



Special Partnership Trust



COMPLAINTS POLICY

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COMPLAINTS POLICY

1. SCOPE

- 1.1. The complaints procedure is based on a principle that concerns expressed by a pupil, parent, carer or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.
 - 1.1.1. Stage 1 – Informal resolution to concern.
 - 1.1.2. Stage 2 – Formal complaint heard by the Headteacher.
 - 1.1.3. Stage 3 – Formal complaint heard by the Chief Executive.
 - 1.1.4. Stage 4 – Complaint heard by Trustees Panel.
 - 1.1.5. Handling of complaint referred to the Education Skills Funding Agency (ESFA).
- 1.2. Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy.

2. POLICY

- 2.1 We will listen to all concerns, complaints, suggestions and compliments and see them as opportunities to improve the quality of the service we provide.
- 2.2. Line Managers or other delegated managers will investigate a complaint about a member of staff. Anonymous complaints will not be considered.
- 2.3. The MAT will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.
- 2.4. All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State or a body conducting an inspection if they request access to them.
- 2.5. Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School/MAT sees fit.
- 2.6. The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:

- Impartial
- Non-adversarial
- Timely
- Objective
- Evidence based
- Respects confidentiality
- Fair
- Addresses all of the points at issue
- Provides an effective response
- Provides appropriate redress where necessary
- Is reported to the senior leadership team so that services can be improved where necessary

2.8. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a concern or a complaint.

2.9. At each stage of the complaint's procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:

- An explanation
- An apology
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events
- Reassurance that the School will undertake a review of its policies in light of the complaint

2.10. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the CEO or Chair of the Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.11. The complaints procedure sets out the time limits for each stage of the complaints processes. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The

complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

2.12. The complaints policy & procedure will be published on the MAT's web site.

3. PROCEDURE

3.1. The Complaints Procedure has five clear levels.

The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level. Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governors' Panel.

This policy explains the different complaints stages that should be followed by any person whenever an issue arises that cause them concern.

This policy does not apply to complaints about:

- Pupil admissions;
- Pupil exclusions;
- Statutory assessments of Special Education Need (SEN);
- Matters likely to require a Child Protections Investigation;
- Staff Grievance and disciplinary procedures;
- Whistleblowing.

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

3.2. Who can make a complaint

This complaints procedure applies to parents or carers of children that are currently registered at the school.

3.3. Principles of Investigating a Complaint

The principles that will form the basis for all investigations of complaints will be that the investigation:

- Clarifies the nature of the complaint and what remains unresolved
- Establish what has happened so far, and who has been involved
- Clarifies what the complainant feels would put things right
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conducts the interview with an open mind
- Keeps a written record of the interview



3.4. Stages of the Complaints Procedure

3.1.1. Stage 1 – Informal Procedure

All staff can deal with concerns or complaints without the need to resort to a formal procedure. Most concerns and complaints can be satisfactorily resolved at this stage and the school values informal meetings and discussions to facilitate an early resolution.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days. Should this informal stage require more time then the School will inform the complainant of this in writing as soon as this is known.

If your complaint is about a member of staff, the complainant should first raise this with the Headteacher either in person or in writing, and a meeting can be arranged with the Headteacher to discuss the issue at hand.

If the complaint is about the Headteacher or a Governor, then the CEO will consider the complaint at the informal level. If the complaint is about the CEO then the Chair of the Trust Board will consider the complaint at the Informal level.

Where the first approach is made to a governor, the next step would be to refer the complainant to a member of staff or the Headteacher. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Should the initial discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2') of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage.

The complainant will be asked to complete the formal complaints form.

Informal Meeting

Complainants may be invited to attend an informal meeting with a member of staff, the Headteacher or the Chair of the Trust Board to discuss their concerns.

Complainants are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

All staff will do their best to ensure that complainants concerns are dealt with appropriately and efficiently but if the complainant cannot come to an agreement, or are dissatisfied with the outcome of their meeting, they can make a formal complaint in writing to the Headteacher.

3.1.2

A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where

appropriate this should also include what response, the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

3.1.3. Stage 2 – Formal Complaint Heard by the Headteacher or CEO

If the complainant is dissatisfied with the way the complaint was handled at 'Stage 1', they may proceed to 'Stage 2'. The complainant may request a meeting with the Headteacher or CEO who will investigate the complaint.

A written acknowledgement will be provided to the complainant within 5 school days of receiving the request for the Headteacher or CEO to hear the complaint. The acknowledgement will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

The Headteacher or CEO has a responsibility to ensure that the complainant understands any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

If the complaints child has a Statement of Special Education Needs (SEN) the complainant might find it helpful to talk to the Special Educational Needs Co-ordinator (SENCo) at the Trust or their child's named Special Needs Officer.

