

## COMPLAINTS POLICY & PROCEDURE

### STATUTORY CENTRAL POLICY

Version and Date		Action/Notes
1.0	March 2015	Policy updated
2.0	August 2016	Policy updated by Governance Support Officer for approval by Trust Board
3.0	Feb 2017	Policy amended to incorporate the Executive Team
4.0	Spring 2018	Review frequency agreed by CEO
5.0	Dec 2018	Revisions and updates made to incorporate statutory changes
6.0	Feb 2019	Clarification added at 3.30 following a Governors Appeal Panel — policy revised early
7.0	Dec 2019	Policy updated
8.0	Oct 2020	Annex 1 re-added (omitted from previous version) and process confirmed for complaint about a Trustee, in response to ESFA guidance
9.0	Nov 2020	Amended to consistent terminology when referring to Trust Board Appeal Panel and subsequent outcome communication, in response to ESFA guidance.

  

<b>Policy Reviewed:</b>	November 2019
<b>Policy Review Frequency:</b>	Every 2 years
<b>Next Review:</b>	November 2021
<b>Signature of CEO:</b>	<b>Signature of Chair of Trustees:</b>
	

### Introduction

The Dean Trust is committed to ensuring all concerns expressed by a pupil, parent, carer or any individual or organisation be resolved as quickly as possible without the need for escalation. However, where resolution is not achieved quickly, this policy sets out the formal procedure should a person raising the complaint remain dissatisfied. All schools within The Dean Trust will follow the stages within this policy though may also include additional local stages.

#### 1. Scope

Stage 1 - Informal resolution to concern e.g. class teacher, pastoral, Head of Year etc.

Stage 2 - Formal complaint heard by Head of Department/Head of Year/Deputy Headteacher/SLT

Stage 3 - Formal complaint heard by the Headteacher or equivalent

Stage 4 - Formal complaint mediated by Executive Team Member

Stage 5 - Formal complaint heard by Trust Board Appeal Panel

Stage 6 - Handling of complaint referred to the Education & Skills Funding Agency (ESFA).

- 1.1 Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy.
- 1.2 This complaints policy is compliant with 'The Education (Independent Schools Standards) Regulations 2014, Part 7 — Manner in which complaints are handled'.

## 2. Policy

- 2.1 We will listen to all concerns, complaints, suggestions and compliments of all our customers 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 School will retain a written record of all complaints, the actions taken and at what stage they were resolved.
- 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 under section 109 of the 2008 Education Act, 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 sees fit.
- 2.6 The School has five stages to its complaints procedure:
  - i. Informal procedure (eg Class teacher, Pastoral Manager, Head of Year or most appropriate person)
  - ii. Formal procedure (eg Staff member – Head of Department, Head of Year, Deputy Headteacher or SLT member)
  - iii. Formal procedure – Headteacher or equivalent
  - iv. Formal procedure – mediated by Executive Team Member
  - v. Formal Procedure – Trust Board Appeal Panel
- 2.7 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 complaints procedure an indication of what resolution the complainant is seeking should be given. 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 Chief Executive Officer or Chair of the Governing Body 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 Trust reserves the right to request that at any time the complaint be put in writing to avoid potential ambiguity.
- 2.13 The complaints policy & procedure will be published on the School's website.

### **3. Procedure**

#### **The Five Stages of the Complaints 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.
- 3.2 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 Trust Board Appeal Panel.

#### **Principles of Investigating a Complaint**

- 3.3 The principles that will be 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

### **Stage 1 - Informal Procedure Heard by a Class Teacher, Pastoral or Head of Year**

- 3.4 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. The School will maintain a record of any issues for future reference.
- 3.5 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.
- 3.6 If the complaint is about the Headteacher or equivalent, or a Governor then the Chief Executive Officer will consider the complaint at the informal level. If the complaint is about the Chief Executive Officer or any member of the Executive Team then the Chair of the Trust Board will consider the complaint at the Informal level.
- 3.7 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.
- 3.8 The complainant will be asked to complete the formal complaints form.

### **Stage 2 — Formal Complaint Heard by Head of Department, Head of Year, Deputy Headteacher or SLT**

- 3.9 The Headteacher or equivalent will identify the appropriate member of staff to handle the formal complaint at Stage 2. If the complaint is about a member of staff then it will normally be a more senior manager that investigates the complaint. If the complaint is very serious then the line manager, at their discretion, may escalate the procedure directly to Stage 3.
- 3.10 The School will try to accommodate the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Deputy Head (or equivalent) or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member.
- 3.11 Similarly, if the member of staff directly involved feels compromised to deal with a complaint, the Deputy Head (or equivalent) or Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- 3.12 Where the complaint concerns the Headteacher or equivalent, or a Governor, the complainant will be referred to the Chief Executive Officer. The Chief Executive Officer will consider the complaint as a Stage 3 formal complaint. Where the complaint concerns the Chief Executive Officer, or any member of the

Executive Team, the Chair of the Trust Board will consider the complaint as a Stage 3 formal complaint. In the event that the complaint cannot be resolved at stage three then the complaint would be escalated to Stage 5.

