Southerly Point Co-operative Multi-Academy Trust

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COMPLAINTS PROCEDURE

Equality Impact Assessment

The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.*	✓
The EIA has not identified any conflict with the Trust's co-operative values and the Church Schools' values.	✓
Adjust the policy to remove barriers identified by the EIA or better promote equality.	✓

*Inclusive of protected characteristics

Provenance	**Date**
Working Party	Nov 2016
HR checks	June 2017
Union Consultation	Aug 2017
Staff Consultation	Oct 2020
Trustees' Ratification	Oct 2020
Implementation	Nov 2020

Review Date
October 2020: No changes.
October 2023

To be read in conjunction with:	**Disciplinary Policy and Procedure** **Child Protection and Safeguarding Policy**

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Concerns

Where parents and carers have a concern about their school, Southerly Point Co-operative Multi-Academy Trust encourages them to raise concerns informally. The Schools are keen to be made aware of concerns about pupils and about the educational and other services they provide. If you have any concern, parents and carers are encouraged to speak with a member of staff either in person or by telephone/e-mail. In the secondary schools, please make an appointment at reception.

Reception staff may be able to deal with the issue themselves. Alternatively, they may need to make an appointment, for example with a class teacher, tutor, or leader within the school.

Most issues can be dealt with as concerns. The School is keen to work in partnership with parents/carers.

Complaints

Complaints are more serious. It may be that something has gone wrong or you feel that the School has not carried out its legal duties or that your earlier concerns have not been dealt with appropriately.

Formal complaints should be made in writing. If the complaint relates to the Headteacher, this should be made in writing to the Chair of Governors. A Complaint Form is available for use, which is included in this Policy in Appendix C.

Complaints relating specifically to exclusions should be dealt with via the Exclusions process (see Exclusions Policy).

The same process will apply to deal with complaints from people who are not parents or carers of attending pupils.

Please note that anonymous complaints, unless a safeguarding matter, will not be investigated.

The Procedure

All complaints that are received will be recorded in the School and, if they are in writing, acknowledged within 5 School working days. The School has a Complaints Form which may be used at any stage (see Appendix C) and can be obtained on request or downloaded from the School website. The procedure followed by the School is:

Stage 1: complaint dealt with by member of staff

It is in everyone's interest that complaints are resolved at the earliest possible stage. The complaint should be submitted on the Complaints Form (Appendix C) to the Complaint's Co-ordinator, who will direct the complaint to the most appropriate person and ensure that the views of the complainant are respected. If the member of staff feels too compromised to deal with a complaint or the complainant indicates that they would have difficulty discussing the matter with a particular member of staff, the matter will be referred to the member of staff's line manager.

A letter confirming the actions to be taken to resolve the complaint will be sent to the complainant and a copy kept on the central complaints file.

Stage 2: complaint dealt with by Headteacher or Senior Leader

If the complaint has not been resolved at Stage 1, then the complainant can escalate the matter to Stage 2 by letter to the Headteacher explaining why the complainant remains unsatisfied. If the complainant has begun the process at Stage 2, the form in Appendix C should be completed. Receipt of the complaint will be acknowledged within 5 School working days. The Headteacher or appropriate Senior Leader will then carry out an investigation, although the task of collating the information may be delegated to another member of staff. Investigations should normally be completed within 20 School working days of receipt of the complaint, unless there are exceptional circumstances, such as in the case of a Child Protection investigation or where the Staff Disciplinary Procedure is involved. If either of these procedures is invoked, they will take precedence and the complainant will be informed. (See flow chart in Appendix B.)

A meeting will be arranged with the complainant to resolve the matter. If a resolution is achieved, this will be communicated in writing to the complainant, a copy of which will be kept on the complaints file. If no resolution is possible or the complainant is dissatisfied with the outcome, the matter may be escalated to Stage 3. This decision has to be made by the complainant within 10 School working days, in writing to the Chair of Governors.

Stage 3: complaint dealt with by Governors' Complaints Panel

If the complainant is dissatisfied with the outcome at Stage 2, he/she will need to write to the Chair of Governors giving details of the complaint and why he/she remains dissatisfied within 10 School working days of receipt of the Stage 2 outcome letter and ask that it is put before the Complaints Panel. A Governors' Complaints Panel will be convened.

The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint.

One panel member will be independent of the management and running of the school.

The parent may attend the panel hearing and be accompanied if they wish.

The Governors' Complaints Panel hearing is the last School-based stage of the complaints process. Any further investigation will be subject to the exceptional circumstances outlined in Stage 2. Following the investigation, the options available to the Panel are:

- To dismiss the complaint in whole or in part;
- To uphold the complaint in whole or in part;
- To decide on the appropriate action necessary to resolve the complaint;
- To recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The hearing would normally be expected to be held within 15 School working days of the request for consideration by the Governors Complaints Panel. The procedure to be used in the hearing is set out in Appendix A.

The decision of the Governors Complaints Panel will be communicated in writing to the complainant within 5 school working days of the hearing and, where relevant, to the person complained about. A copy of this will be kept on the school's Complaints' File.

