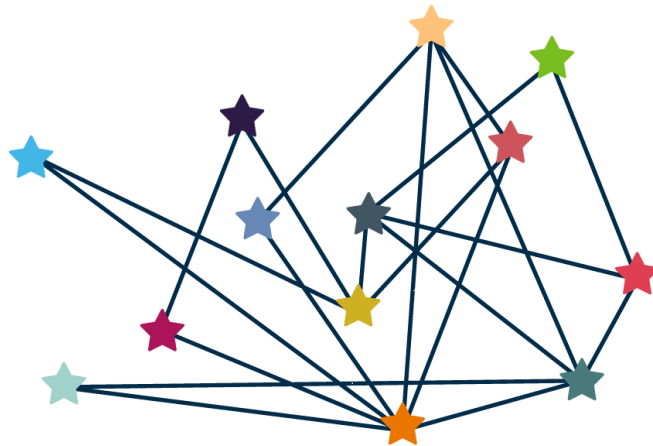


ULT Complaints Policy



UTTOXETER
LEARNING TRUST
INSPIRED TEACHING
INSPIRING CHILDREN

Approved: Autumn Term 2020
Due for review: Autumn Term 2021

Uttoxeter Learning Trust

Complaints Policy

1. Purpose:

All schools in the Uttoxeter Learning Trust (ULT) are committed to providing a high-quality education for your child but occasionally you may have some concerns regarding your child's education. When this happens, it is important that those concerns are raised as soon as possible with the school direct. All of our schools have a good track record of responding with sensitivity and with the primary concern of resolving matters as quickly as possible so that:

- there is the minimum of disruption to your child's education
- good relations are restored between all concerned
- issues are addressed with as much discretion as possible

All schools have a detailed complaints policy and procedure that has been approved by Trustees of the ULT and will provide you with a copy of that policy on request. It can also be accessed through each school's website.

When responding to complaints, we aim to:

- be impartial and non-adversarial
- facilitate a full and fair investigation by an independent person or panel, where necessary
- address all the points at issue and provide an effective and prompt response
- respect complainants' desire for confidentiality
- treat complainants with respect and courtesy
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- keep complainants informed of the progress of the complaints process
- consider how the complaint can feed into school improvement evaluation processes

2. Scope:

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communication as far as possible as outlined in the school's home-school communication policy.
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action.

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Please see our separate policies for procedures relating to these types of complaint.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school and Trust website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

3. Roles and Responsibilities:

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures
- co-operate with the school throughout the process, and respond to deadlines and communication promptly
- treat all those involved with respect
- not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- interview all relevant parties, keeping notes
- consider records and any written evidence and keep these securely
- prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

Clerk to the governing board

The clerk will:

- be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- arrange the complaints hearing

- record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- chair the meeting, ensuring that everyone is treated with respect throughout
- make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

4. Policy and Procedure:

There are three stages to the complaints policy and procedure:

Stage 1 – Expressing Concerns:

Talking informally with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteacher or a member of the school's leadership team. The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. At this stage, all staff will make every effort to resolve your concern promptly and at least within 48 hours.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2 – Formal Complaint (Headteacher)

Formal complaints can be raised:

- by letter or email ideally using the form in the appendix to this policy
- over the phone
- in person
- by a third party acting on behalf of the complainant
- any complaint should be lodged within 3 months of the incident, or if a series of related incidents within 3 months of the last incident. However, the Trust will take exceptional circumstances into account when deciding whether to accept or progress a complaint.
- an appointment should therefore be made to discuss your concerns with the headteacher, who will then seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. Alternatively, the headteacher may request that the deputy headteacher leads on the investigation.

If your complaint is about the headteacher then you should contact the Chief Executive Officer who will seek to resolve the matter through discussion with both you and the headteacher.

The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

Any communication with the headteacher or Chief Executive Officer will be acknowledged within 5 working days and a written response will be sent within 15 school days of receipt of the complaint.

Where concerns cannot be resolved by the headteacher (or the Chief Executive Officer) then you can request that your complaint is referred to the governing body's complaints committee. A formal complaint must be in writing unless the complainant has a sufficient reason to request a reasonable adjustment be made to support their complaint. The school will be able to provide you with a form for this purpose, should you wish. (See appendix 1 for example of complaints form).

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 school days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- by letter or email ideally using the form in the appendix to this policy
- over the phone
- in person
- by a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

Stage 3 – Formal Complaint (Governing Body Complaints Committee)

If your complaint is referred to the governing board's complaints committee then it will meet to consider the complaint and you will be invited to attend the meeting to make representations in person. You are able to be accompanied at the panel meeting if you wish. The meeting will be held at a time and a venue convenient for all parties.

