

South Bank Multi Academy Trust

Complaints Policy

Approved by the Trustees:	7 th May 2019
Review Timetable:	3 years
Renewal Date:	May 2022

1 WHAT SHOULD THIS POLICY ACHIEVE?

- 1.1 This policy will ensure that when a parent or other adult makes a complaint, each school deals with it in a professional and timely manner and comes to a speedy resolution wherever possible. The policy will also ensure that the school records and monitors complaints for its own self-improvement. The school will support complainants with information and be fair to those complained about.

2 WHAT ARE THE PRINCIPLES INVOLVED?

- We believe that parents and other adults should be able to resolve any difficulties with the individual school easily.
- The majority of difficulties can be resolved quickly and informally if the school has clear and speedy procedures which are easy to understand and widely available.
- We value difficulties being drawn to our attention early. We want our parents and other adults to be pleased with the services we provide and the way we operate in our community.
- We will ensure all complainants receive accurate information, and that all persons complained against are treated fairly and have their rights upheld.
- We will treat complaints with discretion. Parents in particular will be assured that their complaint will not result in their child being treated less favourably by the school.
- If the school is at fault, we will make appropriate redress to the complainant.
- We will ensure staff understand the principles and procedures, so that they can ensure any concern or complaint is treated with the appropriate seriousness and directed to the correct person.
- We will keep a record of complaints received and monitor the record.
- Where a complaint reaches stage 4 the school will have a duty to inform the South Bank Multi Academy Trust (SBMAT) who will record the complaint and monitor the outcome.

3 RECORD KEEPING

- 3.1 The school will record the progress of all complaints, including information about actions taken at all stages, if the complaint was resolved at the formal stage or proceeded to a panel hearing, the action taken by the school as a result of the complaint, and the final outcome.
- 3.2 The records will include copies of letters, emails and notes relating to meetings and phone calls.
- 3.3 All material will be treated as confidential 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 under the terms of Data Protection Legislation, or where the material must be made available during a school inspection.
- 3.4 A full written record will be maintained centrally at the school of all concerns, difficulties and complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stage 2 to Stage 6.

4 WHAT ARE OUR PROCEDURES UNDER THIS POLICY?

- 4.1 The vast majority of complaints can be resolved informally - what we refer to as Stage 1.
- 4.2 Should this not be possible, a complaint can be moved to Stage 2 which involves a formal investigation by a manager.
- 4.3 If the complainant is not satisfied with the response at Stage 2, they can request a review by the Headteacher - what we refer to as Stage 3.
- 4.4 If the complaint is still not resolved satisfactorily by Stage 3, there is a further stage, Stage 4, where the Governing Body can review the complaint. It is rare for any complaint to reach Stage 4.
- 4.5 If a complainant is not satisfied after Stage 4, there is recourse to complain to the SBMAT.
- 4.6 If the complainant is still not satisfied, they may further complain to the Education & Skills Funding Agency.

5 STAGE 1 PROCEDURE - INFORMAL

- 5.1 If a parent (or other adult) has a concern, they should raise it directly with an appropriate member of staff. That member of staff may be able to deal with the concern directly, or they may need to refer it to a more appropriate person. In any event, they will clarify the nature of the concern and reassure the complainant that the school wishes to hear about the problem.

- 5.2 If a complainant is unsure who is the appropriate member of staff, or the concern is with a specific individual, they should contact the school reception and ask to speak to a Deputy Head or Head of School, who will be able to advise.
- 5.3 If the concern is with the Headteacher, the complainant should contact the Chair of Governors via the Clerk to the Governors. Contact details for the Clerk are:
sophie.triffitt@york.gov.uk
- 5.4 The member of staff contacted **may be able to:**
- offer an explanation of how the situation arose leading to the concern;
 - offer a resolution of the concern;
 - help the complainant to identify what resolution they are looking for;
 - accept the concern and pass it on to another member of staff more suited to dealing with it. In this case, the complainant will be given a time within which that person will contact them with help.
- 5.5 The member of staff dealing with a concern **must:**
- attempt to resolve the complaint directly with the complainant either verbally or in writing and make sure the complainant is clear about any action agreed, putting it in writing if necessary;
 - check that the complainant is satisfied with the outcome;
 - if the complainant is not satisfied, ask them if they wish to take their complaint to Stage 2 and send them a copy of the complaints policy.
- 5.6 There is no fixed timescale for informal resolution of a complaint, but the member of staff should attempt resolution generally within 10 days of receiving the complaint.
- 5.7 If resolution appears unlikely, either party can progress to Stage 2. The complainant and the member of staff should pass their records of the concern to the appropriate manager.

