



## Complaints Policy

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<b>Monitoring &amp; Review</b>	Board of Trustees, Local Governing Bodies	
<b>Links</b>	<a href="https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy">https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy</a> <a href="https://www.gov.uk/government/publications/school-complaints-procedures">https://www.gov.uk/government/publications/school-complaints-procedures</a>	
<b>Staff responsible</b>	Principals, Local Governing Bodies, Board of Trustees	

## Contents

1. Rationale .....	2
2. Policy Statement and Complaints Procedure .....	2
3. Roles & Responsibilities .....	4
4. Role of Education and Skills Funding Agency .....	5
5. Unreasonable complaints .....	6

## 1. Rationale

### Guide for parent/carers with a concern or a complaint

*(If you are not a parent/carer or a guardian of a child attending school you should contact the Principal)*

The Summit Learning Trust, with all our schools, wants to deal with any issues, concerns and complaints that you have as promptly and effectively as we can. If you have any concerns we encourage you in the first instance, to go directly to the person who is most appropriate to respond to your concern – this will usually be the class or form tutor, a senior member of staff, or the Principal.

Schools are required by law to have a complaints procedure that aims to ensure that concerns and complaints are handled in a fair and non-adversarial manner.

This procedure is intended to deal with concerns or complaints relating to the actions of staff and the application of school procedures where they affect individual pupils and students **except** in matters relating to:

- a permanent exclusion,
- a particular child protection issue
- a special needs statementing issue
- an admission issue

all of which are dealt with under separate procedures. Details of these procedures are available from the school.

## 2. Policy Statement/Complaints Procedure

The Trust and school encourage anyone wishing to raise a concern to make every effort to resolve the concern informally – please help us by following these steps.

Please note:

- any concern or complaint should be brought to the attention of the school at the earliest opportunity; any matter raised more than 3 months after the event will only be considered in exceptional circumstances.
- an anonymous complaint will not be dealt with unless there are exceptional circumstances.

### Informal Stage One: Raising your concern

We expect that in most cases the class teacher, form tutor, phase lead, or a member of the senior leadership team in the school will be able to resolve your concerns without the need to go any further. You can help them to resolve your concerns by arranging to meet him or her at a convenient time, discussing your concerns in a positive atmosphere and allowing them any time that they require to investigate the matter further.

Where the first approach is made to a local Governor or Trustee, they will refer the person raising a concern to the school procedure, and advise you to contact the school directly. Local Governors or Trustees will not act unilaterally on an individual concern or complaint or be involved at the early stages of an issue in case they are needed to sit on a panel at a later stage of the procedure.

The school will respect the views of a person raising a concern or complaint who indicates that he/she would have difficulty discussing the issue with a particular member of staff. In these cases, the line manager can refer the parent/carers or member of public to another staff member. The ability to consider the concern or complaint objectively and impartially is crucial.

If, having raised your concern with the above staff you are still dissatisfied, or if they are the subject of your concern, then you should move on to step two, contacting the Principal/Vice Principal.

If the issue concerns the Principal, then you should write to the relevant Summit Executive Education Director in the first instance who will deal with the query as soon as possible, and usually **within 10 working days**.

### **Informal Stage Two: Issue referred to the Principal/Vice Principal**

The Principal/Vice Principal may ask you to put your concerns in writing (which can include email) but will usually be able to deal with your concerns face-to-face. The Principal/Vice Principal will attempt to resolve your concerns using any reasonable means that she/he feels are appropriate: this may involve meeting with you to discuss the matter further, or delegating another senior member of staff to investigate.

The Principal/Vice Principal should be allowed reasonable time to investigate the concern or complaint and gather any information that she/he requires. On this basis, you should expect to receive feedback no later than **10 school days** after giving them the details.

If, having raised your concern with the Principal/Vice Principal you are still dissatisfied then you should move on to the Formal Complaints Procedure.

### **Formal Complaints Procedure: Stage One**

If you are still dissatisfied with the way the issue has been handled, then you should put your complaint in writing (which can include email), and send it to the Chair of the Local Governing Body for the school, c/o the relevant school address. Details of the Governors are on the school's website.

The Chair of the Local Governing Body will decide on an appropriate course of action, depending on the issue. This could be a meeting or conversation with you in the first instance.

The Chair of the LGB will respond to you within **10 school days** of receiving a complaint.

### **Formal Complaints Procedure: Stage Two**

#### **Complaint referred to the Chair of the Board of Trustees**

If you are still dissatisfied with the way the issue has been handled, then you should put your complaint in writing, and send it to the Chair of the Board of Trustees c/o Summit Learning Trust Office, Ninestiles, An Academy, Hartfield Crescent, Birmingham, B27 7QG.

You are entitled to have your complaint heard by a panel appointed by The Chair of the Board of Trustees. The panel will consist of at least three people who have not been directly involved in the matter detailed in the complaint, and one member who is independent of the management and running of the school. The Chair of the Board will respond to you within **10 school days** of receiving a complaint.

