



The Athelstan Trust

Complaints Policy

Date of Review	Approved by	Date of Approval	Next Review	Website
March 2016	Board	March 2016	March 2019	Yes

Introduction

This document sets out the Trust's procedure for addressing complaints. If you have any concerns about your child's school or the education provided, you are encouraged to discuss the matter first with the class teacher or form tutor at the earliest opportunity. Each school considers any concerns very seriously and most problems can be resolved at this stage.

At any stage, you will be encouraged to state what actions you feel might resolve the problem. We want to identify areas of agreement between the parties and to clarify any misunderstandings that might have occurred so that we can create a positive atmosphere in which to discuss any outstanding issues.

The Trust has a procedure for dealing with complaints that can be considered vexatious. This procedure is available on request.

All complaints are handled by the individual school within the Trust according to the arrangements set out below.

Aims and Objectives

The individual school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

Our Procedure Aims to

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior leadership team so that services can be improved.



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Formal Complaints Procedure

Each school has appointed a Complaints Officer who has responsibility for the overall management of the school complaints procedure.

This complaints procedure has three clearly defined stages:

- Stage one: informal stage, which may be dealt with by an appropriate member of staff (e.g. tutor, Senior Pastoral Leader, a Senior Curriculum/Faculty Leader, Academic Leader or member of the School Leadership team. You may complain in writing, by phone or in person.
- Stage two: first formal stage, allowing the complaint to be made in writing to the Headteacher/Chair of Governors;
- Stage three: second formal stage. If you are dissatisfied with the response at Stage two, you may request a hearing in writing

If you feel that a concern has not been addressed through informal discussion with the Class Teacher or Form Tutor, and you wish to have the matter formally investigated, you should complete a complaints form, which you will find at the end of this procedure. If you would like help completing the form, the school will be happy to provide the assistance of someone unconnected with the complaint. The completed form should be returned to the Complaints Officer via the school (marked Confidential) who will direct it appropriately either to (a) The Headteacher if the concern/complaint is under the Headteacher's responsibility or (b) The Chair of Governors if the concern/complaint is under the Local Governing Body's responsibility, (these are indicated below). The Headteacher/Chair of Governors will aim to acknowledge in writing receipt of the complaint form within **five school days** after receiving it and will enclose a copy of the complaints procedure with the acknowledgement (school days are defined as Monday to Friday during term time).

If the matter is about:

- the day-to-day running of the school;
- the interpretation of school policies;
- the actions or inactions of staff at the school;

these are concerns/complaints under the Headteacher's responsibility and will be investigated by the Headteacher or a senior member of staff nominated by the Headteacher. See A1 for flowchart.

If the matter is about:

- school policies as determined by the Local Governing Body;
- the actions or inactions of the Local Governing Body;
- the Headteacher;

these are concerns/complaints under the Local Governing Body's responsibility and will be investigated by the Chair of Governors or a governor nominated by the Chair. It may be necessary to appoint an independent investigator in certain circumstances. See A1 for flowchart.

Stage 1 Complaint heard by a staff member (informal stage)

It is in everyone's interest that complaints are resolved at the earliest possible stage. Usually this can be achieved through a discussion with the relevant member of staff. In such cases, the complaints officer will be informed of the complaint and appropriate records kept. In some cases you may indicate that you would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints officer can refer you to another staff member. If the member of staff directly involved feels too compromised to deal with a complaint, the complaints officer 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



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consider the complaint objectively and impartially is crucial. The complaints officer will aim to write to you within **10 school days** of receiving your complaint confirming the outcome.

Stage 2 Complaint heard by the Headteacher/Chair of Governors (first formal stage)

If you are dissatisfied with the way the complaint was handled at Stage 1 or are unhappy with the outcome, you may wish to pursue the complaint to the second stage where it will be heard by the Headteacher/Chair of Governors. The Headteacher/Chair of Governors may delegate the task of collating the information to another staff member/governor but will make the decision on the action to be taken. The Headteacher/Chair of Governors will aim to write to you within **10 school days** of receiving your complaints form, confirming the outcome. The Headteacher/Chair of Governors will not give details of any disciplinary action against a member of staff that may result from the complaint.

Stage 3 Complaint heard by the Local Governing Body's Complaints Panel (second formal stage)

If you are dissatisfied with the outcome of stage 2, you may request a hearing in writing.

Closure

After Stage 1 and Stage 2, if the school has not heard back from you within a calendar month, the complaint will be considered closed.

Monitoring and Review

Each Local Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The complaints officer logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

Availability

A copy of this procedure is available to all parents on request and is also contained on the school's website.



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A1 Complaint Procedure Stages 1-3

Informal – Stage 1

Please raise your concerns with your child's class teacher or form tutor who will try and resolve the issue.



Resolved?



Yes - No further action



No.

First Formal – Stage 2

You will be given copies of the complaints procedure and complaint form and offered support in completing the form. You will have **5 days** to complete and return the form.



Headteacher's responsibility

First Formal – Stage 2 Complaint heard by Headteacher/Chair of Governors

Complaint form passes to the Headteacher/Chair of Governors who deals with the matter and the complaints officer aims to write to you with the outcome of the process within **10 school days** of receiving the complaint



Resolved?



