be received within 10 school days of the complainant receiving the findings of the Review Panel in writing.

A Complaints Appeals Panel of the Trust will consider all appeals at Stage 4.

The Complaints Appeals Panel will consist of at least three people, which will include one person who is independent of the management and running of the school to which the complaint relates or of the Trust if it is a complaint against the Trust.

The Complaints Appeals Panel may also include one or more persons from the following categories;

- A member of the Advisory Body where the complaint originated;
- A member of an Advisory Body of another school within the Trust;
- A member of the Trust Board.

The complainant will be informed of the make-up of the panel in advance of the hearing. None of the members of the Complaints Appeal Panel will have been directly involved in the matters detailed within the complaint, nor have been involved in any way in Stages 1-3.

The Governance Professional will invite members of the Complaints Review Panel to put in writing their response to the complainants' reasons within 15 school days of the appeal being received.

At the end of that period, whether or not a response has been received, the Governance Professional will convene a meeting of the Complaints Appeals Panel.

That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the appeals panel. Whenever possible, the meeting will be held within 20 school days of the end of the Complaints Review Panels response time.

At any meeting, the complainant will be entitled to be accompanied by a friend, though a legal representative is not permitted.

The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Review Panel will have the opportunity to put its side forward. Each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

The panel may make findings and recommendations and a copy of those findings and recommendations will be

- Sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and

- Available for inspection on the school premises by the Trust, Headteacher and the Executive Headteacher

The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days and the Governance Professional will notify all concerned.

The Complaints Appeals Panel may;

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on any further action to be taken;
- If appropriate, recommend changes to the school/Trusts systems or procedures to ensure that issues of a similar nature do not reoccur.

Attendance at an Appeals Hearing

The appeals panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the appeals panel will still proceed in their absence and the process will continue to its conclusion.

The decision of the Complaints Appeals Panel is binding and concludes the Trust complaints procedure.

Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section of this policy.

Serial or Persistent Complaints

Where a complainant tries to re-open an issue or a closely related issue that has already been dealt with under this policy, the Chair of the Trust may write to the complainant to inform them that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

Anonymous Complaints

The schools will not investigate anonymous complaints under the procedure stated within this policy. Complaints that are made anonymously will be handled at the discretion of the school with support from the Executive Headteacher as necessary.

Record Keeping

The Trust and each 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, emails and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed by only 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 under the terms of the Data Protection Act or where the material must be made available during a school inspection.

Reviewing a Complaint

The Executive Headteacher will review any underlying issues raised by the complaint with the Headteacher (if complaint originated at school level), where respecting confidentiality will determine whether improvements can be made by the school or the Trust to its procedures or practice to assist in preventing similar events in the future.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA (Education and Skills Funding Agency). 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, but it will look into the following;

- Whether there was undue delay, or the school didn't 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 or Trust did not deal with the complaint properly, it will be asked to reinvestigate the complaint. If the Trust's complaints procedure is found not to meet regulations it will be asked to correct its procedure accordingly.

For more information or to refer as complaint, please use the following link
<https://www.gov.uk/complain-about-school>

Behaviour

During the complaints procedure it is expected that the complainant, those representing the school and those representing the Trust will act in a professional and courteous manner. Any behaviour including verbal and/or physical abuse and any breach of confidentiality during the complaints process will not be tolerated and if required the authorities will be consulted on such matters.

Policy Review Period

This policy will normally be reviewed annually. This review may be brought forward as required by the Trust to reflect changes in supporting advice/guidance.