



# Complaints Procedure

**ADOPTED AT A MEETING OF THE FULL DIRECTORS**

**SIGNED:** *Dave Cubiss*

(Chair of Directors)

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## Contents

<b>INTRODUCTION.....</b>	<b>2</b>
<b>INFORMATION FOR PARENTS, CARERS AND OTHER USERS OF SCHOOL SERVICES.....</b>	<b>1</b>
1. Who can raise a concern or make a complaint? .....	1
2. How will my concern be handled? .....	1
3. Responding to concerns .....	1
4. Investigating Complaints .....	2
5. Time scales for response to a Complaint.....	2
6. Investigation .....	3
7. Appeal to the Governing Body .....	3
8. Appeal Process.....	4
9. Reviewing the Appeal .....	4
10. Further steps.....	4
11. Unreasonably persistent or serial complaints and abusive or harassing complainants .....	5

## INTRODUCTION

All academies must have a Complaints Procedure which meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7 and which deals with complaints relating to aspects of the school, and to any community facilities that the school provides.

The requirement for this Procedure is quite straightforward:

- Governing bodies *must* have a procedure and publicise it.
- The procedure should ensure that anyone who wishes to make a complaint should receive fair treatment and a chance to state their case either in person or in writing.
- Decisions taken in response to the complaint, and the reasons why should be set out in writing.
- Any right to appeal should be explained at the same time as the response is notified to the complainant.
- The process should not take too long.
- The investigative and appeal procedures do not apply to statutory appeals in relation to:
  - Admissions
  - Exclusions
  - Statementing for children with special educational needs

Similarly, they will not be used for dealing with complaints relating to

- Child protection
- Whistleblowing
- Staff discipline, capability or grievance
- Services provided by other providers who may use school premises or facilities

## Inspired Learning Multi Academy Trust SCHOOL COMPLAINTS PROCEDURE

### INFORMATION FOR PARENTS, CARERS AND OTHER USERS OF SCHOOL SERVICES

We very much hope that you and your child will be very happy at our school, and that any concerns that may arise are dealt with swiftly by our staff.

However, we recognise that there may be an occasion when you are not entirely happy with an aspect of the service that we provide, and that you want the school to deal with your concern through a more formal process. This document sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

#### 1. Who can raise a concern or make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This is not limited to complaints from parents or carers of children that are registered at the school. If you wish to raise a concern or complain on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, who may not have English as their first language). In which case the school will need to receive written, signed and sufficient informed consent from the individual on whose behalf the third person is acting on. The Multi Academy Trust can access face to face translators who can provide face to face translators or over the phone interpretation services if required.

The Multi Academy Trust can also offer an advocacy service delivered through Cumbria Multi Cultural Service. The Dual Language Advocates will listen to your problem and will work with you to support you in the complaint process. They can also be used for support in other areas. If you require a Dual Language Advocate please contact Cumbria Multi Cultural Service 15-17 The Mall, Barrow in Furness, Cumbria LA14 1HL to arrange.

#### 2. How will my concern be handled?

Our procedure has a number of stages which are outlined below. At any point in the handling of your complaint, there is the possibility of a 'resolution' meeting.

#### 3. Responding to concerns

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The Academy Trust will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

If your concern is about something that a person has or has not done, for example the Head teacher, another member of staff, a Governor, or a volunteer, you should make an arrangement through the school office to speak to that person (and not approach them while they are 'on duty'). If your concern is about an aspect of school practice or policy, you should contact the Head teacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. We can reassure you that most concerns are usually resolved at this stage.

It is expected that those wishing to raise a concern about an aspect of their child's education will arrange through the office to meet with the relevant member of staff (or their manager) about whom the concern is being raised. Members of staff will:

- deal with and resolve the concern if they can;
- report to the Head teacher that they have been notified about a concern; and,
- explain what action they have taken to deal with it.

If the concern is about a matter of school Policy, then this will be referred to the Head teacher.

If a member of the school (staff or governor) receives any concern, complaint, or allegation which is not about them personally, it will be referred in the first instance to the Head teacher so that a decision can be made about how to respond. If the complaint is about the Head teacher, it will be referred to the Chair of Governors; if it is about the Chair of Governors, it will be referred to the Clerk to the Governing Body or to the Directors of the Multi-academy Trust.

Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff, the Head teacher or a Governor. The school expects that the vast majority of concerns will be resolved at this stage and relevant managers will make every effort to arrange for such a discussion to take place.

The conclusions of any meeting with the complainant and the outcomes of any informal investigation by a member of staff will be put in writing and copied to the complainant within 5 school days following the meeting. The letter to the complainant should also explain that if they remain dissatisfied, they have 5 school days to request that their concern is investigated as a complaint and that the complaint must be in writing.

#### **4. Investigating Complaints**

This refers to either:

- An investigation by the Head teacher or a senior member of staff (for complaints against members of staff other than the Head teacher); OR
- An investigation by a nominated member of the Governing Body (for complaints against the Head teacher, or a Governor).

If you remain dissatisfied by our response to your concern, then you should make a complaint in writing to the Head teacher. The Head teacher will arrange for the complaint to be investigated and respond to you within a reasonable time.

If your complaint is about the Head teacher, you should contact the Chair of Governors who will arrange for it to be investigated by a nominated member of the Governing Body. Details for contacting the Chair of Governors are available from the school website. If your complaint is about the Chair of Governors, you should contact the Clerk to the Governing Body, who will make the arrangement. In all cases, and in writing:

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right

If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked 'Confidential for immediate attention'.

Please be aware that if your complaint alleges misconduct by a member of staff, any investigation by the school and subsequent formal action may be protected by confidentiality.

#### **5. Time scales for response to a Complaint**

Wherever possible, the Complainant should put his/her complaint in writing. However, the complainant may make a request for formal consideration of their complaint in person, or by telephone. In this case, the person receiving the request will record the details, confirm with the complainant that the written record correctly reflects their complaint, and then pass it to the Head teacher or other senior manager, the Chair of Governors if the complaint is about the Head teacher, or the Clerk to the Governors if the complaint is about a Governor, whichever is appropriate.

However the complaint is notified, the complaint will be acknowledged within 5 school days by the investigator. The investigator may provide the complainant with a copy of this guidance, once it has been determined that it is the Complaints Procedure which should be followed.

Where appropriate, the investigator may offer an opportunity to meet the complainant within 5 school days to discuss the complaint, confirm what will be investigated and what outcome the complainant seeks. The

outcomes of this meeting will then be confirmed in writing with the complainant and signed by both the complainant and the investigator. A copy of the outcomes will be sent to the complainant within 5 school days of the meeting.

## 6. Investigation

The complaint will then be investigated. The investigation may include:

- interviews with the person against whom the complaint is made (whether staff, governor, visitor, volunteer)
- interviews with any other relevant witnesses
- a review of any written papers referring to any relevant school policies or procedures

**Interviews with children will only be undertaken by professionals (such as teachers or support staff who have a clearly established working relationship with the child) and not by Governors. Permission will normally need to be obtained from pupils' parents for such interviews to take place.**

The investigation will usually be concluded within 5 school days dating from the meeting with the complainant (or from receipt of the complaint where no meeting has taken place, or from the date of confirmation by the complainant that no meeting is sought) and a written response sent to the complainant at the end of the investigation. If there is to be a delay in concluding the investigation, a letter will be sent to the complainant explaining the reason for the delay and providing a revised date.

The written response will explain briefly:

- a) what the investigation entailed (but not details of what was said or written by witnesses);
- b) whether the complaint has been upheld and if it isn't, the main reasons for not upholding;
- c) any action the school proposes to take to resolve the complaint where it is upheld, including offering a resolution meeting (but not including any subsequent, specific actions against any individual);
- d) any policy or procedure recommendations to be made to the Head teacher or Governing Body in the light of the investigation (whether the complaint is upheld or not);
- e) that there is a right of appeal to a panel of Governors;
- f) that any appeal must be made in writing within 5 school days of their receiving the outcome letter (or of any failed resolution meeting);
- g) that if the right of appeal is not exercised, the matter is closed.

Where a member of staff or volunteer (e.g. a Governor) is the subject of the complaint, s/he will also receive a copy of the written response.

The complainant is not normally entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present.

Where a complainant agrees to attend a resolution meeting, this will usually be arranged no later than 5 school days after the date of the letter to the complainant. The purpose of the meeting is to give the opportunity for all parties to meet and agree any restorative actions.

In the event that the complaint has not been upheld, such a meeting may be delayed until after any appeal has been heard.

Should the meeting not produce a resolution, then the complainant may appeal to a panel of the Governing Body against the outcome of the investigation. This request must be made within 5 school days of the resolution meeting.

