

Friars Multi Academy Trust

COMPLAINTS PROCEDURE POLICY

STATUTORY DOCUMENT

Reviewed by Chair of LGB:	February 2019
Approved by Chair of LGB:	February 2019
Presented to Friars Governing Body:	March 2019
Next review date by Chair of LGB :	February 2022
Policy Created by:	Executive Headteacher

Glossary

The term '**School**' is used as standard to mean the educational establishment that is adopting this policy.

The term '**Headteacher**' is used to refer to the person with overall day-to-day responsibility of the **School**.

Directors are the Trustees of the Board.

LGB is the Local Governing Body.

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 reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends 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.

This policy does not cover complaints procedures relating to:

- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Legislation and guidance

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

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 for Education (DfE).

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

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are 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 school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

General Principles

- The resolution of a complaint provides the potential opportunity for the Trust/School to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents/carers know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all.
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the headteacher or chair of governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice should immediately be sought from the Trust's HR Advisor.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to be a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the Trust/School should consider how to make amends in an appropriate way.
- Staff directors and governors in the Trust/ School should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the Trust/School.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

COMPLAINTS PROCEDURE

This complaints procedure has three stages:

1. Initial Approach
2. Formal Complaint (to Headteacher or Chair of Governors)
3. Appeal (to Governor Committee)

Stage 1

Initial Approach

Guidelines

- The vast majority of concerns and complaints can be resolved informally, often straight away by the Class Teacher, Key Stage Manager or Headteacher.
- Schools should aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

Procedure

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the Academy/School wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, she/he should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. The Headteacher should ensure that staff have guidelines about when to refer a matter and who to.
4. If the concern relates to the Headteacher and the parent feels unable to raise it with the Headteacher they should contact the Chair of Governors.
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.

6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

Stage 2

Formal Complaint to the Headteacher or Chair of Governors

Guidelines

- The Headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Headteacher or the Headteacher has been very closely involved informally, the Executive Headteacher or Chair of Governors should carry out all the Stage Two procedures, with support if necessary from the Trust's HR Advisors if required.
- Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

Procedure

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of Governors or Headteacher. The Chair of Governors/Headteacher (or designated member of staff) should acknowledge the complaint orally or in writing within **three days** of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within **ten days**. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Chairs of Governors/ Headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the Chair of Governors/Headteacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed, normally with parent/carer present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from the Trust's HR Advisor.
4. The Chair of Governors/Headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Chair of Governors/Head teacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, she/he may appeal to a committee of governors. The complainant should notify the Chair of Governors within **two weeks** of receiving the letter detailing the outcome of the complaint.

Stage 3

Appeal to Panel of Governors

Guidelines

- Complaints rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek advice from the Trust's HR Advisor.
- The aim of the appeal to a panel of governors is to resolve the complaint and achieve reconciliation between the School and the complainant. It may, however, only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body should therefore establish a panel of 3 governors when required to deal with complaints.
- Committee members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as she/he may be involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the Schools complaints procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the Trust/School rather than an individual staff member whose actions may have led to the original complaint.

Procedure

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed. A suitable clerk to the panel should be appointed.

1. The Clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a panel of the governing body within **15 working days** of receipt.
2. The Clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the School.
3. The Clerk should ensure that the complainant, Headteacher, Chairman of Governors and any other witnesses are given at least **five working days'** notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The Chair should ensure that interpretation facilities for the hearing are offered and made available if required.

4. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.
5. The Clerk should invite the Headteacher to attend the hearing and to submit a written report for the panel in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint.
6. The panel should elect a Chairperson who should ensure that proper minutes of the meeting are taken.
7. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
8. An Advisor may be invited to attend the meeting to advise the panel.
9. At the conclusion of the representations and questions, the Chair should explain that the panel will consider the issues and write to all parties involved.
10. All except for the Governors panel should withdraw and the panel should consider the evidence. They should decide the validity of the complaint. Any action to be taken by the School, the parent and where appropriate, recommendations on changes to the School systems.
11. The School should ensure that a copy of all correspondence and minutes are kept confidentially on file at the School. This should be separate from students' personal records.
12. The broad outcomes recommended by the panel will be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential.

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 refer their complaint to the ESFA. 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. However, it will look into:

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

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.

Annex A

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The Chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the School and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - The complainant describes her/his complaint and may call witnesses.
 - The Headteacher may seek clarification from the complainant and any witnesses.
 - The Governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - The Headteacher will respond to the complaint and may call witnesses.
 - The complainant may seek clarification from the Headteacher and witnesses.
 - The Governors' panel (including any advisers) may seek clarification from the Headteacher and any witnesses.
 - The Headteacher will be given the opportunity to sum up.
 - The complainant will be given the opportunity to sum up.
 - Both parties will leave the room to allow the panel to deliberate, but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:
 - The validity of the complaint
 - Appropriate action to be taken by the School and/or parent
 - Where appropriate, recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within **5 days**.

Annex B
Dealing with Complaints about Racism in the School

1. Racist Behaviours to a Child or Student.
The procedures to be followed are contained in Education Services Guidance “Notification of Racist Incidents”
2. Racist Incident Alleged Against Academy Staff
 - The report/complaint should be made to the Headteacher or if the Headteacher is the subject of the report/complaint, to the Chair of Governors.
 - As racism is a disciplinary offence, the normal disciplinary procedures are followed.
3. Institutional Racism
Parents who perceive that racist practice or policies are operated by the School should pursue these through the General Complaints Procedure.