

COMPLAINTS POLICY AND PROCEDURE

Status:

Statutory

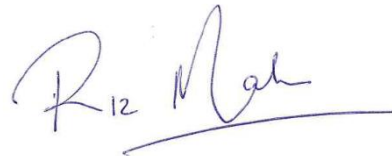
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Reviewed and ratified by:

Trust Board

Signed by Trust/Committee Chair

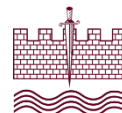


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1. Introduction

- 1.1. The aim of this policy is to resolve complaints or concerns about SECAT (the “Trust”, any school within the Trust or any individual connected with the Trust, in a fair, thorough and transparent way. The Trust takes complaints seriously and views them as a chance to learn and improve for the future.
- 1.2. Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent/carer¹ of a current pupil at a school within the Trust. Please refer to Part A below if you are a parent of a current pupil, otherwise please see Part B.
- 1.3. Please note that complaints about matters where an alternative complaints/appeal process exists will not be generally dealt with under this policy. These are set out below in Part C.
- 1.4. Requests for reasonable adjustments to the process set out below will be considered to ensure that Complainants can access and complete the process.
- 1.5. The complaint procedures set out in this policy do not apply to and are not intended for use by pupils.

Part A – Complaints procedure for parents/carers of current pupils²

2. Stage 1 – Informal resolution

- 2.1. Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis. Generally, it is expected that, where the matter relates to a pupil, it will have been raised with the pupil's form tutor [and head of year] before a request is made to deal with it under the formal stages of this policy.
- 2.2. The concern or complaint should be raised with the School or Trust within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.
- 2.3. The school will seek to resolve matters at the informal stage within **15 school days**³ of the issue being raised by the parent.
- 2.4. Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

3. Stage 2 – Formal resolution: investigation by a nominated individual

- 3.1. Stage 2 complaints must be set out in writing, using the form available at **Appendix 1**, within **10** school days of the Stage 1 response and addressed to the Headteacher of the School (unless the complaint relates to the Headteacher, in which case please refer to the section headed '**Complaints against specific role-holders**' below). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have been done or where the school or Trust has not met reasonable expectations and confirming the outcome sought.

¹ References to 'parents' in this policy include carers.

² Where the complaints process has been started (but not completed) whilst parents/carers have children at the school, but the children have since left, the procedure for current parents should continue to be used.

³ School days in this policy refers to days when the school is open to pupils for teaching, and does not include INSET days.

- 3.2. An investigation will be carried out by a nominated individual identified by the Headteacher as appropriate, who will acknowledge the complaint within **5** school days and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within **15** school days of the written complaint being received.
- 3.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the parent; if no meeting is arranged it will be within **25** school days of the written complaint being received.
- 3.4. Where the parent remains dissatisfied, he or she may request that the complaint be escalated to Stage 3.

4. Stage 3 – Formal resolution: Complaints Panel Meeting

- 4.1. Stage 3 complaints must be set out in writing, stating where the parent remains dissatisfied and the outcome sought, and lodged with the Clerk to the Trustees within **10** school days of the Stage 2 response.
- 4.2. The Clerk to the Trustees will acknowledge the Stage 3 complaint within **5** school days and will convene a Complaints Panel.
- 4.3. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the school.
- 4.4. The Complaints Panel may include, but is not limited to, one or more persons from the following categories:
 - (i) a member of the Academy Committee of the school where the complaint emanated from;
 - (ii) a member of an Academy Committee from another school within the Trust;
 - (iii) a member of the Board of Trustees from the Trust;
 - (iv) a member of an Academy Committee/Local Governing Body or Trustee of another school Trust; and/or
 - (v) a person not connected with the school or the Trust.
- 4.5. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 4.6. The independent panel member may be a member of an Academy Committee from another school within the Trust as long as they have no conflict and no prior knowledge of the complaint.
- 4.7. The Clerk will invite the school to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request. Whether or not the school has responded, the Clerk will convene a meeting of the Complaints Panel. That meeting will be held on Trust premises as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the school's response time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.
- 4.8. The meeting is not a court case, it will be held in private and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent and the school/Trust will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

- 4.9. The Complaints Panel may make findings and recommendations, and a copy of those findings and recommendations will be:
- (vi) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the school or person complained about; and
 - (vii) available for inspection on the school premises by the Trust, the Headteacher and the CEO.
- 4.10. The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.
- 4.11. At any meeting, the parent will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.
- 4.12. If the parent fails to attend the Complaints Panel Meeting 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 or persistent Complainants” section as set out below.

