



# Complaints Policy

**Approved by:** Trust board

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## 1. Aims

The Inspire Partnership Academy Trust (the 'trust') and our schools aim to meet our statutory obligations when responding to complaints from parents of pupils at the school and others.

An effective complaints procedure can defuse problems and can provide schools with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved.

When responding to complaints, we aim to:

- Ensure staff are sufficiently trained and supported to take all complaints seriously
- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available both on the trust and the school websites. A paper copy is also available from any of our school offices.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

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.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

### 3. 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”.

We will seek to 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”.

Our intention is 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:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the headteacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 4. 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.

### **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

### **5. Stages of complaint (not complaints against the headteacher, governor or trustee)**

The trust has a 3 stage complaints procedure and it is expected that the options for resolution at each stage will be properly explored before escalating to the next stage.

#### **Stage 1: informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within three working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and a member of staff. This will normally be the class teacher but can be the phase leader, deputy head or headteacher depending on the circumstances. The outcome and agreed actions from this meeting will be confirmed in writing.

If the complaint is not resolved informally, it will be escalated to a Stage 2 formal complaint.

The school will maintain a log of informal complaints and review this on a termly basis.

#### **Stage 2: formal complaint**

If the issue cannot be resolved through informal action the complainant should inform the headteacher in writing. This letter will be acknowledged within three working days.

Formal complaints must be reported the local governing body. The local governing body must then be kept informed about progress and outcomes.

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or designated member of the senior leadership team) will call a meeting within five working days of the complaint being acknowledged to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. The headteacher will also be accompanied and will inform the complainant of the identity of their companion in advance. A note of that meeting will be taken and the complainant will be asked to sign it as a true record.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. Those undertaking investigations will seek evidence from relevant documentation and witnesses. Witness evidence will be in the form of written statements or an interview. If a child at the centre of the complaint needs to be interviewed then this will normally be in the presence of a parent/carer or appropriate member of staff. The written conclusion of this investigation, setting out the outcome and follow-up actions, will be sent to the complainant within 10 working days. The headteacher should update the complainant if the investigation encounters any delays. It may be appropriate for the headteacher to offer to meet with the complainant to discuss the outcome in person.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors of the local governing body in writing within 10 working days of receipt of the investigation outcome.

### **Stage 3: Complaints Appeal Panel**

Complaints will be escalated to the Complaints Appeal Panel (CAP) stage if the complainant is not satisfied with the response to the complaint at the second, formal complaint, stage.

The CAP will be appointed by the local governing body and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be from the local governing body of another school within the trust.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the CAP reserves the right to convene at their convenience rather than that of the complainant. At the CAP meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered by the CAP.

The CAP must then put together its findings and recommendations from the case. The CAP will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by headteacher.

The school will inform those involved of the decision in writing within 10 working days of the CAP meeting.

## **6. Complaints against the headteacher, governor or trustee**

Complaints made against the headteacher should be directed to the chair of governors of the local governing body. Any formal investigation at Stage 2 of the procedure should be carried out by a member of the partnership's executive team, a governor from another of the partnership's schools or an external appointee as necessary.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance. The trust will appoint a CAP drawn from members of local governing bodies from other schools within the trust to investigate the complaint up to and including a CAP meeting.

Complaints against a trustee will normally be handled by another member of the Board of Trustees not previously involved in the complaint. The complaint should be addressed to the clerk to the Board of Trustees.

## **7. 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>

## **8. 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 of the local governing body (or other

appropriate person in the case of a complaint about the chair or a trustee) 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.

## **9. Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. A complaints log will be maintained by the school business manager. All formal complaints will be reported to the local governing body and all complaints raised by external bodies, eg the EFSA, will be reported to the trust board.

This material will be treated as confidential and held securely, and will be viewed only by those involved in investigating the complaint or at the Complaints Appeal Panel in the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept in line with our Document Retention policy.



The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

## **10. Learning lessons**

The local governing body will review any underlying issues raised by complaints with the senior leadership team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **11. Monitoring arrangements**

The local governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The local governing body will track the number and nature of complaints, and review underlying issues as stated in section 10.