## 7. Appeal to the Governing Body

If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal to the Governing Body. The Chair of Governors (or the Clerk) will arrange for a panel of Governors to consider your appeal and respond to you within a set timescale. For complaints about staff (except the Head teacher) or volunteers who work in school, this is the final stage of the complaints procedure and the panel's decision is

final. If you are complaining about either the Head teacher or a member of the Governing Body, and are dissatisfied with the nominated Governor's response, you also have a right to appeal to the Governing Body.

The letter giving the school's decision following the investigation will tell you how to make an appeal; this is usually by writing to the Clerk. The Governing Body will arrange for a panel of three Governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the school's Complaints Procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.

## **8. Appeal Process**

The Governing Body reserves the right not to proceed with an appeal where the complainant offers no specific grounds: it will not proceed with an appeal simply because the complaint has not been upheld.

A letter will be sent to the complainant acknowledging that they have exercised their right to an appeal review. This letter will:

- a) acknowledge that the complainant has exercised their right to appeal;
- b) confirm the grounds for the appeal;
- c) notify the complainant of the date by when his/her complaint will be reviewed (which will be within 5 school days of receiving the appeal request);
- d) explain the format of the appeal review;
- e) inform the complainant of his/her right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) not later than prior to the review;

A panel of a *minimum* of two Governors, not including the investigator, appointed by the Governing Body, will review the complaint.

The investigator will also be invited to prepare a written report in response to the appeal for submission to the review panel. They have the same rights as the complainant.

All relevant correspondence and any additional written materials produced by either side will be circulated to all parties not later than **2** school days before the date of the appeal review. Any such material will not divulge confidential information relating to individual employees or children other than the complainant's.

## **9. Reviewing the Appeal**

The panel will meet and review all the written evidence presented to them. Their remit is to consider:

- whether the previous handling of the complaint was sound;
- whether the previous judgement reached was justifiable;
- whether to uphold or overturn the appeal.

The panel may agree to adjourn to enable them to consider any significant written evidence not previously considered, or to remedy any significant defect in the previous investigation. This will not normally include any further interviewing of either the investigator or the complainant, nor witnesses for either side, but this may happen if it is clear that there have been defects in the previous investigation, and this must be put right to ensure a just decision is reached.

The panel will draft a response to the appeal. The written response will summarise:

- a) what evidence the appeal panel considered;
- b) whether the appeal has been upheld and if it isn't, the main reasons for not upholding;
- c) any policy or procedure recommendations to be made to the Head teacher or Governing Body in the light of the appeal (whether the complaint is upheld or not);
- d) that this concludes the school's complaints procedure.

## **10. Further steps**

*The Education Funding Agency*

The complainant has a separate right to complain to the Education Funding Agency (EFA) via the [schools complaints form](#) if they believe that the governing body or The Trust is acting unreasonably or is failing to carry out its statutory duties properly.

#### *Ofsted*

The complainant has a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

### **11. Unreasonably persistent or serial complaints and abusive or harassing complainants**

Please see the guidance issued at Appendix A which the school will follow should the complaint be considered unreasonably persistent or serial.

## Unreasonably persistent or serial complaints and abusive or harassing complainants

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

The Head teacher and Governing Body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.

We may not respond to repeated concerns or complaints on the same issue which could be viewed as persistent or serial. We will, however take every reasonable step to address the complainant's needs in the first instance.

### What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- actions which are
  - out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious and/or
- an insistence on
  - pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints and/or
- an insistence on
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public; or
  - refusing to attend appointments to discuss the complaint

### What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community, interfering with the daily business of the education of pupils.

### **What can you expect from the school?**

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over:
  - how and when problems can be raised with the school;
  - details of the school's complaints procedure;
  - details of the school's Unreasonably Persistent Complaints/Harassment Policy;
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure;
- keep those involved informed of progress.

### **What the school expects of you**

The school expects anyone who wishes to raise concerns with the school to:

- treat all staff with courtesy and respect
- respect the needs of pupils and staff within the school
- avoid the use of violence (including threats of violence) towards people or property
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- recognise that some problems may not be resolved in a short time
- follow the school's complaints procedure

### **Schools' responses to unreasonably persistent complaints or harassment**

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- require all future meetings with a member of staff to be conducted with a second person present: in the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication;

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

### **Physical or verbal aggression**

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

- ban the individual from entering the school site, for a temporary period or with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment procedures outlined above. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.