The Headteacher or CEO will advise the complainant that should they not accept the findings, they can appeal by escalating the complaint to 'Stage 3' to be heard by the Chair of Trustees.

3.1.4. Stage 3 – Complaint Heard by CEO or Trust representative

If, having spoken to the Headteacher the complainant is dissatisfied with the outcome of their complaint, they may lodge a complaint with the CEO.

The complainant needs to write to the CEO, giving details of the complaint, say who they have spoken to already and explain what they want to happen as a result of their complaint.

A letter acknowledging receipt of the written request for the complaint to be heard must be sent within 5 school days and should inform the complainant of the arrangements for hearing the complaint within 15 school days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated. The complainant has the right to be accompanied in this meeting.

The CEO will advise the complainant that should they not accept the findings, they can appeal by escalating the complaint to 'Stage 4' to be heard by the Trustees Panel.

3.1.5. Stage 4 – Complaint Heard by the Trustees Panel

If the complainant would like to appeal the outcome of a formal complaint, they need to write to the Clerk to the Trust Board.

The clerk should write to the complainant acknowledging receipt of their appeal. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

The complainant should make sure that the Panel is provided with any written information or evidence to support their complaint.

Where it is not possible to find a mutually convenient date within that timescale, a further timescale will be agreed with the complainant.

The Clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents.

The complainant has the right to be accompanied in this meeting.

The Appeals Panel will be made up of three members of the Trust Board and a panel member who is Independent of the Trust. The independent panel member will be either from another Educational Trust, a Parent Support Service or from a relevant professional background. No person involved should have previous involvement in the complaint.

If the complaint is about the CEO then the Chair of Trust Board will hear the complaint at 'Stage 4'. If the complainant is unhappy with the outcome at 'Stage 4' then a Trustees Panel, made up of 3 members that have had no previous involvement with the complaint, will hear it. If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 4 complaint. If the complainant is unhappy with the outcome at 'Stage 4' then a Trustees Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it.

- The procedure for an appeal is as follows:
 - The complainant and headteacher will enter the hearing together.
 - The chair will introduce the panel members and outline the process.
 - The complainant will explain the complaint
 - The headteacher and panel will question the complainant.
 - The headteacher will explain the Trust's actions.
 - The complainant and panel will question the headteacher.
 - The complainant will sum up their complaint.
 - The headteacher will sum up the Trust's actions.
 - The chair will explain that both parties will hear from the panel within 10 working days.

- Both parties will leave together while the panel decides.
- The clerk will stay to assist the panel with its decision making.
- The complainant has the right to be accompanied in this meeting.

The Appeals Panel may:

- Dismiss all or part of the complaint;
- Uphold all or part of the complaint;
- Decide on the appropriate action to be taken to resolve the complaint;
- Evaluate all the evidence available and recommend changes to Trust's systems or procedures as a preventative step against similar problems arising in future. The clerk will stay to assist the panel with its decision making.

The findings of the Appeals Panel are final.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

The Clerk to the Trust Board will send a formal written response to the complainant within 10 working days. The letter will set out the decision of the Panel together with the reasons underpinning that decision.

3.1.6. Record Keeping

The school/Trust 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.

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 through a subject access request 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 securely, only for as long as necessary and in line with Data Protection law (GDPR), our privacy notices and record retention schedule.

3.1.7. Complaint Procedure Referred to Education Skills Funding agency

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education Skills Funding Agency (ESFA) to review the handling of the complaint.

The ESFA handles complaints about academies and free schools. The ESFA will look at complaints that fall into the following areas:

Undue delay or non-compliance with an academy's own complaints procedure;

An academy's failure to comply with a duty imposed on it under its funding arrangement with the Secretary of State;

An academy's failure to comply with any other obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

The ESFA will not overturn the Trust's decision about a complaint. However, if they find that the Trust did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

Further information about referring the handling of a complaint to the ESFA can be found at the complaints about academies page on the Department for Education website:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure> or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

3.1.8. Vexatious Complaints

Where the complainant contacts the school to re-open an issue which has already been dealt with under the complaints policy, the Chair of the Trustees will contact the complainant to inform them that the matter has already been dealt with and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious, and the school will be under no obligation to respond to that correspondence.

3.1.9. Monitoring of the policy

The Director will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Director will track the number and nature of complaints and review underlying issues with the senior leadership team as necessary.

This policy will be reviewed every two years and approved by Trustees.