Yes. No further action



No. You wish to move to Stage 3 of the procedure and notify the school in writing within **10 school days**. You will be given a copy of the Procedure for Local Governing Body Complaints Panel Hearing. A Local Governor Complaints Panel is set up to consider the complaint. The aim is to do this **within 15 school days** of the complaint being passed to the Local Governing Body. The Panel consists of 3 people, 2 from the Local Governing Body and a third who is independent of the management and running of the school. This panel will consider written and verbal submissions from both you and the Headteacher/Chair of Governors





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The panel meets to consider the complaint and make a final decision on behalf of the Local Governing Body.



Panel aims to write to you with its conclusion **within 10 school days** of the meeting



Resolved?



Yes. No further action



No. This is the end of the school process. If you feel the school has acted unreasonably or not followed the correct procedures you can refer the matter to the Education Funding Agency (EFA) which will consider the complaint on behalf of the Secretary of State for Education.



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Annex B

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time tel. No.:

Evening tel. No.:

Please give details of your complaint.

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:



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Procedure for conducting a Local Governing Body Complaints Panel Meeting

The Local Governing Body Complaints Panel operates according to the following formal procedures:

1. The complaints officer will aim to arrange for the panel meeting to take place within **20 school days**.
2. The complaints officer will ask you whether you wish to provide any further written documentation or other evidence in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish. Copies of all evidence (written or electronic) as well as the names of witnesses and their written statements must be submitted to the complaints officer at least 5 school days before the Panel meeting.
3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The complaints officer will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least **ten school days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the complaints officer will send you all relevant correspondence, reports and documentation about the complaint.
6. The letter from the complaints officer will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the Chair of the Panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
8. Witnesses will be invited to join the Panel meeting to give statements and then withdraw once they have done so.
9. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
10. The Chair of the Panel can use his/her discretion as to whether you and the Headteacher appear before the panel together or separately.
11. No evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call previously identified witnesses (subject to the Chair's approval) and the Panel has the right to question all witnesses;
 - you and the Headteacher to make a final statement.
13. In closing the meeting, the Chair will explain that the Panel will now consider its decision and the aim is that written notice of the decision will be sent to the Headteacher and yourself by the Chair **within ten school days**. All participants other than the panel and the clerk will then leave.



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14. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a majority decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend where appropriate to the Local Governing Body, changes to the school's systems, policies or procedures to address the issues raised.
15. If you are not satisfied with the outcome you may appeal to the Education Funding Agency (EFA) which will consider the complaint on behalf of the Secretary of State
16. We will keep a copy of all correspondence and notes on file in the school's records.

School Issues in dealing with Complaints

1. Investigating complaints

At each stage the complaints officer should make sure that the member of staff dealing with the complaint has:

- established what has happened so far, and who has been involved;
- clarified the nature of the complaint and what remains unresolved;
- clarified what the complainant feels would put things right; interviewed those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- kept notes of the interview;
- ensured the Panel has all the relevant information from the start of the complaint.

2. Resolving complaints

2.1 At each stage in the procedure the school wants to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology from the school;
- 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 school policies in light of the complaint.

2.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. We want to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3. Vexatious complaints (Available on request from each school)

3.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.



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3.2 Vexatious or persistent complaints and correspondence can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;
- Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;
- Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner or timeline
- A “scatter gun” approach, with copies of letters or emails being sent to several recipients on a regular basis, often including the media, the MP and external regulators
- Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

We have a duty to protect the wellbeing of all staff at each school within the Trust and with the support of VWV solicitors and Local Governing Bodies, will ensure that staff are protected from obsessive, persistent, prolific, unreasonable and repetitious behaviour.

4. Roles and Responsibilities

4.1 The role of the complaints officer

The complaints officer is the contact point for the complainant and is required 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;
- the minute taker will normally be the complaints officer;
- notify all parties of the panel’s decision.

4.2 The role of the Chair of the Governing Body

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the complaints officer to arrange the panel;

4.3 The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- any submissions are shared with all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it but ultimately the Chair of the Panel has the authority to adjourn the meeting;
- all papers and other evidence are removed from the room;
- decide whether the Panel meeting will be recorded electronically;
- each party is given the opportunity to state their case;



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5. Managing and Recording Complaints

5.1. The school will record the progress of formal complaints and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex B.

At the end of a meeting or telephone call, the member of staff will endeavour to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The complaints officer will be responsible for the records and hold them centrally.

5.2 Complaint heard by Staff Member

- Ensure complaints co-ordinator is informed of the outcome. Complaints officer aims to write to complainant with outcome of investigation within 10 school days of receipt of the complaint

Issue resolved /Issue not resolved

5.3 Complaint heard by Headteacher/Chair of Governors

- Acknowledge receipt of complaint
- Aim to write to complainant with outcome of investigation within 10 school days of receipt of the complaint form
- Ensure complaints officer is informed of outcome

Issue not resolved

- Governing Body Complaints Panel meeting arranged
- Issue letter inviting complainant to meeting
- Aim to issue letter confirming Panel decision within 10 school days of the panel meeting
- Ensure complaints officer informed of outcome