



COMPLAINTS POLICY

(Statutory)

Approved: Summer 2022

Date of Next Review: Summer 2024

Equality Impact Assessment - Policy Review

In reviewing this policy, we have tried to make a positive impact on equality by considering and reducing or removing inequalities and barriers which already existed. We have ensured that this policy does not impact negatively on the dimensions of equality.

This policy applies to all concerns and complaints other than those covered by separate statutory procedures, for example;

- **Child Protection and Safeguarding issues;**
- **Exclusions,**
- **Admissions.**

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the complaint process are set out below in the relevant paragraphs. Although every effort will be made to comply with these time limits, it may not always be possible to do so, for example, due to the complexity of the complaint, the number of matters raised or where extensive investigations are necessary. When new time limits need to be set, these will be confirmed as soon as possible to the complainant with an explanation of the delay.

The Trust expects that complaints will be raised with them as soon as possible after an incident has occurred, and no later than 3 months afterwards.

For the purposes of this policy, a "working day" is defined as a week day during term time, when a school within the Trust is open. The definition of "working day" excludes weekends, Bank Holidays and school holidays. Complaints received outside term time will be recorded as received on the first school day after the holiday period.

Policy Aim and Statement

Aim

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Trust expects that most concerns can be resolved informally and guarantees to treat all concerns seriously and confidentially, whether raised informally or formally.

Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Trust's culture. We intend that parents and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities within the Trust. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

Summary of Stages

- **Stage 1:** Informal Complaint – concerns raised with school staff, escalated to the Headteacher for resolution.
- **Stage 2:** Formal Complaint – an unresolved concern at Stage 1 may be escalated to Stage 2 for consideration by a Trust appointed Investigating Officer or the Chief Executive Officer.

- **Stage 3:** Complaint Panel Hearing – complaints which the complainant considers not to have been satisfactorily resolved at Stage 2.

1. Stage 1: Informal Complaints

1.1. Concerns

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, with the issuing of student sanctions or another issue outside the classroom.

Parents/carers should raise the concern initially with the member of staff, escalating their concern to the Headteacher of the school if they remain dissatisfied with the member of staff's handling. The Trust will aim to resolve informal complaints within 10 working days of being raised.

1.2. Unresolved Concerns

A concern which has not been resolved by informal means can be notified as a formal complaint in accordance with Stage 2 below.

2. Stage 2: Formal Complaints

2.1. Notification

Stage 2 will typically not be appropriate until Stage 1 has been completed.

An unresolved concern under Stage 1, or, a complaint which needs investigation, or, a more serious dissatisfaction with some aspect of the Trust's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Trust Company Secretary (see the Trust website www.theroselandmat.co.uk for contact details). Where the complaint is about the Chief Executive Officer, that complaint must be addressed to the Chair of the Trust Board via the Company Secretary. Should a formal written complaint be received by another member of the Trust's staff, this should be immediately passed to the Company Secretary.

In the interests of bringing ongoing complaints to a resolution, the Trust may escalate a complaint from Stage 1 to Stage 2 of this policy. In these circumstances, the Trust will notify the parent/carer and set out the steps to be taken, in line with the following Stage 2 processes.

2.2. Acknowledgement

The complaint will be acknowledged in writing normally within 5 working days of receipt. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

2.3. Investigation and Resolution

The Chief Executive Officer may deal with the matter personally or delegate a senior member of staff to act as Investigating Officer. The Chief Executive Officer/ Investigating Officer may request additional information from the complainant and will fully investigate the issue. Often the Chief Executive Officer/ Investigating Officer will meet or speak with the parent/carer to discuss the matter however this may not always be necessary.

2.4. Outcome

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 20 working days of the end of a term or half term may take longer to resolve. The complainant will be notified of any delay to these timescales, with the reasons set out.

2.5. Unresolved Complaints

Where the complainant is not satisfied with the Trust's response to their complaint they may have their complaint considered by an independent Complaints Panel.

3. Stage 3: Complaint Heard by the independent Complaints Panel

3.1. Notification

If the complainant is not satisfied with the outcome of their complaint under Stage 2 of this policy, the complainant may write to the Company Secretary asking for the complaint to be reviewed by a Complaints Panel.

The request must be made in writing and within 10 working days of the date of the decision made at Stage 2.

3.2. Acknowledgement

Administration at this stage will be handled by a member of the Trust's governance team, hereinafter referred to as Clerk. Where an appeal is received, the Clerk will acknowledge, in writing, receipt of the appeal within 5 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

3.3. Panel Hearing

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 30 working days after receipt of the Stage 3 request.

