



Trust Complaints Procedure

Review Period	Two Yearly
Person Responsible for Policy	Trust Chief Finance & Operations Officer
Governing Committee	Trust Board
Date of Trustees Approval	March 2021
Date for Review	March 2023

Introduction

This policy covers complaints raised by parents concerning their children and an Academy within the All Saints Multi Academy Trust. The majority of issues raised by parents, the community and/or students, are concerns rather than complaints. Academies within the All Saints Multi Academy Trust are committed to taking concerns seriously, at the earliest stage.

The prime aim of this policy is to resolve the complaint as fairly and speedily as possible. Every attempt will be made to solve the problem informally at the earliest stage. However, depending on the nature of the complaint, parents may wish or be asked to follow the Trust's formal complaints procedure. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the Trust and other bodies as appropriate.

The Complaints Policy has three main stages:

- Stage 1 – A concern is raised informally with a staff member.
- Stage 2 – Formal complaint is heard by Headteacher (or Executive Headteacher)
- Stage 3 – Appeal to the Local Governing Body's Complaints Appeal Panel.

Overview

1. Upon conversion to academy status, schools become subject to the Education (Independent School Standards) (England) Regulations 2010 (subsequently amended in 2012) ("the 2010 Regulations"). Ofsted will look for evidence of compliance with the 2010 Regulations during an inspection.

The 2010 Regulations set out different requirements for the complaints process compared with maintained schools. Part 7 of the 2010 Regulations governs the way in which complaints are handled, and basically provides that academies must have a Complaints Policy.

2. Certain forms of complaint e.g. staff grievance or disciplinary procedures fall outside the scope of these general complaints procedures.
3. The process set out in this procedure concludes with the Governor's Complaints Appeal Panel hearing. A complaint may, however, be made to the EFA, if a person believes that the Trust is acting 'unreasonably', or is failing to carry out its statutory duties properly. This can be done online at www.gov.uk by accessing the schools complaints form.

Unreasonable and/or Vexatious Complaints

Schools will on certain occasions receive complaints, which are vexatious in nature. Examples of unreasonable or vexatious behaviour may include:

Having insufficient or no grounds for a complaint or making the complaint only to annoy
Refusing to co-operate with the complaints investigation process
Refusing to accept that issues are not within the remit of the Complaints Procedure
Making groundless complaints about the staff dealing with the complaints
Seeking to have staff dismissed or replaced on totally unreasonable grounds
Making an unreasonable number of contacts
Making persistent and unreasonable demands or expectations of staff
Harassing or verbally abusing staff dealing with their complaint
Use of foul or inappropriate language or by the use of offensive and racist language
Raising subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
Introducing trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on

Changing the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed

Denying statements he or she made at an earlier stage in the complaint process

Recording meetings and conversations without prior knowledge and consent of persons

Refusing to accept the outcome of the complaint process after conclusion, and repeatedly arguing points, and/or denying that an adequate response has been given

Schools can refuse to consider a complaint if there is strong evidence that the individual making the complaint is consistently acting in an unreasonable and vexatious manner. Schools should however always make reasonable efforts to resolve any complaint and should not simply label a received complaint as vexatious from the outset to avoid simply dealing with it.

Schools can contact the Local Authority for further advice and guidance about whether any specific complaints can be considered of an unreasonable and/or vexatious nature. In the first instance this should be the Governor Services Team who may in turn refer matters to the Council's Legal Services Department as necessary. If the school decides that it has grounds to refuse to deal with a complaint, the Chair of Governors should write to the individual and inform them of the reasons why.

Informal Stage 1 – Raising a concern

- a) Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern;
- b) Parents should make their first contact with the appropriate person, e.g.
 - i. *for pastoral matters - The Form Tutor or Progress Leader/Head of Year*
 - ii. *classroom issues – Subject Teacher*
 - iii. *curriculum matters – Subject Leader in person, by telephone or in writing*
- c) Staff will listen to parents' concerns; this may require investigation, or discussion with others, in which case parents will receive an informal but informed response within five school days. If it is not possible to meet this deadline parents will be informed when a response will be made; wherever reasonably possible this will be within 15 school days.
- d) The majority of concerns will be acceptably dealt with in this way. However, if you are not satisfied you may request to meet with a Senior Leader;
- e) If the issue still remains unresolved at stage 1, the complainant may request that the matter is taken to the formal stage 2.

Formal Stage 2 – Headteacher or Executive Headteacher involvement

Formal complaints shall be put in writing and addressed to the Headteacher. The complaint will be logged, including the date it was received.