The clerk will acknowledge receipt of the complaint within 5 school days and the governing board's complaints committee will meet within 20 school days of receiving the complaint.

Convening the panel

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools within the Trust. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The complainant and members of the complaints committee will receive at least 5 school days' notice of the date, time and venue for the meeting. Any written material will also be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The committee can:

- uphold the complaint, in whole or in part
- dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- decide the appropriate action to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

5. Role of the Uttoxeter Learning Trust (ULT):

There is not a general right of appeal against the decision of the governing body's complaints committee. However, if you feel that proper procedures were not followed or reasonable consideration given to the complaint, you can raise the matter with the ULT's Trust Board.

A letter should be sent to the Chief Executive Officer of the ULT explaining:

- what your complaint to the committee was
- the response made to it
- why you think that the committee has not followed a proper procedure in considering the complaint
- why you think that the committee's consideration of it was unreasonable

If your complaint is about the Chief Executive Officer then your letter should be sent to the chair of the Trust Board.

The chair of the Trust Board, will review the complaint on behalf of the ULT and provide a written response, within 10 school days, to inform you of any further enquiries made into your complaint. If the committee is perceived not to have followed the proper procedure and considered the complaint reasonably the Chief Executive Officer, or the chair of the Trust Board may make practical suggestions to the committee, including a request to further investigate the matter if considered appropriate.

If you wish to raise the matter with the ULT then please contact the Chief Executive Officer or chair of the Trust Board at:

Post – Thomas Alleyne's High School, Dove Bank, Uttoxeter, ST14 8DU

Email – office@tahs.org.uk

6. Role of the Education and Skills Funding Agency (ESFA):

This complaints policy and procedure follows the Education and Skills Funding Agency (ESFA) 2016 guidance "Procedure for dealing with complaints about academies". The guidance is clear that before submitting a complaint to the ESFA the first step must be to make a complaint direct to the school or academy.

If you still remain dissatisfied and feel that the neither the school or the ULT has followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you should refer your complaint to the ESFA. However, the ESFA cannot change any decision a school has made about the complaint and will only look at whether the school considered the complaint properly by following its complaints policy. If considered appropriate the ESFA may ask the school to reconsider the complaint from an appropriate stage and/or change its complaints procedure so that it complies with legal requirements.

It should also be noted that the ESFA will only look at complaints about schools that fall into the following areas:

- undue delay or non-compliance with a school's own complaints procedure
- a school's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- a school's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If you feel that your complaint is eligible for escalation to the ESFA, you should send it via:

- the Department for Education's 'school complaints form' at www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form

- by post to: Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Complaints against individual governors are made to the clerk to the governing body, who will then arrange for the complaint to be heard by the Chair of governors and then a panel hearing if applicable.

Complaints against the chair, the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who will then refer the complaint to the Chief Executive officer who will escalate the complaint to the Trust Board to investigate the complaint and hold the panel hearing.

A complaint regarding the Trust Board will be made to the Clerk of the Trust Board who will source an independent investigator to complete the formal stages of the process.

7. Unreasonably Persistent or Vexatious Complaints:

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- knowingly provides false information
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- changes the basis of the complaint as the investigation goes on
- makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- give the complainant a single point of contact via an email address
- limit the number of times the complainant can make contact, such as a fixed number per term

- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- we believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

8. Duplicate complaints:

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9. Complaint campaigns:

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website
- sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Complaints about our fulfilment of early years requirements:

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted.

We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

11. Record keeping:

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

12. Learning lessons:

The governing board will review any underlying issues raised by complaints with the headteacher, where appropriate, and, respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring arrangements:

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the headteachers PA or clerk to the Governors.

This policy will be reviewed and approved by The Trust Board every at least once every 2 years.

14. Links with other policies:

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

School Complaint Form

Please complete this form and return it in a sealed envelope marked 'Private and Confidential' to the Head teacher / Chair of Governors of the school in question who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name

Relationship with school
(eg parent of a pupil on the school's roll)

Pupil's name (if relevant to your complaint)

Your Address

Daytime telephone number Evening telephone number

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

You may continue on separate paper if you wish (please attach additional paperwork)
Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to and what was the outcome?)

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

I consent for information on this form to be disclosed to a third party for the purposes for the complaint's procedure.

Signature:

Date:

For School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: