



Complaints Policy

Approved by the Trust: April 2021

Review by: September 2022

Contents

- 1.0 Introduction
- 2.0 Stage One: Informal Resolution
- 3.0 Stage Two: Formal Complaints
- 4.0 Stage 3: Independent resolution: panel hearing
- 5.0 Appeal to the Education Funding Agency
- 6.0 Dissatisfaction with the EFA handling of the complaint.
- 7.0 Vexatious Complaints
- 8.0 Monitoring Complaints
- 9.0 Confidentiality and Record-keeping
- 10.0 Monitoring and Evaluation
- 11.0 Publicising our Complaint Procedure
- 12.0 Approval by Trust

Appendix A

Appendix B

Appendix C

1.0 Introduction

Within Melrose Learning Trust, we have a strong commitment towards working in positive partnership with our local school communities. Schools are busy places where there are many interactions between pupils, parents/carers and staff as part of the everyday life of the school. We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instil this in our pupils. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff without anxiety and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially. Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

This procedure is available to all parents via the school's website. This policy can also be made available in a different language or more accessible format, on request. The school will make such reasonable adjustments as necessary to the complaints procedure to ensure it is readily accessible to those people with a disability.

The kinds of issues that might lead to a formal complaint being made may include:

- The school environment
- Staff conduct
- Bullying
- Discrimination on the grounds of race or gender

In each of these cases the responsibility for action lies with the individual school. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be escalated to The Trust Board.

The complaints procedure cannot deal with complaints for which procedures already exist for dealing with each of the following issues:

- Complaints about the statementing process for children with special educational needs.
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint).
- Allegations of abuse.
- Admissions and exclusions.
- Provision of collective worship and religious education.
- Child Protection matters

2.0 Stage 1: Informal resolution

Resolution

Parents or carers should wherever possible seek an early and informal resolution of all concerns. The individual school will wish to take whatever measures are necessary to sort out any problems effectively before they turn a concern into a complaint; such measures will include some or all of the following:

- giving advice or reassurance;
- explaining the context of an incident or decision;
- gathering information from other staff or from pupils;
- finding information from other sources;
- referring the concern or potential complaint to a senior colleague;
- reviewing or amending practice; giving feedback to parents; and
- apologising for a mistake or oversight.

Making Contact

A parent or carer with a concern or potential complaint should normally first contact their child's class teacher. However, there may be occasions where the first contact may be with an alternative, normally more senior, teacher. Other staff (for example, a head of key stage, or headteacher) may need to be involved or consulted if the class teacher cannot resolve the matter alone.

Record Keeping

Class teachers will keep a written record formal concerns raised with them and the date on which they were received. In common with other correspondence from parents, details of concerns made in this way are kept in pupils' confidential files.

Timescales

In the event that a parent or carer (or exceptionally, a pupil using this procedure) remains dissatisfied that a satisfactory resolution has not been reached through the school's response and within a reasonable time (fifteen (15) school days unless otherwise notified), then the parent is entitled to proceed with a formal written complaint in accordance with the procedure below.

3.0 Stage 2: Formal complaints

Stage 2(i) – Formal resolution by a member of the school's management team

If the concern or complaint has not been resolved informally, the parent or carer should put it in writing (a form is enclosed for this purpose), stating that a complaint is being made and stating the complainant's desired outcome, addressed to the Headteacher, who will decide after consideration the appropriate course of action to take. At this point, a formal complaint will be registered and acknowledged. Where necessary, the Headteacher will meet with the parent or carer, within ten (10) school days of receiving the complaint, to discuss the matter and if possible to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival. It may be necessary to carry out further investigations. The Headteacher will keep

written records of all complaints and of meetings held in relation to them. Once the Headteacher is satisfied that all the relevant facts have been established, a response to the parent's or carer's complaint will be made and the parent will be informed in writing, within ten (10) school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the school intends to take or a decision. A parent or carer who is not satisfied should proceed to the next stage.

Stage 2(ii) – Formal resolution by appeal to the Headteacher

If Stage 2(i) has not resolved the complaint satisfactorily, the parent should write to the Headteacher within ten (10) school days, stating why an appeal for resolution by the Headteacher is requested and, wherever possible, the action which the parent or carer wishes the school to take to resolve the problem. The procedure to be followed by the Headteacher will involve the same steps, timescale, record keeping and form of response as set out for resolution by the Headteacher in Stage 2(i). A parent or carer who is not satisfied, after receiving the Headteacher's decision should proceed to Stage 3.

A parent or carer of a pupil in the school may, for complaints of a particularly serious nature or a complaint relating to the actions or conduct of the Headteacher, may choose to address the complaint directly to the Chair of the Local Governing Body. In this instance, the complaint will be investigated by the Chair of Governors who will undertake the tasks/procedures previously associated with the Headteacher earlier in this policy.

4.0 Stage 3: Independent resolution: panel hearing

If Stage 2 has not resolved the complaint to the satisfaction of the parent or carer, he/she should write within ten (10) school days to the Headteacher, requesting a hearing before the complaints panel. The Headteacher will acknowledge the letter of complaint within five (5) school days.

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure. Members of this panel could be made up of local governors and/or trustees.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these or any other issue to the Headteacher/Local Chair.

A panel of three, consisting of two members of the Local Governing Body/Trust and a third independent member will be convened to hear the complaint within fifteen (15) school days. This independent member will not be associated in any way with the local school or the Trust and will be a person of professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from

Complaints". None of these members will have been involved in the matters detailed in the complaint

It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The school will appoint a clerk to the panel from amongst their staff. Members of the panel will have access to all relevant documentation and will be able to ask the school and the parent or carer for any other relevant information or documentation. It is intended that the process should not be legalistic. Parents may be accompanied at this meeting by another family member, if appropriate and by another person (e.g. relative, friend or a relevant specialist). If possible, the panel will resolve the parent's or carer's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The finding may include recommendations or actions which the panel requires the school to take. The finding of the panel will be final. A copy of the finding will be sent to the complainant, Headteacher/Local Chair and any, where relevant, person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 15 school working days of the panel.

5.0 Appeal to the Education and Skills Funding Agency

If the complainant is still not happy by this stage, an appeal can be made to the Education and Skills Funding Agency (ESFA) who will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the school/Trust has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
- Allegations that the school/Trust has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the ESFA, better placed to consider and if necessary, take further action in connection with the issue.

The ESFA will not usually investigate complaints until the Trust's own complaints procedure, including any hearing, has been exhausted. The ESFA may decide to investigate before the Trust's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the school/Trust and there has been a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the school/Trust.

The ESFA will not usually investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- Statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- Matters that are the subject of legal action.

The ESFA will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Further detail concerning the procedure the ESFA will undertake in dealing with complaints can be obtained from ESFA.

6.0 Dissatisfaction with the ESFA handling of the complaint.

If a complainant is dissatisfied with the way in which the ESFA has dealt with their complaint against a School, the complainant may notify the ESFA of this. As an Executive Agency of the Department for Education (DfE) complaints about the ESFA will be handled in accordance with the DfE's complaints process. Further details of this can be obtained from the DfE.

7.0 Vexatious complaints

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a pupil's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with school to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising a range of unrelated issues on a repeated basis then the school/Trust reserves the right not to respond. If a complainant in this category refuses to engage in the Trust's formal complaints procedures, but continues to complain, then the Headteacher, Local Chair or CEO will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Education and Skills Funding Agency on behalf of the Secretary of State for Education as detailed in the section above.

8.0 Monitoring complaints

Each individual school will record complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom

- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

9.0 Confidentiality and Record-keeping

A record will be kept of all complaints, including a note of the stage at which the complaint was resolved. All complaints resolved at the formal stage will be recorded in the school's complaint book. A copy of the panel's findings and recommendations will be available on the school premises for inspection by the Headteacher, Local Governing Body and Trustees.

Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests due access to them.

A record of complaints will be kept for at least three years.

10.0 Monitoring and Evaluation

The Headteacher and Trust will review this policy statement annually and update it in consultation with key staff, in line with current best practice as s/he considers necessary.

11.0 Publicising our Complaint Procedure

Details of our complaint procedure will be available on the school and Trust websites and also on request through the main school offices.

All staff, governors and trustees will be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns.

A copy of this complaints procedure is available on request in large print.

10.0 Approval by Trust Board

This policy has been formally approved and adopted by the Board

Signed:

(Chair of Trust Board)

Appendix A

..... **Primary School – Complaint Form**

Your name:

Pupil's name:

Your relationship to pupil:

Your address and postcode:

.....

.....

.....

Your daytime telephone number: ☎
.....

Your evening telephone number: ☎
.....

Your complaint is (include details of actions already taken by the school to try to resolve the situation):

.....

.....

.....

.....

.....

.....

.....

.....

A series of horizontal dotted lines spanning the width of the page, intended for writing.

.....

(If you run out of space, please use extra paper)

What would you like as an outcome from your complaint?

.....

.....

.....

.....

.....

.....

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

.....

.....

Your signature: Date:

All functions of the complaints procedure must adhere to the requirements of the General Data Protection Regulations, 2018 and the Freedom of Information Act, 2000.

The School will, in following this procedure, refer to any relevant legislation including all human rights based legislation.

Please complete and return to the school office. Your complaint will be acknowledged with an explanation of what happens next.

Appendix B

Procedure for a complaints panel (Stage 3)

When should a complaints panel be convened?

If a complainant is unhappy about the investigation made by the Headteacher at stage 2 of the complaints process the procedures outlined below should be followed.

The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like.

Acknowledgment

A written acknowledgement of the complaint should usually be made within ten (10) school working days. The acknowledgement should inform the complainant that the complaint is to be heard by a panel comprising two members of the school's local governing body/Trust Board and a member who is independent of the school within fifteen (15) school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received by at least five school working days before the panel date for the documents to be sent to the three members.

The panel

The Chair of the local governing body should arrange to convene a complaints panel elected from two members of the governing body/Trust Board and an independent member. It may be necessary to appoint reserves to this panel to ensure that three members are available to carry out their task within the set time.

The panel members should be governors/Trustees who have had no prior involvement with the complaint. The Chair of the complaints panel should chair the meeting.

Timescale

The panel Chair will ensure that the panel will hear the complaint within fifteen (15) school working days of receiving the request to move to stage 3. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done at least ten school working days in advance. The notification to the complainant should also inform him or her of the right to be accompanied to the meeting by a friend or advocate or

interpreter. The Headteacher will also be informed of his/her right to be accompanied by a representative. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel within 5 school working days.

Who should attend?

The Chair should invite the Headteacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least 5 school working days prior to the meeting.

The involvement of staff other than the Headteacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that the meeting is properly minuted.

The meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and for the Headteacher to explain the school's response
- The Chair to seek clarification about the complaint with the complainant and/or the Headteacher
- The complainant to question the Headteacher and/or other members of staff about the school's response (at the discretion of the Chair, and questions to be asked through the Chair)
- The Headteacher to question the complainant (at the discretion of the Chair, and questions to be asked through the chair)

- Panel members to have an opportunity to question through the Chair both the complainant and the Headteacher
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Headteacher

The decision

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

The panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority, decision on the complaint.
- Decide upon the appropriate action to be taken to resolve the complaint.
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Headteacher.

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 student's personal records.

Checklist for the panel hearing

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing for which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and what outcomes from the meeting they seek.
- The Headteacher may question the complainant and any witnesses (through the Chair)
- The panel may ask questions at any point.
- The Headteacher is then invited to explain the school's actions, followed by any witnesses for the school.
- The complainant may question both the Headteacher and the witnesses (through the Chair)
- The complainant is invited to sum up their complaint.
- The Headteacher is invited to sum up the school's response to the complaint.
- The Chair explains to the complainant and Headteacher when they can expect to hear from the panel.
- The complainant and the Headteacher leave together to allow the panel to reach a decision, which would generally be communicated formally in writing.

Appendix C:

Number of complaints registered under the formal procedure during the year

Schools are required to publish the number of complaints registered under the formal procedure during the preceding year. The figure will be recorded in the Local Governing Body minutes and reported to the Trust Board.