- 3.13 Where the first approach is made to a Governor, the next step would be to refer the complainant to the Headteacher or Chief Executive Officer. 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.
- 3.14 The member of staff considering the complaint will ensure that a written acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will explain the School's complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target date cannot be met, a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.
- 3.15 The member of staff considering the complaint will seek to communicate with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
- 3.16 Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 3.17 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'.
- 3.18 When the investigation has been concluded the complainant will be informed in writing of the outcome. This communication will also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 school days of receiving the response.
- 3.19 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.

### **Stage 3 — Formal Complaint Heard by the Headteacher or Equivalent**

- 3.20 If the complainant is dissatisfied with the way the complaint was handled at Stage 2, they may proceed to Stage 3. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- 3.21 The same timings will apply as in Stage 2. A written acknowledgement will be provided to the complainant **within 5 school days** of receiving the request for the Headteacher 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.

- 3.22 The Headteacher 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 an Executive Team Member of The Dean Trust.

#### **Stage 4 — Complaint Mediated by Executive Team Member**

- 3.23 The complainant should write to the Clerk of the Trust Board, giving details of the complaint.
- 3.24 A letter acknowledging receipt of the complaint must be sent **within 5 school days, with a full written response within 15 school days** of receiving it.
- 3.25 The Executive Team Member will advise the complainant that should they not accept the findings, they can appeal by escalating the complaint to Stage 5.

#### **Stage 5 — Complaint Heard by the Trust Board Appeal Panel**

- 3.26 The Trust Board Appeal Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.
- 3.27 If the complaint is about the Chief Executive Officer, any member of the Executive Team or a Trustee, then the Chair of Trust Board will hear the complaint at Stage 3. If the complainant is dissatisfied with the outcome at Stage 3 then a Trust Board Appeal Panel, made up of 3 to 5 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 3 complaint. If the complainant is dissatisfied with the outcome at Stage 3 then a Trust Board Appeal Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it.
- 3.28 Any party is entitled to call any person(s) directly involved in the complaint to act as witness, or support, at the Appeal Panel, subject to prior approval from the Chair. For clarity, a witness will be invited into the meeting to speak at the appropriate time and may not be required to remain for the entire proceedings. Those acting in support will be invited in for the duration of the proceedings and may only speak when invited to by the Chair/Panel.
- 3.29 The findings of the Trust Board Appeal Panel are final.
- 3.30 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.
- 3.31 The Clerk to the Trust Board will send a formal written response to the complainant, and where relevant the person complained about, within 10 working days.
- 3.32 The Clerk will ensure that the findings and recommendations of the panel will be available for inspection on the School premises by the proprietor and the head teacher

### Complaint Procedure Referred to Education Funding agency

- 3.33 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.
- 3.34 Further information about referring the handling of a complaint to the ESFA can be found online at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Complaints can be sent in writing to: ESFA – Academies Complaint and Customer Insight Unit, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

The Department for Education can be contacted by telephone on 0370 000 2288.

### Annex 1 – Conduct of Trust Board Appeal Panel

1. The Clerk to the Trust Board will write and inform the complainant, any witnesses and the panel of the date and location of the meeting at least **5 school days** in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
2. The panel can:
  - Dismiss the complaint in whole or in part:
  - Uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint:
  - Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.
3. The individual members sitting on the appeal panel should bear the following in mind:
  - It is essential that the appeal hearing is independent and impartial. No member 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 needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised 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.
  - An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.
4. The Clerk to the Trust Board is the contact point for the complainant and will:

- 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;
- Notify all parties of the panel's findings and recommendations.

5. The Chair of the panel has a key role in ensuring that:

- The remit of the panel is explained to all parties;
- Ensuring that all parties have the opportunity of putting their case without interruption;
- Parents and others who may not be used to addressing a formal panel are made to feel comfortable;
- The proceedings are fair and objective and employ the principles of natural justice.

6. The usual conduct of the meeting will be:

- The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair of the panel will invite the complainant to explain the complaint.
- The panel members may question the complainant about the complaint and the reasons why it has been made.
- The Head of School/Executive Principal will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- The Chair of the panel will invite the Head of School/Executive Principal to make a statement in response to the complaint. At the discretion of the Chair of the panel the Head of School/Executive Principal may invite members of staff directly involved in the complaint to supplement his/her response.
- The panel members may question the Head of School/Executive Principal and/or members of staff about the response to the complaint.
- The Chair of the panel will allow the complainant to question the Head of School or Executive Principal and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the panel.
- The panel, the Head of School/Executive Principal and the complainant have the right to question any such witness.
- The Head of School/Executive Principal will be invited by the Chair of the panel to make a final statement.
- The complainant will be invited by the Chair of the panel to make a final statement.
- The Chair of the panel will explain to the complainant and the Head of School/ Executive Principal that the decision of the panel will now be considered and a written decision will be sent to all parties within **10 school days**. The Chair of the panel will then ask all parties to leave except for members of the panel and the Clerk.



- The panel will then consider the complaint and all the evidence presented and;
- Reach a decision on the complaint and the reasons for it;
- Decide upon the appropriate action to be taken to resolve the complaint.

### **Annex 2 – Complaints Form**

**Please complete and return to the School who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>	
<b>Pupil's name (if applicable):</b>	
<b>Your relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Email address:</b>	

**Please give concise details of your complaint, (including dates, names of witnesses etc...) to allow the matter to be fully investigated.**



**You may continue on separate paper, or attach additional documents if you wish.  
Number of additional pages attached =**

**What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)**

**What actions do you feel might resolved the problem at this stage?**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_