- a) The Academy will normally acknowledge receipt of the complaint within five school working days of receiving it;
- b) The complainant will be informed
 - i. how the complaint will be investigated
 - ii. who will investigate
 - iii. the time scale for a full response to be made
- f) A meeting may be convened to discuss the matter further. This meeting will normally take place within ten academy working days. The aim will be to resolve the matter as speedily as possible; wherever reasonably possible this will be within 15 school days.
- c) The Headteacher will nominate a Senior Leader with no prior involvement with the complaint to investigate the matter, allowing the Headteacher to retain independence from the complaint. Where this is not possible, the Headteacher may investigate the complaint, but the Executive Headteacher will then become responsible for managing the complaint.

- d) The nominated Senior Leader 'Investigating Officer' may contact the complainant(s) to clarify any issues and speak to others as necessary;
- e) The parent may meet with the 'Investigating Officer' and have a friend with them to support or speak for them in the meeting;
- f) The 'Investigating Officer' will interview relevant witnesses and take statements from those involved;
- g) If the complaint involves a student, they will be accompanied by another with whom the student feels comfortable e.g. Progress Leader/Head of Year/~~Learning Mentor~~ or parent where relevant;
- h) The 'Investigating Officer' will keep records of all discussions, telephone calls and relevant documentation;
- i) The Headteacher will make a full response to the complainant who may be offered a further meeting to explain how the investigation was carried out and the decision made;
- j) Where the complaint is made against the Headteacher, the complaint should be heard by the Executive Headteacher;
- k) Where the complaint is made against the Executive Headteacher, the complaint should be heard by the Chair of the Trust;
- l) In the first instance the Executive Headteacher/Chair of the Trust will establish whether the complaint has come direct to the Chair in which case the complainant should be referred to the process outlined above in this policy i.e. make the complaint to the Headteacher first in order to endeavour to come to a mutually accepted outcome;
- m) If it is not possible to come to a mutually acceptable outcome the complainant should address their complaint to the Chair of the Local Governing Body who will make a decision on whether a meeting with the person complaining may have a chance of arriving at a mutually acceptable outcome OR convene the Stage 3 process.

Review Stage 3 - Appeal to Governors

- a) If the complainant is dissatisfied with the outcome of Stage 2 there will be a further and final right of appeal to a specially convened panel consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- b) Appeals should be lodged with the Chair of the Local Governing Body within ten school days of receipt of the Stage 2 decision;
- c) The panel will meet within twenty school days of receiving the complaint and the complainant and the Headteacher will be informed of the date, time and venue of the hearing;
- d) The Complaint Panel must consist of at least three members, none of whom have been previously involved in the matters being complained of, or in dealing with the complaint, and have no detailed prior knowledge of the complaint;
- e) The panel will consist of one member who is independent of the management and running of the Academy;
- f) The panel will appoint its own Chair, normally the Chair or Vice Chair of the Local Governing Body. The Chair of the panel will ensure that the appeal hearing is minuted;
- g) The panel will consider the way the complaint has been investigated and handled by the Academy. The panel will carry out a review of the investigation carried out at Formal Stage 1. It will hear the report of the investigating officer at formal stage 1 and any submissions on that report by the complainant. The review should not entail a rehearing of the case;
- h) It will be open to the panel to uphold the complaint and / or direct a different remedy to that decided upon by the Headteacher at Stage 2;
- i) The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case;
- j) The decision of the panel is final and will be communicated in writing to the complainant and the Headteacher within five school days. The Complaint Panel will make findings of fact (on a balance of probabilities) and make recommendations;

- k) If the complainant believes that the matter has not been dealt with fairly, a further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the Trust Board is acting or proposing to act unreasonably or illegally.

The Local Governing Body panel considering complaints will be clerked. The clerk will be the contact point for the complainant and will be required to:

- i. set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ii. collate any written material and send it to the parties in advance of the hearing;
- iii. meet and welcome the parties as they arrive at the hearing;
- iv. record the proceedings;
- v. notify all parties of the panel's decision.

The Role of the Chair of the Local Governing Body or the Nominated Governor

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, within five days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

In addition, the panel has the following responsibilities: -

- The Complaint Panel will record their findings of fact and recommendations, and a copy will be provided to the parent and, where relevant, the person complained about
- A copy of the Complaint Panel's findings will be available for inspection by the Headteacher and Trust Board on the Academy's premises
- A written record will be kept of all complaints, whether dealt with informally or formally
- All material relating to the complaint will be kept confidential, other than for the purposes of inspection authorised by the Secretary of State

Appendix A

Complaint Form

Please complete and return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the student:
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: