



The Equals Trust
Policy for Complaints

Adopted: November 2016

Review: November 2019

Signed.....(chair of Trust board)



Complaints Policy

1. **Overview and scope**

In accordance with section 29 of the Education Act 2002, The Equals Trust has in place a procedure to deal with complaints relating to the schools and to any community facilities or services that the trust provides.

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

- matters directly related to the curriculum;
- a particular exclusion;
- child protection;
- special educational needs provision; or admission issues,

all of which are dealt with under separate procedures, details of which are available from the school.

Similarly, any complaints by members of staff will usually be dealt with through the appropriate separate procedures such as grievance, capability or anti-harassment.

2. **Dealing with complaints: informal and formal procedures**

Our complaints procedures make a distinction between dealing with a concern or complaint informally or formally.

2.1 **Initial concerns/informal procedures**

Wherever possible, concerns and complaints should be handled and resolved informally, usually by the staff directly concerned and without the need to invoke a formal referral and process. It is expected that the class teacher will be able to resolve most concerns without the need to go any further.

Where a complainant has refused to attempt an informal resolution, the school is entitled to place on hold any related formal complaint subsequently submitted until the complainant can demonstrate that he/she has taken reasonable steps to resolve the issue by informal means.

2.2 **Formal procedures**

The formal Complaint Procedure will need to be invoked when initial or informal attempts to resolve the issue are unsuccessful and the person raising the concern or complaint remains dissatisfied and wishes to take the matter further.

The head teacher is the school's complaints co-ordinator and has responsibility for ensuring that the procedures set out in this policy are followed.

3. **General principals underpinning our complaints procedure**

Any concern or complaint will be dealt with in a way that:

- respects confidentiality
- addresses all the points at issue
- provides an effective response, and, *where necessary*,
- provides appropriate redress.

Concerns and complaints should be handled in both an impartial and non-adversarial manner, and an open, transparent and constructive way.

At whatever stage, the person investigating the concern or complaint should:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.

3.1 **Aims of the process**

At all stages of the process, the person dealing with the concern or complaint should endeavour to find a resolution, but obviously this will depend on the nature of the concern or complaint and what the complainant wants. Complainants should be encouraged to state what actions they feel might resolve the problem at any stage, although this should be on the understanding that it may not be possible or reasonable to deliver them. It may be appropriate and sufficient to acknowledge that the complaint is valid in whole or in part. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3.2 **Range of possible outcomes**

In addition, it may be appropriate to offer one or more of the following:

- an expression of regret for any distress, etc.
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that every effort will be made to ensure that the event complained of will not recur;
- an explanation of the steps that have been taken to try to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Use of the formal procedures means that all attempts at an informal resolution of the concern have failed; resolution will then depend upon any recommendations based on the judgments made from the evidence uncovered in the investigation.

An investigation may find no evidence for the complaint or that the complaint is otherwise groundless. There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

4. **Overview of the complaints procedure**

There are three stages to the complaints procedure:

Stage 1 – informal. Raise the complaint with the Teacher or Head Teacher if more appropriate. That person will investigate.

Stage 2 – formal. Raise the complaint with the Head Teacher or Complaints Governor if more appropriate. That person will investigate.

Stage 3 – formal – appeal – raise the complaint with a panel of governors. Head Teacher or complaints governor presents their investigation and outcome to the panel and the complainant gets an opportunity to do this too. END at this point, no further right of appeal.

5. **Stage one: informal**

5.1 **Making a complaint**

Parents, carers or guardians wishing to raise a complaint should, wherever possible, contact the member of staff concerned (which may be the head teacher) by letter, telephone, email or in person. A complaint from a member of the public, who is not a parent or guardian of a child attending the School, should be directed to the head teacher. Where the complaint is about the head teacher, it should be referred to the Chair of Governors.

Formal complaints must be **in writing** and using the form in Appendix 2 to this policy.

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 cannot be dealt with unless there are exceptional circumstances.

Whoever receives the complaint should direct the complainant to the member of staff concerned, or to the head teacher.

5.2 **Acknowledgement of complaints**

A concern or complaint should be acknowledged as soon as possible after it is received and attempts to deal with it informally should be started as soon as practicable and within timescales agreed by all parties. If at all possible, this should start within 5 school days of receiving the concern or complaint and be completed within 10 school days of starting.

Once a complaint has been lodged formally, an investigation should begin within 5 school days and a realistic but reasonable timescale should be set for completion, etc. It is reasonable for a complainant to expect to receive verbal or written feedback within 10 school days of an investigation completing.

However, where further investigations become necessary or delays occur, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

5.3 Referring complaints

If any member of staff receives a complaint, they should not attempt to deal with the issue but should pass it to the appropriate person. Similarly, if a member of staff feels too compromised to deal with the complaint, the matter should be referred to a more appropriate member of staff.

If the complainant has concerns about discussing their complaint with a particular member of staff, the complainant should be directed to address their concerns to the head teacher, deputy head teacher or another designated senior teacher.

If the first approach is made direct to a governor they should direct the complainant to the appropriate person, usually the class teacher. Governors should not act unilaterally on an individual complaint outside the procedure as such action may compromise future action regarding the complaint.

If a complaint concerns the head teacher, it should be referred to the Chair of Governors.

The class teacher or appropriate member of staff or the head teacher will attempt to resolve the complaint using whatever reasonable means are appropriate. This will usually involve meeting the complainant to discuss the matter further, and may also involve talking to pupils, other staff members or consulting senior staff including the head teacher.

If having raised their concerns with the class teacher or appropriate member of staff, the complainant is still dissatisfied, or if the class teacher or other nominated member of staff is the subject of the complaint, then the complainant should contact the head teacher (unless the head teacher is the subject of the complaint, in which case the complaint should be directed to the Chair of Governors).

6. Stage two: Formal

The head teacher/deputy head teacher will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further; it may also involve the head teacher/deputy head teacher interviewing staff members.

The head teacher/deputy head teacher must be allowed reasonable time to investigate the complaint and gather any information that is required. On this basis, the head teacher/deputy head teacher should aim to be able to give either verbal or written feedback to the complainant no later than 10 school days after receipt of the complaint.

On some occasions the head teacher/deputy head teacher may delegate the investigation to another senior member of staff, for example an assistant head teacher who has had no involvement with the case: the decision on the appropriate person rests with the head teacher.

If having raised concerns with the head teacher/deputy head teacher, the complainant is still dissatisfied, or if the head teacher is the subject of the complaint, then the complainant should contact the Chair of Governors.

7. Stage three: Formal

The Governing Body has responsibility for ensuring that any formal complaints are dealt with in accordance with this policy. The Chair of Governors may refer to Governor Services for advice and guidance in handling complaints.

In cases that require urgent consideration the Chair of Governors may deal with the matter exclusively and without delay.

If the complaint involves the head teacher, the Chair of Governors will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further and interviewing head teacher, other staff members and other affected persons.

The Chair of Governors must be allowed reasonable time to investigate the complaint and gather any information that is required. On this basis, the Chair of Governors should aim to be able to give either verbal or written feedback to the complainant no later than 10 school days after receipt of the complaint.

7.1 Determining whether to convene a governor complaints panel

The Chair of Governors should decide whether the head teacher or other staff have made reasonable attempts to address the concern or complaint. If the Chair of Governors decides that the concern or complaint has been dealt with reasonably, then the complainant should be told that, and that their only grounds for appeal may be on the basis of the way in which their concern or complaint was handled (and not against the decision made).

If the Chair of Governors decides that the concern or complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, or if the head teacher is the subject of the concern or complaint, then a hearing by a Complaint Panel of the Governing Body should be arranged. The Chair of Governors will select the members of the panel and will liaise with the clerk to make arrangements for the panel meeting to be convened.

7.2 Composition of governor complaints panel

Any panel convened to hear complaints shall consist of three governors, one of whom shall be appointed as Chair.

It is important that any hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. Where the complaint concerns the head teacher and the Chair of Governors has been involved in investigating the complaint or the circumstances surrounding it, the Chair of Governors should not be a member of the complaint panel.

In deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and, as far as is practicable, sensitive to the issues of race, gender and religious affiliation.

When participating in a complaints panel, governors should be mindful of the need for confidentiality and should not discuss the complaint or the circumstances surrounding it with third parties, including other governors, as this may compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Similarly, individual complaints should not be heard by the whole governing body at any stage, as this could compromise the impartiality of any subsequent disciplinary panel.

7.3 Procedures for governor complaints panel hearing

Any panel hearing should be conducted on the basis of the panel guidelines set out in Appendix 3 to this policy.

The clerk to the Governing Body will normally record the proceedings.

The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

The panel will reach one of the following outcomes:

- dismiss the complaint in whole or in part; or
- uphold the complaint in whole or in part.

In addition, the panel may decide action to be taken to uphold the complaint and/or recommend changes to the school systems or procedures to seek to ensure that problems of a similar nature do not recur.

The complainant may be dissatisfied with the outcome if the hearing does not find in their favour. It may only be possible for the hearing to establish the facts and make recommendations in order satisfy the complainant that their complaint has been taken seriously.

7.4 Procedures following governor complaints panel hearing

Following the hearing, the complainant will receive written feedback from the clerk including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. The written feedback should be issued within 10 school days after the hearing has concluded.

If the outcome might lead to action under another procedure, e.g. disciplinary, then the complainant need only be told that appropriate action will be taken.

There may be occasions when a panel would wish to resolve an issue by means which are within the responsibility of the internal management of the School. Governors must be mindful of their legal roles and responsibilities. Only in exceptional circumstances should governors consider taking a decision that may undermine the authority of a head teacher or other staff and governors must consult Governor Services before doing so.

This is the final step of the process for the School. If the panel makes recommendations (for example changes in policy or practice), it may be necessary for the full Governing Body to receive a short anonymised report regarding the findings of the investigation.

If a complaint has been referred to the CEO of The Equals Trust they will consider the complaint and endeavour to provide you with a written response within 14 days.

10. **The role of the LA**

The LA does not have a statutory duty to consider Trust complaints and you do not have a right of appeal to the LA should you disagree with the decision. You may, however, raise the matter with the LA if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the LA will simply inform you of that fact. It cannot reverse a decision of the governing body.

