

2017 -2018

Potential in Everyone Academy Trust
CEO – David Whitehead



COMPLAINTS POLICY

June 2018

Committee	Trust Board
Approved on	5 June 2018
New Review date	June 2019
Version control	v1.1
	At Borden CEP School we recognise that the personal development of pupils, spiritually, morally, socially and culturally, plays a significant part in their ability to learn and achieve. We therefore aim to provide an education that provides pupils with opportunities to explore and develop their own values and beliefs, spiritual awareness, high standards of personal behaviour, a positive, caring attitude towards other people, an understanding of their social and cultural traditions and an appreciation of the diversity and richness of the cultures.
Date Adopted	5 th June 2018

INTRODUCTION

Aims and Overview

- At the heart of our Trust is an unequivocal commitment to our key moral purpose of ensuring every child meets their full potential through positively promoting Christian and British values.
- We believe that by promoting a supportive and collaborative environment within all of our schools we can engage with parents/carers by making our schools accessible, warm, unthreatening environments which will promote positive relationships.
- Our schools aim to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases; we put the interests and wellbeing of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.
- If any person is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately in the first instance.
- If the situation is not resolved the parents/carers are encouraged to take their complaint to the next level which would be a Senior Teacher / Year Group leader / Deputy Head.
- Where any party feels that a situation has not been resolved through the route outlined above, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved at this stage.
- Complainants have the right to take any complaint to the Local Governing Body if the complaint has not been resolved at the initial formal stage of the process.
- If the complaint is against the Headteacher or if the Headteacher has been closely involved in the issue, a member of the Trust's Senior Leadership Team, appointed by the CEO of the Trust, will be allocated to carry out all the Stage 1 procedures. *(This is likely to be a Headteacher of a school within the Trust and referred to as the 'Investigating Officer')*. Parents/carers should address their letter of complaint to the Chief Executive Officer.
- All complainants have the right, as a last resort, to appeal to the Local Government Ombudsman if they still feel that their complaint has not been properly addressed.

How to raise concerns or to make a complaint about the school

Please note: The Trust expects all employees to behave professionally at all times. Similarly, the Trust expects complaints from parents/carers to be communicated in a courteous, polite and respectful manner.

In a very small number of cases where this does not happen, The Trust's 'Policy on dealing with unacceptable behaviour from parents/carers and visitors' will be enforced. Where a complaint is raised in an unacceptable manner, the complaint will not be recognised or dealt with through the procedure outlined below.

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in our schools. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly and effectively by speaking with your child's **Class Teacher**. We would encourage all parents/carers to speak with their child's teacher in the first instance.

If you have a concern or complaint that you feel cannot be resolved by the Class Teacher you should request an appointment with a senior member of staff, i.e. Deputy Headteacher / Senior Teacher / Year Group Leader.

If you still feel the issue remains unresolved at this stage, then you can contact the Headteacher. You can easily make an appointment by ringing or calling into the school office. We will do our best to arrange an appointment within **two working days**. You are welcome to take a friend or relation to the appointment if you would like to.

Actions you can expect as a result of your complaint

At each stage in the procedure we will strive to find ways in which a complaint can be satisfactorily resolved. Please note, staff disciplinary matters will not be discussed.

Such actions may include:

- an acknowledge that the complaint is valid in whole or in part.
In addition, the school may offer one or more of the followings:
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Trust policies in light of the complaint.

NB/ An admission that the school could have handled the situation better is not an admission of negligence.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Complainants are welcome to state what actions they feel might resolve the problem at any stage.

Of course, this does not mean that in every case the staff will agree with your point of view, but it will help both you and the school to understand both sides of the complaint. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing, there is a form at the end of this document to help facilitate this (Appendix A).

If you are still unhappy

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Local Governing Board to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting. The Complaints Procedure sets out in more detail how these meetings operate

COMPLAINTS PROCESS (Appendix B and C)

Process for resolving complaints informally

Resolving concerns informally

Parents/carers are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to work with them collaboratively to resolve the complaint. Parents/carers should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved.

The member of staff may explain to the parent/carer how the situation happened. It can be helpful at this point to identify what sort of outcome the parent/carer is looking for.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name and contact address or phone number of the parent/carer.

All members of staff will know how to refer, if necessary, to the person with responsibility for the issue raised by the parent/carer and ensure a response is made.

The member of staff dealing with the concern will make sure the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

While it is often a helpful way to resolve problems more quickly, a parent/carer or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

If the matter is brought to the attention of the Headteacher they may decide to deal with the

complaint rather than refer back to the class teacher.

Process for resolving complaints formally

In order to investigate your complaint as fully as possible the Local Governing Board has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that your complaint has not been resolved satisfactorily you may wish to make a formal complaint. You have the right to go straight to stage 1 of the complaints procedure.

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential (*exceptions to this is where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them*).

Complaints Procedure Stage 1: Investigation by the Headteacher

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can ask for assistance to put their complaint in writing.

The Headteacher will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary, the Headteacher will interview other parties and take statements from those involved. If a member of staff is complained against, they must have the opportunity to present their case.

The Headteacher will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be signposted to the Complaints Policy and advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Governing Body, in writing, within 10 working days of receiving the letter.

If the complaint is against the Headteacher or if the Headteacher has been closely involved in the issue, a member of the Trust's Senior Leadership Team, appointed by the CEO of the Trust, will be allocated to carry out all the Stage 1 procedures. (*This is likely to be a Headteacher of a school within the Trust and referred to as the 'Investigating Officer'*).

Parents/carers should address their letter of complaint to the Chief Executive Officer.

Complaints procedure Stage 2: Investigation/ Review by Investigating Officer.

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can ask for assistance to put their complaint in writing.

On receipt of the letter the Chair of the Governing Body in consultation with the CEO will appoint an investigating officer from the pool of Governors across the Trust.

The Investigating Officer will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Investigating Officer may request the complainant to meet them to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary, the Investigating Officer will again interview other parties and take statements from those involved.

The Investigating Officer will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Investigating Officer will then produce a written response to the complainant and Chair of Governors, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Governing Board within 20 working days of receiving the letter.

Appendix D provides the standard template to be used in the written response.

Complaints procedure Stage 3: Review by the Local Governing Body

The Clerk of the Local Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint within five working days. The acknowledgement will inform the complainant that three members selected from governors and directors across the Trust will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members. One member of the panel will be independent of the management and running of the school.

A meeting of the Governors' Complaints Panel will be convened.

Governors with prior involvement in the complaint process will be prohibited from involvement in the Governor panel, including knowledge of the complainant and or family.

Governors should bear in mind the advantages of having a parent/carer governor on the panel and will also be sensitive to issues of race and gender. The Investigating Officer will not sit on the Panel. An experienced governor will chair the panel meeting.

The Chair of the Panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

The Chair or clerk will write and inform the complainant, Investigating Officer, headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

The Investigating Officer will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Investigating Officer's report and the agenda, at least five working days prior to the meeting.

Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel. The panel will review the process followed in the investigation.

At the panel hearing:

- The complainant will have the opportunity to present their complaint.
- The Investigating Officer will explain the school's position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Investigating Officer.
- The Investigating Officer will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement
- to the panel. The Chair will then ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

The Chair of the Panel will explain to the complainant and Investigating Officer that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Investigating Officer, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint;
- and
- Where appropriate, suggest recommended changes to the school's systems or

procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Investigating Officer. The letter to the complainant should also advise how to take the complaint further.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Complaints procedure Stage 4: The Local Government Ombudsman (LGO)

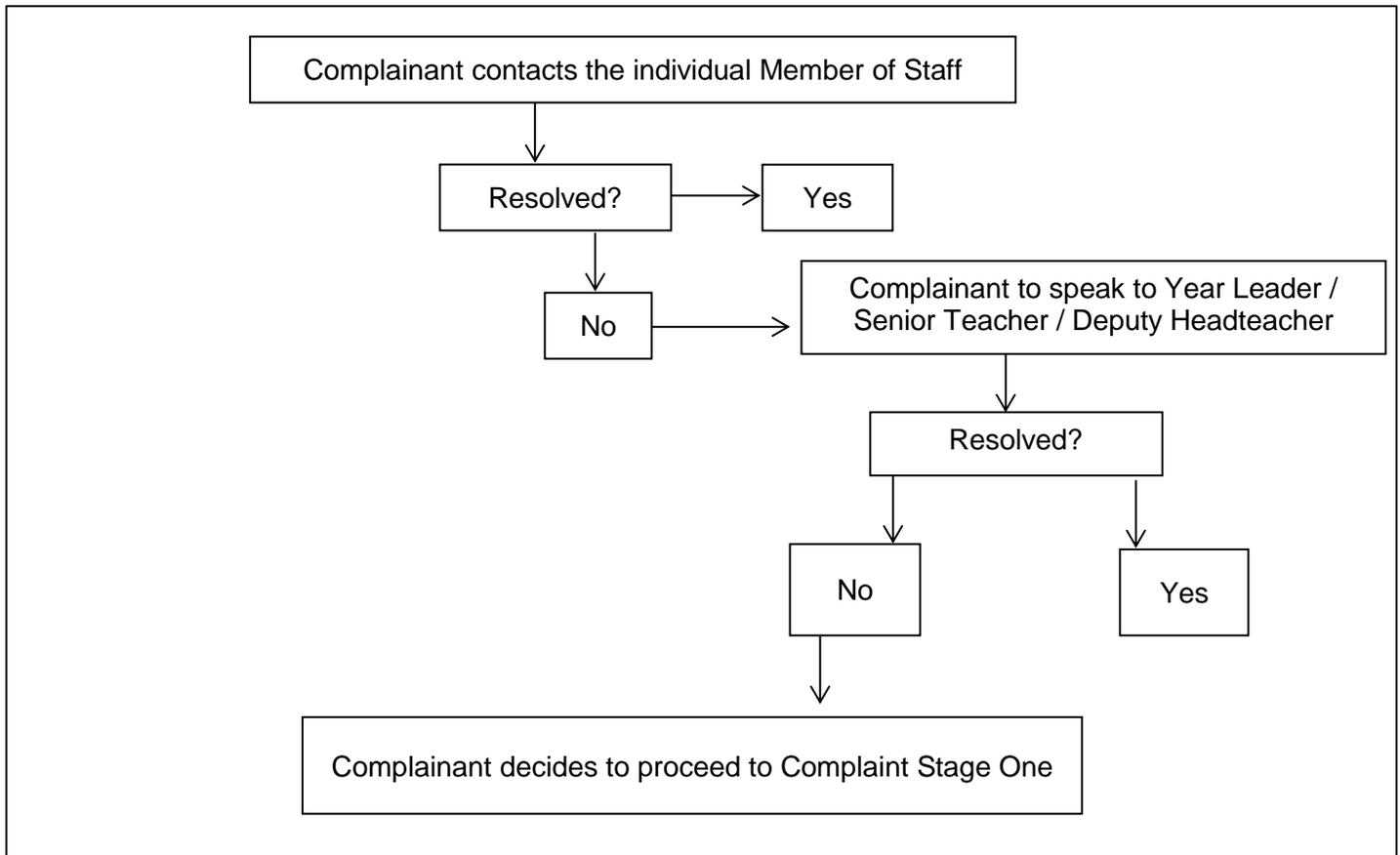
If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the LGO. The LGO will decide whether a further investigation is necessary. Complainants can write, telephone or email the LGO. See their website www.lgo.org.uk for more details.

Complaints form

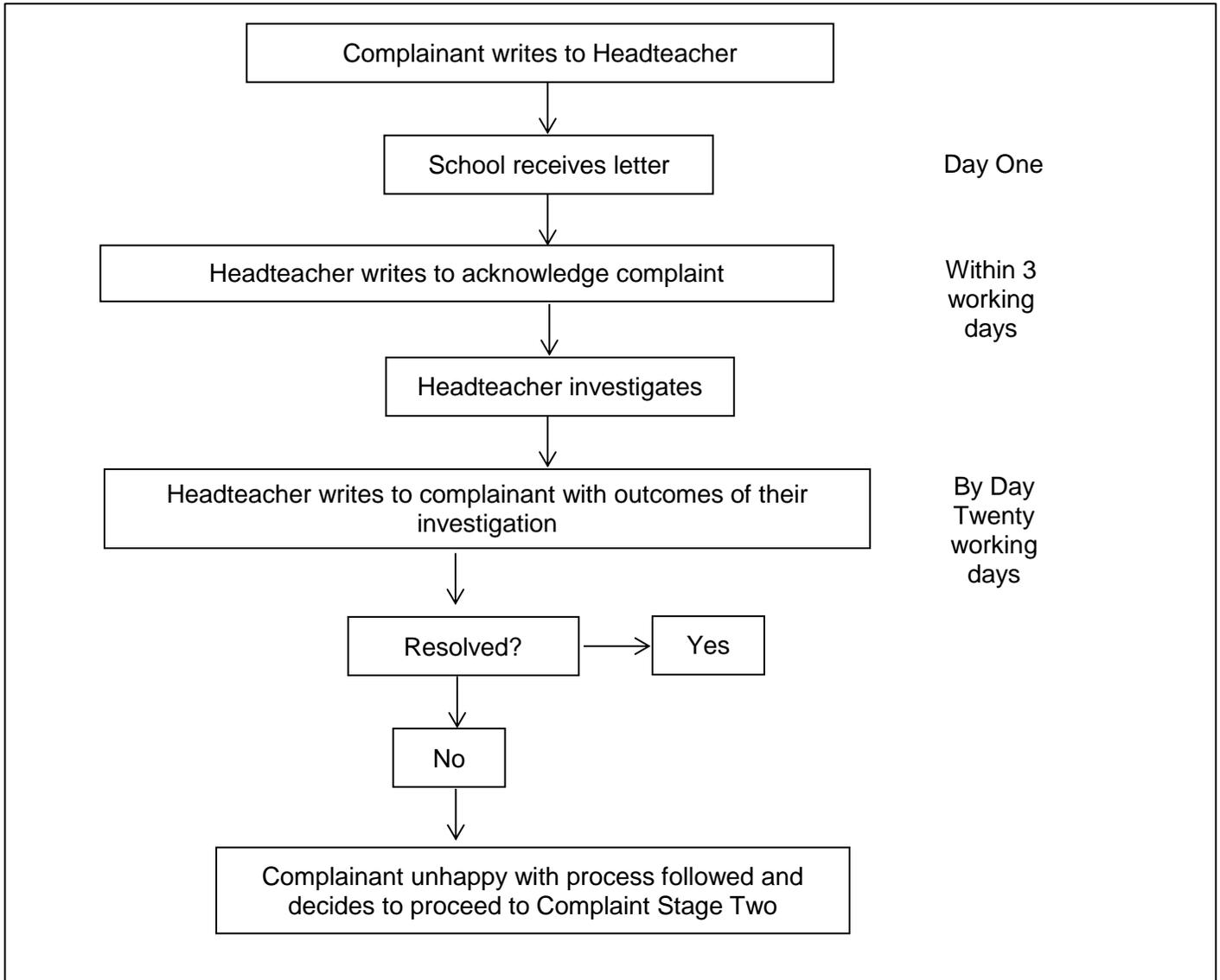
Please complete and return to the headteacher of the school if the complaint is against a member of staff, or to the CEO of the Trust, if the complaint is against the headteacher. Receipt of your letter will be acknowledged together with an explanation of what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Model Complaints Procedure for Schools – Flowchart