### **Complaints Panel**

Individual complaints will not be heard by the whole Board of Trustees at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Board will make provision for a hearing before a panel appointed on behalf of the Trust and consisting of people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management or running of the school.

Parent/carers may attend the panel hearing of a complaint, and may be accompanied at the hearing if they wish by a friend or colleague. No legal representation is permitted at the panel.

## **The Remit of Complaints Panel**

The panel can:

- a) dismiss the complaint in whole or in part;
- b) uphold the complaint in whole or in part;
- c) decide on the appropriate action to be taken to resolve the complaint;
- d) recommend changes to the school's systems, recommend disciplinary action, or procedures to ensure that issues of a similar nature do not recur.

All people sitting on a complaints panel will work within the following guidelines:

- a) It is important that the appeal hearing is independent and impartial. No Trustee may sit on the panel if they have a prior involvement in the complaint or in the circumstances surrounding it. The panel will be sensitive to the issues of equality as outlined in the equality policy.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parent/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as considerate as possible.
- d) Extra care needs to be taken when the complainant is a student. Trustees will consider the welfare of the student in its arrangements of the hearing. The panel needs to be aware of the views of the student and give them equal consideration to those of adults.
- e) The Trustees sitting on the panel need to be fully conversant of the complaints procedure.

## **3. Roles and responsibilities**

### **The role of the Principal**

- a) Ensure that correct school procedure is used to respond to concerns or complaints about staff raised within school within informal stage 1.
- b) Ensure that appropriate action is taken as a result of a concern or complaint about a member of staff in school within informal stage 1.
- c) Ensure that concerns or complaints referred to the Principal in informal stage 2 are logged, and that appropriate action is taken. Ensure that concerns or complaints are responded to within a reasonable timeframe.
- d) Ensure that anyone raising a concern is aware of the formal procedure for complaints if they are dissatisfied with the action to date.

### **The Role of the Clerk**

Any group of Local Governors, Trustees or others considering complaints will be supported by a clerk. He/she will be the contact point for the complainant and will:

- a) set the date, time and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b) collate any written material and send it to the parties in advance of the hearing;
- c) meet and welcome the parties as they arrive at the hearing;
- d) record the proceedings;

- e) notify all parties of the panel's decision
- f) ensure that a copy of findings and recommendations is made available for inspection on the school premises by the Trust and the Principal.

### **Confidentiality**

The school and Trust will keep a written record of all complaints handled at all stages of the complaints procedure, whether they are resolved following a formal procedure, or proceed to a panel hearing; and of any action taken by the school as a result of those complaints (regardless of whether they are upheld).

All correspondence statements and records will be kept confidential except when requested as part of an inspection under section 209 of the 2009 Education Act or by the Secretary of State.

### **The Role of the Chair of Complaints Panel**

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

- a) the hearing and decision making process are chaired effectively
- b) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- c) the issues are addressed;
- d) key findings of fact are made;
- e) parent/carers and others who may not be used to speaking at such a hearing are put at ease;
- f) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- g) the panel is open minded and acting independently;
- h) 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; each side is given the opportunity to state their case and ask questions;
- i) written material is seen by all parties by the date specified by the clerk. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within five working days.

### **School Complaints Procedure Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- Witnesses are only required to attend for the part of the meeting in which they give evidence. (Witnesses may include the member of staff against whom the complaint was made)
- After introductions, the complainant is invited to explain their complaint, and use their witnesses to support their case, in turn.
- The Principal may question both the complainant and use their witnesses to support their case, in turn
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Principal and the witnesses after each has spoken

- The Panel may ask questions at any point
  - The complainant is then invited to sum up their complaint
  - The Principal is then invited to sum up the school's response to the complaint
  - The Chair explains that both parties will hear from the panel within a set time scale
  - The Principal and complainant leave together while the panel decides on any actions to be taken
4. The panel will make findings and recommendations and ensure that a copy of those findings and recommendation is provided to the complainant and, where relevant, the person complained about.

## 5. Role of Education and Skills Funding Agency

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. At this point the complainant could take their complaint to the Education and Skills Funding Agency (ESFA).

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

The ESFA will consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- b) where the academy is in breach of its funding agreement with the Secretary of State.
- c) where an academy has failed to comply with any other legal obligation.

The ESFA will not overturn any decision about a complaint. However, if it concludes that the academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement. Their remit is to review due process, so there is no onus on them to re-open an investigation: they may only decide to do so if they judge that there has not been due process.

## 6. Unreasonable Complainants

Summit Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

**Summit Learning Trust** defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- a) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- b) refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;

- c) refuses to accept that certain issues are not within the scope of a complaints procedure;
- d) insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- e) introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- f) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- g) changes the basis of the complaint as the investigation proceeds;
- h) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- i) 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 Department for Education;
- j) seeks an unrealistic outcome;
- k) makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the Principal or Chair of the Local Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact schools in Summit Learning Trust, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from any school within the Summit Learning Trust.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Summit Learning Trust Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. Summit Learning Trust Schools will always give the parent/carer the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed, the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of The Local Governing Body, or to the Chair of the Board of Trustees. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.