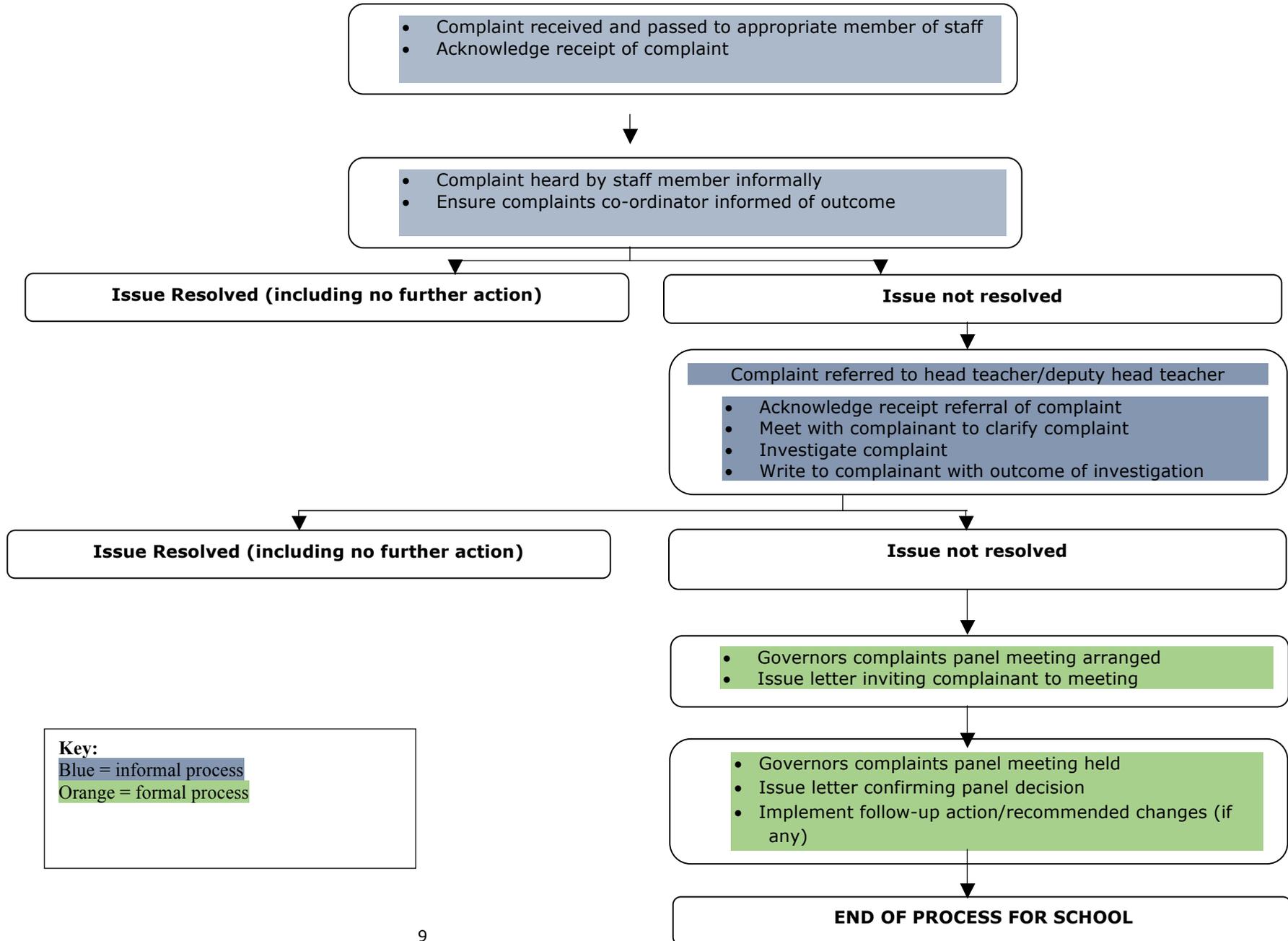
11. **The Role of the Secretary of State for Education (the Department for Education)**

If you still remain dissatisfied and feel the Academy has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education. Please go to the website www.gov.uk for the different avenue you may wish to take

12. **Adopting and Publicising this policy**

This complaints policy and the procedures within it have been formally accepted by the Governing Body on the date stated above. The policy and its procedures have been made available to all staff. Parents and guardians should be notified that the School this complaints policy is available via the school website and that a copy is available from the school office on request.

Flowchart – Dealing with Complaints



Appendix 2

The Equals Trust Complaint Form

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Post code:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What actions, 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:

Appendix 3

The Complaints Panel Hearing – Guidance for governors

1. Introduction

Governors on the panel should make themselves familiar with these procedures before any hearing.

The hearing should be as informal as possible. Many complainants feel nervous and inhibited in a formal setting and parents often feel emotional when discussing an issue that affects their child: the proceedings should be as welcoming as possible and the layout of the room should try to ensure the setting is informal and not adversarial, so as to set the appropriate tone.

Any parties being heard may be accompanied by a person of their choice - a friend or representative, and/or a translator.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Before the hearing starts, the panel should agree which one of them will chair the hearing.

Any panel hearing should be minuted and the minutes should be made available to all attendees. The minutes shall be confidential and all attendees should be reminded of the need to maintain the confidentiality of the complainant and any papers considered at the panel hearing.

2. Meeting protocol for complaints hearings

The hearing should follow the following meetings protocol:

- After introductions, the complainant should be invited to explain their complaint, and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- Up to this point, the panel may ask questions at any time.
- The complainant is then invited to sum up their complaint.
- The head teacher is then invited to sum up the School's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

It will not usually be appropriate for the hearing to consider any issues or material which is introduced at the hearing for the first time. The chair must insist that this is addressed outside this meeting (but through the use of this guidance as appropriate).

3. **Clerking of complaint panel hearings**

It is recommended that any governor complaint panel be clerked. The clerk would be the contact point for the complainant and will:

- 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;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

4. **The role of the panel chair**

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;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- the complainant is notified in writing of the panel's decision and any further steps that may be planned or available; this should be within the timeframe agreed by the parties at the hearing.