

Complaints Policy and Procedure



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1. Aims

Our trust aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school.

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 the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the trust website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Any complaint received from a person who is not a parent of a pupil at a school within the Trust will receive a response from the CEO (or from the Chair of Trustees if the complaint is about the CEO) within 3 school weeks and that will conclude the process.

2. 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/carers of pupils at the school.

It is also based on [best practice guidance for academies complaints procedures](#) published by the Education and Skills Funding Agency (ESFA).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage (EYFS) requirements.

3. Definitions and scope

3.1 Definitions

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

3.2 Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint.

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

There may be occasions when it is necessary to deviate from the complaints procedure if this is reasonable and justified, subject to the Trust continuing to meet the statutory requirements under item 7 of the Education (Independent School standards) regulations 2014.

Withdrawal of a complaint

If a complainant wishes to withdraw their complaint, they must do so in writing to the Governance Professional via email: clerk@sast.org.uk and will not be able to raise the specific complaint again.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher, head of school, Executive headteacher or CEO
- Any other staff member providing administrative support
- A representative of the Academy Committee or Trustee

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, head of school, Chair of Academy Committee, governance professional, CEO and Chair of Trustees

Be aware of issues relating to:

- Sharing third-party information
- Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Governance Professional/Clerk to the academy committee

The governance professional/clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Convene the panel at Stage 3
- Record and circulate the minutes and outcome of the hearing

4.5 Committee chair

The committee chair will:

- Chair the meeting, and explain the remit of the committee to the complainant
- Make sure all parties see the relevant information, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR, and all parties understand the purpose of the committee, and are allowed to present their case
- Ensure that the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

4.6 Members of the Complainant Panel

The complainant panel should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No Academy Committee Representative/trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting:
 - The committee should respect the views of the child/young person and give them equal consideration to those of adults;
 - If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint;
 - Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend;
 - However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 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.

We will consider exceptions to this timeframe 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 first school day after the holiday period.

If at any point we cannot meet the timescales we have 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 delay

5.2 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 (EYFS) requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) 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
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form 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 on a regular basis.

6. Stages of complaint (not complaints against the headteacher/head of school, executive headteacher, central staff, CEO, AC Representatives or Board of Trustees)

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – review panel

6.1 Stage 1: informal

All schools and nurseries in SAST will take informal complaints 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.

The complainant should raise the complaint as soon as possible within the timescales set out in section 5.1.

The complaint should be addressed to the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office by telephone (01747 852901) or by email:

office@shaftesburyprimary.co.uk.

Complainants should not approach individual Academy Committee Representatives to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the process.

The school will acknowledge informal complaints within 3 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the relevant member of staff, and/or headteacher/head of school. An informal written response will be provided by the school within 15 school days following the informal meeting.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint via the school office to the headteacher/head of school and/or the subject of the complaint:

- In a letter or email (this is preferred)
- In person

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant may wish to use the Complaint Review Request Form provided. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office by telephone (01747 852901) or by email: office@shaftesburyprimary.co.uk.

The headteacher/head of school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The headteacher/head of school (or other person appointed by the headteacher/head of school for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

Director of Education will be informed of a Stage 2 complaint.

How to escalate a complaint

If the complainant is not satisfied with the response and wishes to proceed to the next stage of the procedure, they should inform the governance profession in writing within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the governance professional:

- By letter or email

The governance professional will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The governance professional will acknowledge receipt of the request within 5 school days.

6.3 Stage 3: review panel

Convening the panel

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. This is the final stage of the complaint's procedure.

The panel will be appointed by, or on behalf of, the 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 the school's own Academy Committee representatives, as they are not independent of the management and running of the school. However, it may include representatives of other Academy Committees (who are also deemed by the DfE to be appropriate independent persons).

The panel will have access to the existing record of the complaint's progress (see section 10).

The panel will review the process of the Stage 2 investigation and existing materials. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. The panel **will not** re-investigate the complaint but may question the parties on matters it considers relevant.

All parties must have reasonable notice of the date of the review panel. The governance professional clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the governance professional/clerk will set a date. The hearing will go ahead using written submissions from both parties.

In the event of the complainant not attending the panel hearing, the panel will proceed and, in these circumstances, will consider the complaint in the absence of the complainant and issue the outcome within five school days to all parties.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting.

The board will ensure that the hearing is properly minuted.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will 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. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to 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 and evidence will then be considered.

The panel will then put together its findings and 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/head of school.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the review panel will inform the complainant and the school of the decision in writing within five school days. The decision of the panel is final. There will be no further opportunity within the Academy Trust for consideration of the complaint. The completion of stage 3 represents the conclusion of the SAST complaint procedure.

7. Complaints against the headteacher/head of school, executive head, CEO, AC Representatives or Board of Trustees

7.1 Stage 1: informal

Complaints made against the headteacher/head of school, or any individual member of the Academy Committee (including the chair or vice-chair) should be directed to the governance professional in the first instance.

If the complaint is about the headteacher/head of school, one executive headteacher or one representative of the Academy Committee (including chair or vice-chair) the CEO, Education Director or an Executive headteacher will carry out the steps at stage 1 and 2 (set out in section 6 above)

At Stage 3 a panel of Trustees, including one independent person will be convened, coordinated by the Governance Professional.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

7.2 Stage 2: formal

If the complaint is:

- About the CEO
- Jointly about the chair and vice chair of the Academy Committee or Board of Trustees
- The entire Academy Committee or
- The majority of the Board of Trustees.

An independent investigator will carry out the steps in Stage 2 (set out in section 6 above). They will be appointed by the Board of Trustees and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is about the headteacher/head of school or one Academy Committee Representative the steps outlined in stage 3 of section 6 above will be followed.

If the complaint is:

- About the CEO
- Jointly about the chair and vice-chair of the Academy Committee or Board of Trustees
- The entire Academy Committee
- The majority of the Board of Trustees

A committee of independent persons will hear the complaint. They will carry out the steps at stage 3 (set out in section 6 above).

7.4 Complaints against central trust staff (excluding the CEO) Complaints about members of central trust staff (e.g. HR, Finance, IT) should be submitted to the CEO in the first instance, who will manage the process in line with stages 1–3 of this policy. If the complaint is about the CEO, it should be escalated to the Chair of Trustees. If the complaint concerns another central trust staff member and the complainant is not satisfied with the CEO's handling, it may also be escalated to the Chair of Trustees, who will follow the appropriate procedures outlined above.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can contact the Department for Education (DfE). The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

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

9. Unreasonable and persistent complaints

9.1 Unreasonable complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the 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.

Steps we will take

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher/head of school or Chair of Academy Committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher/head of school will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, 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
- Put any other strategy in place as necessary

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

9.3 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 that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

9.4 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.

10. Record keeping and confidentiality

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 stored securely 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 and record retention schedule.

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 Academy Committee 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.

11. Learning lessons

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

12. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Board of Trustees will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by each headteacher/head of school and the Education Director, CEO and Governance Professional is informed.

This policy will be reviewed by Executive Team every two years.

At each review, the policy will be approved by the Board of Trustees.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy

- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices

Complaint Form

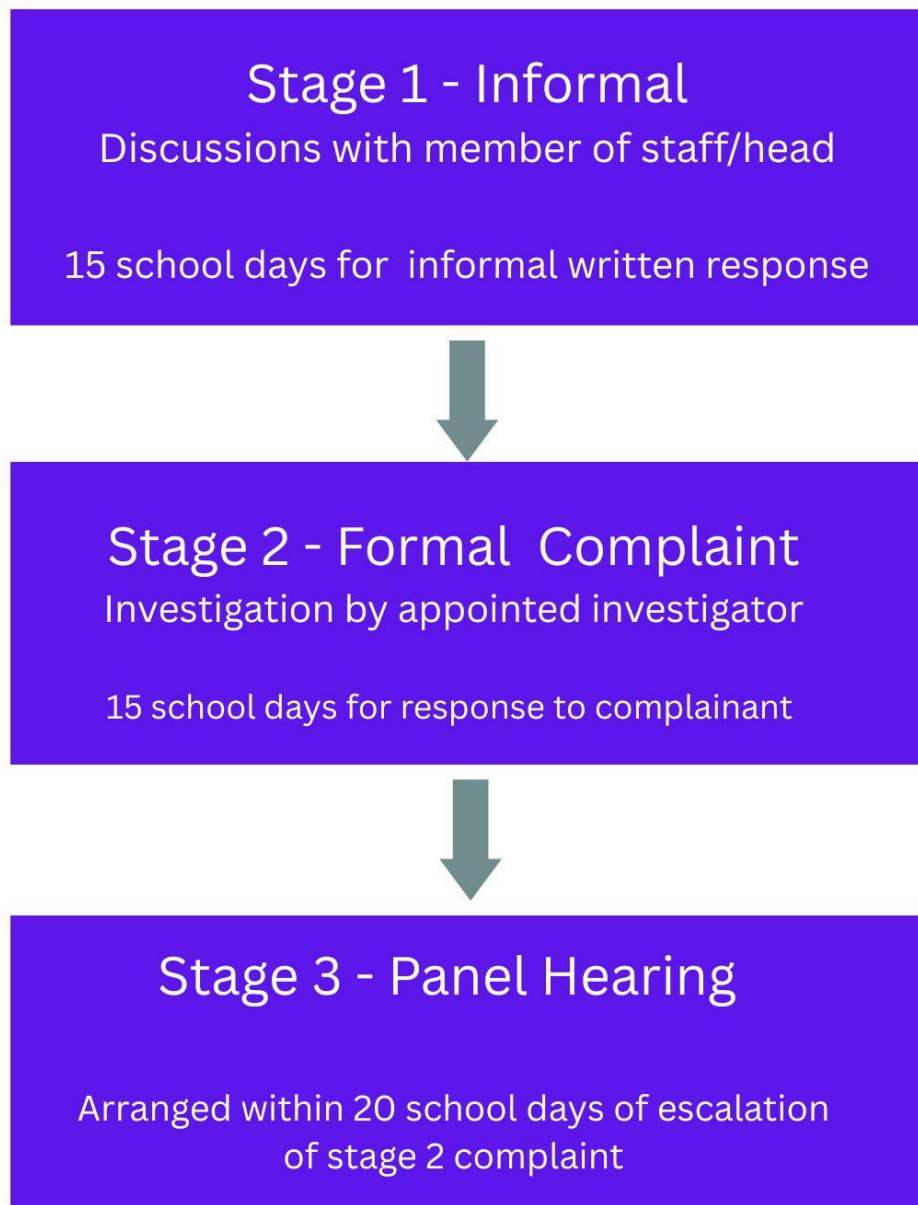
Please complete and return to the school office or SAST governance professional (as appropriate) who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:		
Pupil's name (if relevant)		
Your relationship to the pupil (if relevant)		
Address:		
Telephone numbers:		
Daytime:		Evening:
Email address:		
Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated.		
You may continue separate pages, or attach additional documents, if you wish. Number of additional pages =		
What action, if any, have you already taken to try and resolve the complaint? (i.e. who have you spoken with or written to and what was the outcome)		
What actions do you feel might resolve the problem at this stage?		
Signed:		Date:
Admin use		
Date form received:		Date acknowledgement sent:
Received by:		Acknowledgement sent by:
Complaint referred to:		Date:

Summary of Complaints Procedure within schools

Stage 1: Informal Concerns	1. Complainant brings complaint to the attention of a member of staff 2. Issue to be resolved within 15 school days 3. Where no satisfactory solution has been found, parent to be advised that they may proceed to Stage 2.
Stage 2: Formal Written Complaint	1. Complainant to put complaint in writing using complaint form 2. Complaint to be acknowledged within 5 school days 3. (optional) meeting with complainant within 10 school days 4. Response to the complainant sent within 15 school days
Stage 3: Referral to Review Panel	1. Complainant to request hearing within 10 school days of receiving notice of the outcome of Stage 2 2. Request to be acknowledged within 5 school days 3. Hearing to place within 20 school days of receipt of request 4. Notification of date, time and place of the hearing and details of review panel sent at least 5 school days before hearing 5. School/trust and complainant to submit evidence in support of their case to governance professional at least 3 school days before the hearing 6. Review panel decision sent not more than 5 school days after the hearing

FLOW CHART FOR THE COMPLAINT PROCEDURE



Refer to the policy for full details of each stage of the process.