6 STAGE 2 PROCEDURE – FORMAL

- 6.1 At this stage, it is clear the concern is a definite complaint.
- 6.2 The complainant should put their complaint in writing. If the complainant would prefer to complete a form instead of writing a letter, they can complete the Complaint Form contained in Appendix 1 of this policy.
- 6.3 The complaint must be handed to and then logged by a member of the Senior Leadership Team (Headteacher or Deputy Headteacher). The Headteacher must be informed of the complaint.
- 6.4 If a complaint is against the action of a Headteacher, the complaint must be referred to the Chair of Governors who will act as an investigator or appoint an investigator independent of the Headteacher (see section 5 above).

- 6.5 The Headteacher must then appoint an appropriate person as the investigator.
- 6.6 The investigator must contact the complainant, acknowledging receipt of their complaint within 2 working days. It may be appropriate to request a meeting to clarify any issues arising.
- 6.7 The investigator must respond to the complainant within 10 working days of the complaint being received with the outcome of the investigation. The response can be verbally initially, but must be followed up in writing.
- 6.8 If it is not possible to conclude the investigation within 10 working days, the investigator must notify the complainant in writing within the 10 working days, give reasons for the delay and state the expected date of conclusion of the investigation.
- 6.9 If the complainant is still not satisfied, they have recourse to a formal review by the Headteacher. They must apply for this within 20 working days. The letter of response must make this clear to the complainant.

7 STAGE 3 PROCEDURE - FORMAL REVIEW BY THE HEADTEACHER

- 7.1 Complaints only rarely reach this level. It is important that the Headteacher has not been involved in the complaint before this stage.
- 7.2 If the complaint is against the Headteacher, it must proceed directly to Stage 4.
- 7.3 The complaint must be logged by the Business Manager, who will act as the Complaints Officer, and acknowledged within 2 working days. All details of the previous handling of the complaint must at this point be passed to the Headteacher.
- 7.4 The Headteacher must review the response of the school. In particular, s/he must review:
 - whether the complaint was dealt with correctly under the procedures in this policy;
 - whether the complainant was treated properly and with due respect;
 - whether the attempt at resolution was reasonable and appropriate.
- 7.5 The Headteacher must respond to the complainant with an outcome within 10 working days of the complaint being received at Stage 3. The response can be verbally initially, but must be followed up in writing.

8 STAGE 4 PROCEDURE - REVIEW BY GOVERNING BODY

- 8.1 **Complaints only rarely reach this formal level, but it is important that Local Governing Bodies are prepared to deal with them when necessary.** At this stage, the school should inform the Chair of the SBMAT and seek the advice of the Trust Principal. This can provide a useful "outside view" on the issues.
- 8.2 It is important that this review not only be independent and impartial but that it is seen to be so. Therefore, individual complaints should not be considered by the full Governing

Body as serious conflicts of interest can arise. For example, in exceptional circumstances, a complaint may result in disciplinary action against a member of staff and Governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Governors might have previous knowledge of the problem that led to the complaint and would be unable to give fair, unbiased consideration to the issue.

- 8.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.
- 8.4 For a complaint to proceed to Stage 4, the complainant must submit a request in writing to the Chair of Governors. This should be sent to the Clerk to the Governing Body: sophie.triffitt@york.gov.uk. The procedures outlined below should then be followed:
- The Clerk to the Governing Body acknowledges the receipt of the complaint in writing within 5 working days and notifies the Chair of Governors and the Trust Principal of SBMAT.
 - The acknowledgement must inform the complainant that the complaint is to be heard by a Governing Body Panel within 30 working days of receiving the complaint and with at least 20 working days' notice.
 - The acknowledgement must also explain that the complainant has the right to submit any further documents relevant to the complaint up to 10 working days before the date of the hearing.
 - The Clerk to the Governing Body should convene a Governors' Complaints Panel. The panel should consist of three members, who are not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school (but may be a Governor of another school within the Trust). It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that Governors are available to carry out their task within the set time. The Clerk will also invite the Trust Principal to observe the panel to ensure the process is fair. If the Trust Principal is unavailable, the Chair of the Trust will identify a Trustee to attend in her place.
 - The Clerk to the Governing Body will write to the complainant giving at least 20 working days' notice of the date of the hearing and informing them of the standard procedure of the Panel, and of their right to submit further documents via the Clerk up to 10 working days before the Panel.
- 8.5 The Panel composition should be as follows:
- it should consist of three members within the SBMAT;

- at least one member should be independent of the management and running of the school (but may be a Governor of another school within the Trust);
- no panel member should have had any prior involvement with the complaint;
- there should be no Headteacher on the Panel;
- if the Chair of the Governing Body has not previously been involved, s/he should chair the Panel; otherwise this would ideally be the Vice-Chair.

Governors should consider the advantages of having a parent (who is also a governor) on the Panel. Governors should also be sensitive to issues of race, gender and religious affiliation.

- 8.6 The Chair of the Panel will ensure that the complaint is heard by the Panel within 30 working days of receiving the request to the Chair to review the complaint. All relevant correspondence regarding the complaint should be given to each Panel member at least 5 days before the hearing. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for circulation to Panel members.
- 8.7 The Chair of the Panel will write to all parties (the complainant, Headteacher, members of the Panel and any relevant witnesses) at least 5 working days before the meeting, informing them of the date, time and place. The notification to the complainant should also inform him/her of his/her right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
- 8.8 The Chair of the Panel should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. The Headteacher must inform the Chair in advance of any staff invited to attend the Panel hearing and ask them to confirm the name and designation of anyone they wish to bring with them. Any relevant documents, including the Headteacher's report, should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- 8.9 The attendance of staff, other than the Headteacher, is subject to the discretion of the Chair of the Panel.
- 8.10 It is the responsibility of the Chair of the Panel to ensure that proper minutes are taken of the meeting. The Chair of the Panel may also call on the Trust Principal or assigned Trustee to provide advice to the Panel during the meeting. Any advice offered must be about procedures and not about the substantive matter of the complaint.
- 8.11 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that his or her complaint has at least been taken seriously.

- 8.12 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 8.13 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 8.14 The order of the meeting should be:
- the complainant to explain their complaint;
 - the Headteacher to explain the school's response;
 - the Headteacher to question the complainant about the complaint;
 - the complainant to question the Headteacher and/or other members of staff about the school's response;
 - Panel members to have an opportunity to question both the complainant and the Headteacher;
 - any party to have the right to call witnesses (subject to the approval of the Chair);
 - all parties have the right to question all the witnesses;
 - final statements by both the complainant and the Headteacher.
- 8.15 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher and other members of staff will then leave. The Trust Principal or Trustee witness will review but will not participate in the subsequent discussions unless called upon to do so by the Chair, or if there is a breach of protocol they wish to raise with the Panel.
- 8.16 The Panel will then consider the complaint and all the evidence presented and put together its findings and recommendations on the case. The Panel will:
- (a) reach a unanimous, or at least a majority, decision on the complaint and
 - (b) decide upon the appropriate action to be taken to resolve the complaint and
 - (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 8.17 The role of any Trustee present is to ensure the procedures are followed and the complaint is dealt with appropriately.

- 8.18 A written statement outlining the decision of the Panel must be sent to the complainant, and where relevant the individual who is the subject of the complaint, the Headteacher and the Trust Principal. A copy of the letter will also be made available on the school's premises for inspection by the Trust and Headteacher. The letter to the complainant should explain that if they are not satisfied with the response whether a further appeal can be made and, if so, to whom.
- 8.19 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records and the Trust Central Services Team (CST) records are updated with the resulting copy letter. These records should be kept separately from any involved pupil's personal records.

9 STAGE 5 PROCEDURE TRUST BOARD RESOLUTION

- 9.1 In the extremely rare case that the complainant wishes to make an appeal beyond the local resolution they have 10 days to write to the Chair of the Trust.

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- 9.2 A panel drawn from the Trust Board, informed by the Trust Principal, and minuted by the Clerk to the Trust Board will then review the evidence as outlined in point 8.18.
- 9.3 They will write back to the complainant and the Chair and Head of School concerned stating if the decision of the Panel is upheld or not within 10 working days, and offer any relevant re-communications to improve future practice.

10 STAGE 6 PROCEDURE BEYOND TRUST BOARD RESOLUTION

- 10.1 Complaints about a school can be taken to the Education & Skills Funding Agency (ESFA). Guidance from the ESFA can be obtained from:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Appendix 1 : Complaint Form

Please complete and return to the school's Senior Leadership Team

Your name:	Address:
Pupil's name:	
Pupil's DOB:	
Relationship to pupil:	
Telephone number:	
Mobile number:	
Email address:	
Preferred method of contact:	Postcode:
Full details of complaint:	
What action have you taken to try and resolve your complaint - for example, 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:
For Official Use:	
Date Acknowledgment sent:	
Name of Person Complaint Referred to:	
Signature:	