5. Department for Education

- 5.1. Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied, then they may contact the Department for Education (DfE). There is an online procedure at:

<https://www.gov.uk/complain-to-dfe>

- 5.2. The Complainant may also write to the DfE at:

Ministerial and Public Communication Division
Department for Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

6. Complaints against specific role-holders

- 6.1. Complaints against the Headteacher

Any complaint relating to the Headteacher of the school must be raised in the first instance with the CEO who will, if an informal resolution cannot be reached, designate a member of the Trust Board to investigate the complaint as per **Stage 2**.

- 6.2. Complaints against the Local Governing Body

Where a complaint is brought against a member of the Academy Committee, it should be raised with the Chair of the Academy Committee who will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 2**.

If the complaint is against the Chair of the Academy Committee, then the Vice Chair of the Academy Committee will investigate the complaint (or appoint another member of the Academy Committee to do so) in the same way as in the first stage of the formal process at **Stage 2**.

In exceptional circumstances the Chair of Trustees may at his or her absolute discretion determine that a complaint against a member of the Academy Committee should be dealt with at Trust Board level and, if so determined, the Chair of Trustees will oversee **Stage 2**.

6.3. Complaints against individual Trustees/the Board of Trustees

If the complaint is against a Trustee, then it should be raised with the Chair of Trustees by writing to the Clerk to the Board of Trustees. In the case of a complaint against either the Chair or the Board of Trustees as a whole, then it should be put in writing to the Clerk to the Board of Trustees who will refer it to the Members.

In such cases, the Chair of Trustees/the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at **Stage 2**.

Where the complaint moves to **Stage 3**, the Chair of Trustees/the Members (as applicable) will determine how the Complaint Panel is to be constituted but will ensure that at least one person is independent of the management and running of the School.

6.4. Complaints against the CEO or other Trust office staff

If the complaint is against a member of Trust staff, then it should be raised with the CEO (or, in the case of a complaint against the CEO, the Chair of Trustees), who will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 2**.

Part B – Complaints raised by those who are not parents/carers of current pupils

7. Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the school, will be dealt with as follows:
 - 7.1. Complainants should first attempt to address their complaint to the relevant school or the Trust (as appropriate) informally by raising the matter with a relevant member of school or Trust staff, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. The school/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.
 - 7.2. If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at **Appendix 1**, to the CEO, or, where the complaint relates to the CEO, to the Chair of Trustees.
 - 7.3. The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days.
 - 7.4. The general provisions set out in Part C below apply.

Part C – General provisions

8. Complaints that will not be considered under this policy

- 8.1. Usually, complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary, the Trust will exercise its discretion.
- 8.2. Complaints may be raised under this policy about staff conduct, however, any action taken under the Trust's internal disciplinary procedures is confidential and Complainants will not be provided with information about this.

| Matter | Route for raising concern/complaining |
|---|--|
| Admissions | Admissions Appeal – see Admissions Policy and Statutory Admissions Appeal Code, or complaint to DfE |
| Exclusions | Statutory review process – see Suspension and Exclusions Policy |
| Statutory SEN assessments | <u>SEND Tribunal</u> (and see SEN Code of Practice) |
| Matters likely to require child protection investigation | Raise with Designated Safeguarding Lead or a direct referral can be made to the Multi-Agency Safeguarding Hub (MASH) and/or Local Authority Designated Officer (LADO), Alison Francis, Telephone 01702 534539 - see Child Protection & Safeguarding Policy |
| Data protection/FOIA | Raise with Data Protection Officer (DPO) at terrydignam@secat.co.uk in the first instance – see Data Protection Policy, [Freedom of Information Policy, Subject Access Request Policy, Privacy Notice for Pupils, Privacy Notice for Parents & Carers. Complaints may also be raised with the Information Commissioner's Office but we ask that you try to resolve these via the DPO first. |
| Staff Grievances and Disciplinary matters⁴ | Grievance And Dignity at Work Policy And Procedure |
| Whistleblowing | Whistleblowing Policy |
| Third party contractors/suppliers | Third party complaints process |

⁴ Note that where complaints relate to staff conduct, these may be dealt with under both this Complaints Policy and the Staff Grievance & Disciplinary Policy. In such circumstances Complainants will not be informed of the outcome of any Staff disciplinary investigation or processes.

