



THE DWASTRE

Education Trust

Policy Name: Complaints

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Reviewed by: HR Committee – 11 October 2018

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Date for review: February 2020

Publish on Trust website: Yes

Publish on Academy websites: Yes

Signed:

A handwritten signature in blue ink, which appears to read "Gary Oswald". The signature is written in a cursive style.

Chair of Directors

POLICY

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Statement of intent

Thedwastre Education Trust (TET) prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the academies within the Trust, and by the Trust, in accordance with this policy document.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the schools within the Trust or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at a Thedwastre Education Trust (TET) academy or any person who has been provided with a service/facility at a TET academy. This person is referred to as the complainant.

Individual academies may have a nominated member of staff with responsibility for the operation and management of the complaints procedure. This member of staff may not necessarily be the headteacher.

At Great Barton CE Primary Academy, the headteacher, Mrs Claire Ratley, is the complaints coordinator; Mrs Ratley will be the first point of contact.

At Rattlesden CE Primary Academy, the headteacher, Mrs Helen Ballam, is the complaints coordinator; Mrs Ballam will be the first point of contact.

At Thurston CE Primary Academy, the headteacher, Mrs Kathy Lambert, is the complaints coordinator; Mrs Lambert will be the first point of contact.

At Woolpit Primary Academy, the headteacher, Mrs Jen Carlyle, is the complaints coordinator; Mrs Carlyle will be the first point of contact.

A concern becomes a complaint only when the complainant asserts that the academy has acted wrongly in some significant decision, action, or failure to take action. All complaints must be made in writing, signed and dated and either posted to the academy or handed in to the academy office; the Trust will not accept complaints sent by email. Anonymous complaints will not be accepted.

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

If the complaint is about the head teacher then the complaint should be sent to the Chair of Governors of the appropriate academy and will be investigated by the Trust CEO, Philip Mackay.

Aims

In line with the Education Act 2002, academies within the Thedwastre Education Trust will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect the desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the academy's senior management team so that services can be improved.

Dealing with concerns informally

The Trust recognises that a vast majority of complaints and concerns can be resolved informally, at academy level, in the first instance. The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone, or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether he/she wishes to take it further.

The complainant should be able to bring a supporting adult to any discussion.

The member of staff dealing with the concern should make sure that the complainant understands what action (if any) or monitoring of the situation has been agreed.

The process should be completed quickly and concluded in writing with appropriate detail.

Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the headteacher.

To assist in this process, a complaint form is provided. (See Appendix [1](#))

Monitoring and recording complaints

At all stages of the complaints procedure, the following information should be recorded:

- Name of the complainant
- Date and time at which the complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- Further responses from the complainant
- Any subsequent action if required.

Special circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.

If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the headteacher or governing body.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

Complaints procedure

Stage 1 – Initial concern or complaint

Parent/carer/guardian discusses their concern with the child's class teacher or, if they prefer, another member of the academy's teaching staff.

Where the complaint concerns the headteacher, the parent must contact the chair of the local governing body.

If the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them on the complaints procedure (unless the complaint is about the headteacher).

Governors should not act alone 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.

If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Complaint heard by headteacher

The parent/carer/guardian must request an appointment to see the headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.

The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

If the complaint is against a member of staff, the headteacher should talk to the staff member against whom the complaint has been made. If necessary, the headteacher should interview witnesses and take statements from those involved.

The headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.

The headteacher will investigate fully and communicate findings and/or resolutions to the complainant verbally or in writing depending on the nature of the issue.

Once all the relevant facts have been established, the headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

Stage 2 should be completed **within 15 school days**. However, it is recognised that where the case is complex, it may prove difficult to meet this time constraint. In such cases, the headteacher should write to the complainant giving a revised target date.

If the parent/carer/guardian is not satisfied with the outcome at this stage, the complaint can progress to the next level for an independent review by the governing body panel.

If the concern or complaint is against the headteacher, in the first instance the complainant will need to write in confidence to the chair of the local governing body at the academy. The chair will seek to resolve the issue informally before, if necessary, moving to Stage 3 (see Appendix 2/3).

Stage 3 – Complaint heard by a local governing body’s complaints appeal panels (CAP)

Complaints at this stage must be made in writing and addressed to the chair of the local governors no later than 10 school days following receipt of a Stage 2 outcome. The chair of governors, or a nominated governor, will convene a governing body CAP.

Written acknowledgement of the complaint will be made, within 3 school days, informing the complainant that their complaint will be heard within 20 school days.

A CAP will be arranged with 3 members of the governing body and the complainant. Five days’ notice will be given to all attending. The chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the headteacher.

At the meeting everyone's case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The meeting should allow for:

- The complainant to explain his or her complaint and the headteacher to explain the reasons for his/her decision.
- The headteacher to question the complainant about the complaint and the complainant to question the headteacher.
- The CAP to have an opportunity to question both the complainant and the headteacher.
- Any party to have the right to bring witnesses (subject to the approval of the chair of CAP) and all parties to have the right to question all the witnesses.
- A final statement by the headteacher and complainant.

A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Roles and responsibilities

The remit of the CAP

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 academy’s systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of equality, such as race, gender and religious affiliation.
- The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not conclude in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/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. The layout of the room will set the tone of the hearing and care is needed to ensure the setting is informal and not adversarial.
- Extra care must be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

The role of the clerk

Schools are strongly advised that any panel or group of governors considering complaints should be clerked. The clerk 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.
- Record the proceedings.
- Notify all parties of the panel's decision.

The role of the chair of the governing body or the nominated governor

The nominated governor should:

- Check that the correct procedure has been followed.
- Notify the clerk to arrange the panel if a hearing is appropriate.

The role of the chair of the panel

The chair of the panel has a key role. He/she must ensure that:

- The remit of the panel is explained to all parties and each party has the opportunity to put their case forward 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.
- Each party is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

(Appendix 4 – panel checklist)

Stage 4 – Review by the Trust Board

In the case of a complaint that has not been resolved at Stage 3, the complainant must submit a written request to the Chair of the Trust Board for their complaint to be considered further. This request will be acknowledged within 10 school days. The acknowledgement will inform that the complaint is to be heard by a panel hearing of three members within 20 school days. These members will have had no previous involvement in the complaint and one panel member will be independent of the management and running of the school.

The aim of the hearing will be to resolve the complaint and if at all possible achieve reconciliation between the academy and the complainant.

A written statement outlining the decision of the Trust Board will be sent to the complainant and the headteacher of the academy. It will also explain whether a further appeal can be made and if so, to whom. The Trust will ensure that a copy of all correspondence and notes are kept securely and separate to the records of any pupils' personal records.

The role of the Secretary of State for Education

If the complainant is unhappy with the way in which the school has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

For the Secretary of State to intervene following a complaint, they need to be sure that either:

- The academy or trust has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996.
- The school or trust has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

A complaint about maladministration can be made to the Education Funding Agency (EFA).

Appendix 1: Complaints form

Please complete and return to (complaints coordinator) who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
Office use only	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	



Appendix 2: example letter to complainant for a stage 2 complaint

An example of a letter that the chair of the governing body may send to the complainant, upon receipt of a complaint at stage 2.

Dear (insert addressee's name),

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the headteacher's response to your complaint about (insert details of complaint).

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the [clerk/chair] of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the Governing Body ofAcademy



Appendix 3: example letter for complaints against the headteacher

Dear (insert addressee's name),

I have received your complaint against the headteacher of (insert academy name).

I write to let you know that I have forwarded a copy of your complaint to the headteacher with a request that [he/she] responds to the issues raised in the complaint within 10 school days.

A copy of the headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the headteacher's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage 2 of the attached complaints procedure.

As explained in the procedure, the [clerk/chair] of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Governing Body ofAcademy



Appendix 4: checklist for a panel hearing

Panel hearing checklist	
The panel hearing is as informal as possible.	
Witnesses are only required to attend for the part of the hearing in which they give their evidence.	
After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.	
The headteacher may question both the complainant and the witnesses after each has spoken.	
The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.	
The complainant may question both the headteacher and the witnesses after each has spoken.	
The panel may ask questions at any point.	
The complainant is then invited to sum up their complaint.	
The headteacher is then invited to sum up the school's actions and response to the complaint.	
Both parties leave together while the panel decides on the issues.	
The chair of the complaints appeal panel explains that both parties will hear from the panel within a set time scale.	