3.4. Panel Membership

The Panel will consist of two Trustees who have had no prior involvement with the complaint and one person independent of the management and running of the school. A Local Monitoring Governor not directly involved with the school subject to the complaint may fulfil the independent category, if deemed appropriate by the Clerk. The Panel will be sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

3.5. The Remit of the Complaints Appeal Panel

The Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

3.6. Attendance

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the parents/carers and/or one representative;
- the relevant Headteacher within the Trust and/or one representative;
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

The complainant may be accompanied by a friend or colleague to provide moral support only. It is not appropriate for either the complainant or the school to be legally represented. The panel may have legal representation present to support them in their decision-making.

3.7. Evidence

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents;
- chronology and key dates;
- written statements setting out further detail.

The evidence will be considered by the Panel along with the initial submission. The complainant should not repeat matters raised in their original complaint letter, or attached documentation already provided. The complainant should not introduce any new complaint, or include evidence unrelated to the initial complaint.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

3.8. Roles and Responsibilities

The Role of the Clerk

All panels considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to ensure that:

- the date, time and venue of the hearing has been set, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- any written material has been collated and sent to the parties in advance of the hearing;
- all parties are met and welcomed as they arrive at the hearing;
- a written record of all proceedings are made;
- all parties are notified of the panel's decisions.

The Role of the Chair of 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 or 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.

3.9. Decision

The Panel will convene in private to reach its decision. It will decide which facts are established to be true, based on a balance of probabilities. It will make any recommendations within 10 working days of the hearing. The decision reached is final.

3.10. Notification of the Panel's Decision

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Trustees, the Chief Executive Officer and the relevant Headteacher within the Trust and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

4. Record Keeping

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

For Stage 2 and 3 complaints, the Company Secretary will keep a record of all complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing alongside a record of all action taken by the school as a result of those complaints (upheld or otherwise). A record of any meetings and interviews held at Stage 2 alongside the Chief Executive Officer/ Investigating Officer's outcome letter will be retained. Meeting minutes and the panel's findings and recommendations for all Stage 3 complaints will be retained and available for inspection on the school premises by the Trust Board and the Headteacher.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

5. Third Party Complaints

Complaints from other members of our communities will be handled in a reasonable and timely manner appropriate to the complaint. Third party complaints will not be subject to the three stage process set out above for parents/carers.

6. Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C and D for further details of how such complaints will be dealt with and examples of behaviour, which will not be tolerated.

If at the end of the procedure the complainant remains dissatisfied with the outcomes where:

1. there is undue delay or a school within the Trust did not comply with this complaints procedure when considering the complaint;
2. a school within the Trust is in breach of its Funding Agreement with the Secretary of State;
3. a school within the Trust has failed to comply with any other legal obligation,

then the Education and Skills Funding Agency, who are responsible for education in academies, may be able to offer guidance and advice and can be contacted at:

Education & Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

If a complaint remains unresolved and the Trust, relevant school within the Trust and ESFA have behaved unreasonably about the concerns, then the Secretary of State for Education may be approached:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Appendix A: Checklist

Checklist for a Panel Hearing:

The hearing is as informal as possible.

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

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

The Headteacher/ Trust Lead/ Investigating Officer may question both the complainant and the witnesses after each has spoken.

The Headteacher/ Trust Lead/ Investigating Officer is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Headteacher/ Trust Lead/ Investigating Officer 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 Headteacher/ Trust Lead/ Investigating Officer is then invited to sum up the school's actions and response to the complaint.

Both parties leave together while the panel decides on the issues.

The Chair explains that both parties will hear the panel within a set timescale.

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

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

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Signature (Complainant) **Date**

Print name.....

Appendix D: Policy on Unacceptable Behaviour

The Roseland Multi Academy Trust recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of students, parents/carers and staff.

The Trust Board is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Trust Board does not expect the Trust's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the playground.

If a Headteacher or a member of Trust staff considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues a Headteacher or a member of trust staff will take action to restrict the complainant's contact with the school/Trust.

Unacceptable Actions and Behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which a school often finds problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- foul and abusive language towards staff, other parents/carers and students;
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, social media or any other type of communication;
- undermining school/Trust policies by actively encouraging students to ignore staff requests;
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- combinations of some or all of these.

The decision to restrict access to a school within the Trust will be taken by the Chief Executive Officer.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Trust Board will seek to limit any detriment to any students who attend a school within

the Trust, as far as is reasonable within these circumstances eg access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix E: Policy on Unreasonably Persistent Complainants

The Trust Board recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Trust Board is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with a school.

However, there are a small number of complainants who, because of their frequent contact with a school, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Trust will take action to limit their contact with school.

Actions and Behaviours of Unreasonable and Unreasonably Persistent Complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- refusing to specify the grounds of a complaint, despite offers of assistance with this from staff;
- refusing to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced;
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the Trust and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;

- refusing to accept the decision – repeatedly arguing the point and complaining about the decision;
- combinations of some or all of these.

The decision to restrict access to a school within the Trust will be taken by the Chief Executive Officer and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint 6 months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.