9. Complaints relating to fulfilment of the Early Years Foundation Stage (“EYFS”) requirements

9.1. In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:

- (i) The written concern/complaint will be acknowledged within 5 school days;
- (ii) The Headteacher will investigate the concern or complaint, which may include meeting with the Complainant and the Head of Early Years. A written response notifying the Complainant of the outcome of the investigation will be sent within 28 school days of the complaint being received.
- (iii) Where the Complainant remains dissatisfied, the Clerk will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

9.2. A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

9.3. Parents are further advised that, where they have concerns regarding the school meeting EYFS requirements, they may contact Ofsted on 0300 123 4666.]

10. Complaints received outside of term time

The school/Trust (as appropriate) will consider complaints made outside of term time to have been received on the first school day after the holiday period.

11. Withdrawal of a complaint

If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

12. Record keeping and confidentiality

12.1 A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a Panel hearing (Stage 3), and any action taken by the school as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the data protection policy by the Governance Manager. Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection requests access to them.

12.2 The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

13. Anonymous complaints

Where an anonymous complaint is received, the school/Trust will use its reasonable endeavours to consider the complaint as best as it reasonably can. However, the school/Trust will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case-by-case basis.

14. Complaint campaigns

14.1 Where the school/Trust receives a number of complaints all based on the same subject which, in its reasonable opinion, may be deemed a ‘complaint campaign’, it will deal with the complaints in the following way: individual responses will not be sent to Complainants in such cases. Instead, either a template response will be sent to all Complainants, or a single response will be published on the school/Trust’s website at the discretion of the CEO/Chair of Trustees.

14.2 Where the complaint campaign involves Complainants who are parents, they will be entitled to escalate the complaint to a Panel hearing if they are dissatisfied with the School/Trust's response. The school/Trust will consider how best to manage Panel hearings in such circumstances.

15. Serial or persistent Complainants

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy, the Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted, the matter is closed and that the Trust will therefore not respond to any further correspondence on this issue or a closely related issue.

16. Vexatious complaints

16.1 Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

16.2 In such cases, the Chair of Trustees may write to the Complainant to inform him/her that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

17 Abusive complaints

17.1 The school/Trust will not consider complaints that are abusive in nature until they are reframed in an appropriate and respectful manner.

18 Legal proceedings

If a Complainant threatens or commences legal action against the School/Trust (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix 1 – SECAT Complaints form

This form should be used to raise a formal complaint only after a matter has been raised informally under either Part A or Part B of the Complaints Policy and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form.

| Your details | |
|--|--|
| Name | |
| Email | |
| Address | |
| Name of pupil, year group and your relationship to them (if applicable) | |
| Complaint details | |
| School name (if complaint relates to a specific school) | |
| Grounds of complaint | |

| | |
|--|--|
| <p>What steps have been taken to resolve the complaint informally (<i>including details of who the matter was raised with, when and what solution was offered</i>)</p> | |
| <p>Why have the steps taken so far failed to resolve the complaint?</p> <p><i>(including what you consider should have been done/where the School or Trust has not met reasonable expectations in its response)</i></p> | |
| <p>Outcome sought</p> | |
| <p>What action would you like taken to resolve the matter?</p> | |

Signed Date

Please send completed forms to admin@secat.co.uk or hand in to the school office in a sealed envelope marked for the attention of the relevant addressee (*generally, this will be the Headteacher for complaints about a specific school, or the Clerk to the Trustees for complaints about the Trust, however, please refer to the Complaints Policy and in particular paragraph 6, 'Complaints about specific role-holders', for further information*).