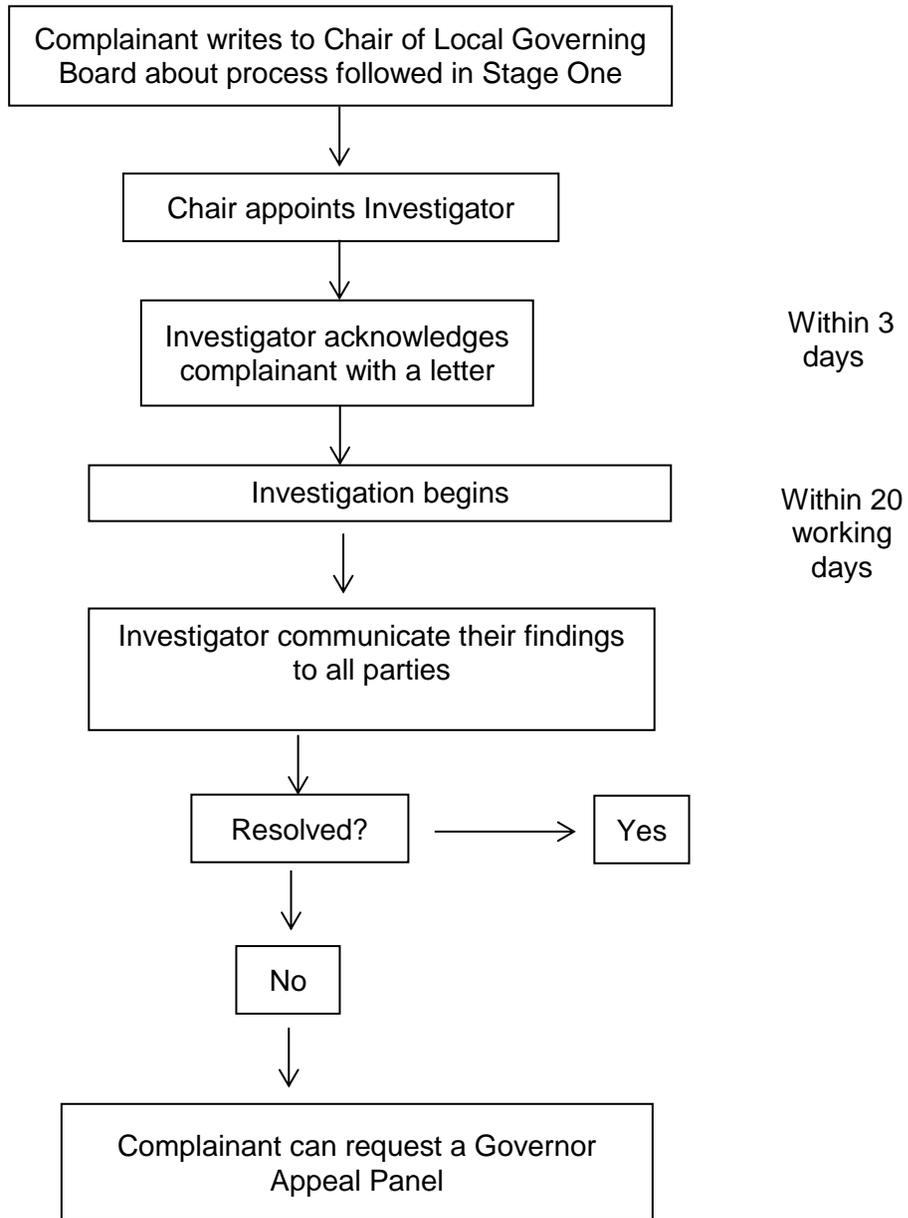
Informal Stage



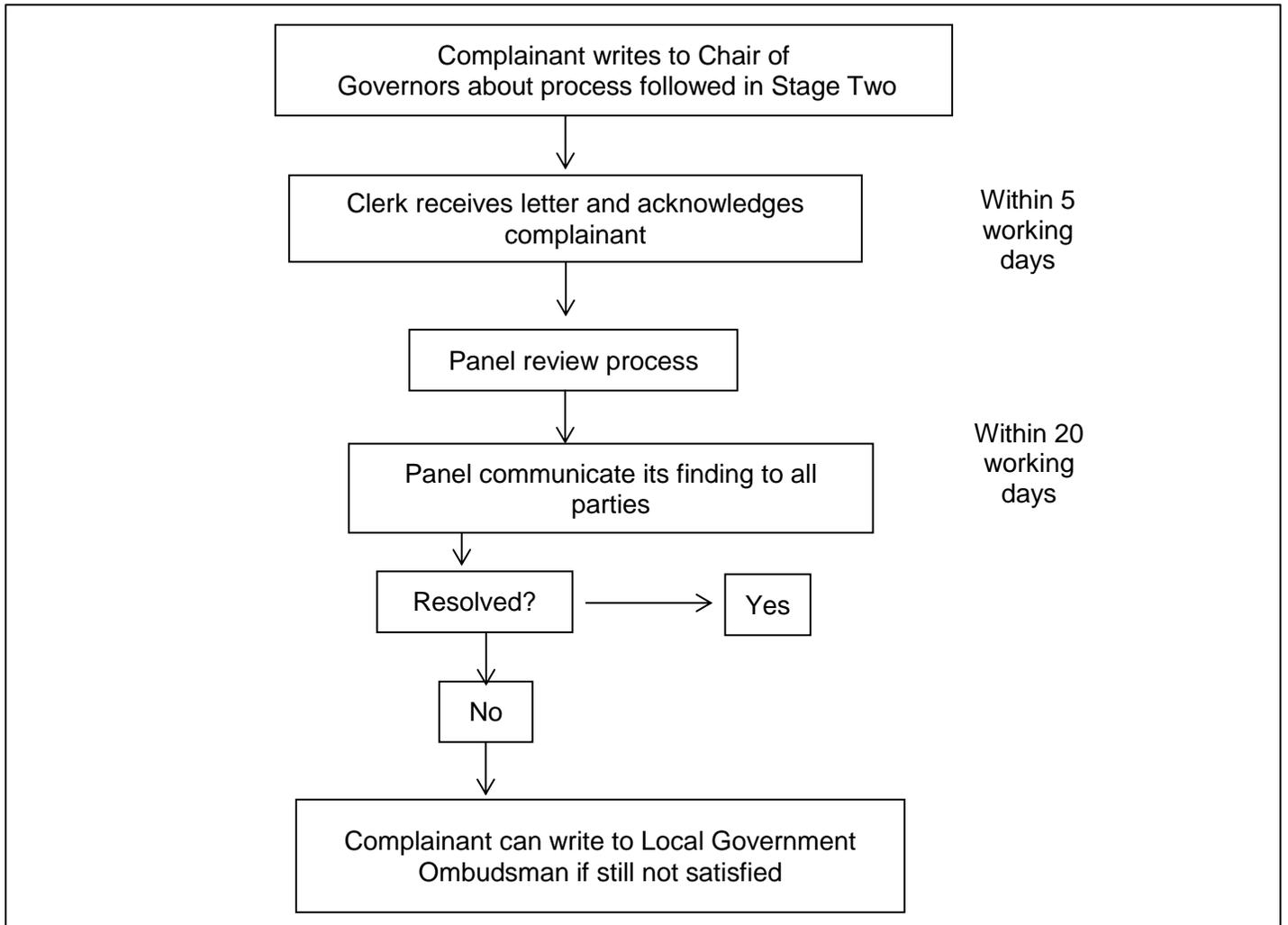
Complaint Stage One



Complaint Stage Two – Governor Investigation



Complaint Stage Three - Governors Appeal Panel



Note: - If the complaint is about the actions of the Headteacher then the CEO carries out the Headteacher's role as indicated above.

The following text is from DfE Best practice advice for school complaints procedures 2016
[DfE School complaints procedures](#)

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
 - o sharing third party information;
 - o additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include: -

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - o consideration of records and other relevant information;
 - o interviewing staff and children/young people and other people relevant to the complaint;
 - o analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected to: -

- 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that: -

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that: -

- it is important that the review panel 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.

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

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.
- Staff/Witnesses
- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator / headteacher / Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and the sign the record as accurate.

The following format should be used for the Investigating Officers Report:

Formal Complaint against <insert name of school> Investigation Report

Investigator: *Who*

Investigation Date: *Date completed*

Complainant: *Who*

Complaint: *Details of the complaint*

Headings to be used in the Report

- *Who was interviewed during the investigation*
- *Summary of Evidence collected: List of appendices and information they contain*
- *Investigation Findings*
- *Investigation outcome and recommendations*
- *Summary of Evidence collected: List of appendices and information they contain.*