

# EAST MIDLANDS EDUCATION TRUST

## Complaints Policy



East Midlands  
Education Trust

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## **COMPLAINTS POLICY**

This policy applies to **all complaints** by parents or carers of pupils currently attending the school made against the school (except in relation to admissions, exclusions and child protection allegations which have their own processes), which have been raised with the school as a matter of concern but which have not been capable of informal resolution and which the complainant or the school consider should be dealt with on a formal basis.

Complaints by people other than parents (excluding employees) will be dealt with at the discretion of the head teacher and in a manner determined by the head teacher. There is no recourse to governors for such complaints.

### **The difference between a concern and a complaint**

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. This policy does not apply in these instances and the school should provide relevant reassurances instead.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

### **How to raise a concern or make a complaint**

The school expects that before seeking to use this formal policy the complainant:

- a) has raised the matter with the pupil's pastoral or other relevant staff, if the matter relates to a pupil;
- b) has made reasonable attempts to seek an informal resolution.

The Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

All complaints about members of staff, including the head teacher, will be considered within the context of the school and Trust published policies. No individual member of staff, the head teacher or governor can uphold a complaint which runs contrary to these published policies. If an individual member of staff or governor wishes to uphold a complaint which runs contrary to published policies then the recommendation must be referred to the relevant body for consideration and, if upheld, possible policy change.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Vexatious complaints**

Where the school considers that a complainant is carrying out unreasonable behaviour, e.g. making unduly frequent and/or repeated complaints, the school is entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the school, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

## **Timescales**

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after a holiday period.

## **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, they may do so either verbally or in writing and the school should keep a note of when the withdrawal was received.

## **First stage of the Formal Procedure**

1. The Complainant must put the complaint in writing using the school's complaints form (attached at Appendix 1) unless the complainant has a disability that prevents this, in which case the complainant may contact the School Office for assistance. The complaint should be addressed to the Chair of the Local Governing Body, c/o the school.
2. The Chair or their representative will acknowledge receipt of the complaint by letter/email.
3. An investigation of the complaint will be carried out by a senior member of staff or another nominated person. This will be the investigating officer.
4. If it is felt appropriate or necessary, the investigating officer will discuss the matter with the complainant. This may be during a meeting or on the telephone. Whenever reasonably possible such discussions will take place within 15 school days of the complaint being received.
5. The investigating officer will then put their findings in writing and indicate what steps, if any, should be taken to resolve the matter. Whenever reasonably possible this will be done within 15 school days of the discussion with the complainant at point 4 above, but no later than 30 school days of receipt of the formal complaint.

## **Second Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first stage, the complainant may request that the complaint be reviewed. Such a request should be in writing addressed to the Chair of Governors.
2. The head teacher will appoint a senior member of the leadership team to undertake this review.
3. The senior member of staff will report their findings to the parent within 15 school days of receipt of the written request to use the Second Stage. These findings should indicate a view of any steps, which should be taken to help resolve the issue.

## **Third Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the second stage, the complainant may request that the complaint be reviewed by the head teacher. Such a request should be in writing addressed to the Chair of Governors.
2. The head teacher will undertake this review unless the complaint is about a decision which has been made by the head teacher. In this instance the head teacher will invite a governor with delegated authority to deal with complaints to review their decision.
3. The head teacher (or governor) will report their findings to the parent within 15 school days of receipt of the written request to use the third Stage. These findings should indicate a view of any steps which should be taken to help resolve the issue.

## **Fourth Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first, second and third stages, the complainant may request that the complaint be considered by the Complaints Panel of the Local Governing Body which will comprise two members of the Local Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the school.
2. A request to use the fourth stage must be in writing, addressed to the Chair of Governors at the school, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
3. The Chair or their representative will invite the school to put in writing its response to the complainant's reasons. The school will do this within 15 school days and at the end of that period (whether or not the school has responded) the Chair or their representative will convene a meeting of the Complaints Panel of the Local Governing Body. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the panel. Whenever possible, the meeting will be held within 30 school days of receipt of the written request for this fourth stage.
4. At any meeting, the complainant will be entitled to be accompanied if they wish.
5. The complainant must submit any further written material to the Chair no less than 7 school days prior to the fourth stage meeting, to allow for distribution to all parties. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

6. The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
7. The meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.
8. The following are entitled to attend the Panel meeting, submit written representations and address the Panel:
  - a) The parent/s and/or one companion;
  - b) The head teacher of the school and/or one companion; and
  - c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
9. The chair of the panel will decide in advance if all parties are to be present at the same time or, given the nature of the complaint, if it is best that evidence from each party is heard separately.
10. The panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
  - (ii) available for inspection on the school premises by the school's Trust and the head teacher
11. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days of the meeting, and will notify all concerned.
12. The committee will consider the complaint and all the evidence presented. The committee can:
  - uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
13. A written record will be kept of all complaints for one year, whether they are resolved at the first stage or proceed to a panel hearing
  14. Correspondence, statements and records relating to individual complaints will be kept confidential except where the school is otherwise required by law to disclose them.

If the complainant is not satisfied with the outcome of this final stage, then they have the right to complain about the school to the Secretary of State. These are handled on their behalf by the Education Skills Funding Agency (ESFA) and the procedure for complaining and the grounds for doing so, are outlined in their document entitled 'Procedure for dealing with complaints about academies' a copy of which can be found on the DfE website at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or obtained from the school via the Clerk to governors.

Policy reviewed by	:	Trustees
Review date	:	Autumn 2019
Next review	:	Autumn 2022

East Midlands Education Trust

[school name: ]

### Complaints Form

Please complete and return this form to the Chair of Governors.

Please ensure that you have made every effort to informally resolve your complaint with the relevant staff member(s) before completing this form (this could be with the subject teacher, head of department or your child's Head of Year).

NAME OF COMPLAINANT:

NAME OF STUDENT:

Your relationship with the student:

ADDRESS:

Postcode:

Daytime telephone number:

Email address:

Please give a summary of the key aspects of your complaint:



What do you seek as a resolution of your complaint?

Date:

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