Complaints' File

1) A written record will be kept of all formal complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing; and
2) A written record will be kept of action taken by the school as a result of those complaints (regardless of whether they are upheld); and
3) Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Complainants can request a review by the Trust of the procedures where they feel that the complaint has not been investigated fairly by Governors. Complaints received will be recorded.

Finally, complainants have a right of appeal to the Secretary of State for Education under Section 29 of the 2002 Education Act. In such cases, the School Complaints Unit will examine the complaint and adjudicate on behalf of the Secretary of State. The contact details are:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

Tel: 0370 000 2288
www.education.gov.uk/form/school-complaints-form

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits have been set for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Recording Complaints

All complaints are recorded including outcomes. The Governors will monitor the level and nature of complaints and review the outcomes annually to ensure the effectiveness of the procedure and make changes where necessary.

Vexatious Complaints/Unreasonably Persistent Complainants

Southerly Point Co-operative Multi-Academy Trust is committed to dealing with all complaints fairly and impartially, and providing a high quality service to those who complain. We will not normally limit the contact complainants have with the School. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on School time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as on social media websites and in newspapers.

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School site.

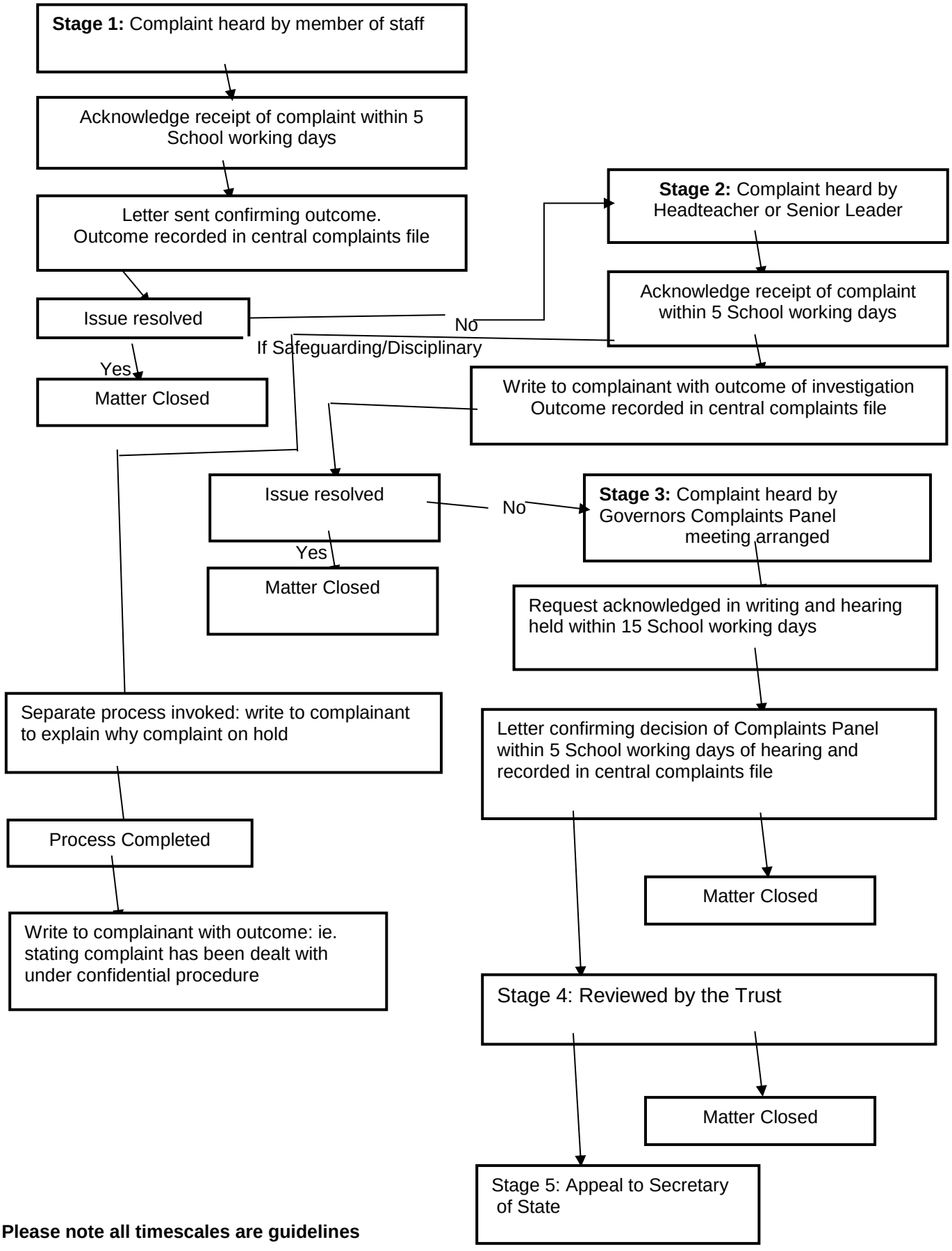
Appendix A

Procedure for Governors' Complaints Panel Hearing

● The 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 explains that both parties will hear from the panel within a set time scale.

Appendix B

Summary of Process to Resolve Complaints



Please note all timescales are guidelines

Appendix C

Complaint form

Please complete and return to the secretary (Complaints Co-ordinator) 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 telephone number:** **Evening telephone number:**
Please give details of your complaint
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 resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date: