



Complaints Policy and Procedure

Document Name	Date of Issue	Date of Revision
Complaints Policy and Procedure - V1.0 based on DTC guidance		
	October 2015	October 2020

The Directors have paid due regard to the impact of all aspects of equality in the writing of this policy

INTRODUCTION

This policy replaces all previous versions. It has been formulated in conjunction with Dorset Teachers' Council and it is recommended by them.

Purpose:

To establish a policy and procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope:

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned.

Note:

This Complaints Policy and Procedure should only apply where the complaint is to do with the running of the Trust and its schools, and the application of its policies and procedures. For example, complaints about:

- School uniform and jewellery
- Nature of and arrangements for school activities
- Application of medication to pupils
- Loss by pupils of personal items at school
- Application of policies covering pupil behaviour, sanction, bullying
- How the school consults with parents over pupil progress
- Arrangements for the supervision of pupils
- The suitability of school visits
- The use of mobile phones

Exceptions:

Complaints which are to do with admissions, curriculum, exclusions or special educational needs are subject to separate statutory Complaints Policy and Procedures. **Complaints in these areas cannot be dealt with under the Trust's Complaints Policy and Procedure.** For advice on these areas, please contact the Trust or Dorset LA whose telephone number for guidance relating to complaints in this areas is the Complaints officer: 01305 225076

Legal Framework:

Section 409 of the 1996 Education Act allows an LEA to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LEA or of a governing body in relation to a statutory duty or power. This would include admissions, the provision of an appropriate curriculum, SEN, and exclusions appeals. Complaints of a more general nature fall outside the remit of this section.

Section 39 of the 1998 Act requires governing bodies, in accordance with regulations, to establish procedures for dealing with non-statutory complaints and to publicise those procedures. No such regulations were published.

The 2002 Education Act includes the eventual repeal of section 39 of the 1998 Act, in accordance with provision made by the Secretary of State by Order and its replacement with a similarly worded section [29(1)] which extends complaints to those about the provision by the governing body of community facilities etc as described by section 27. In establishing and publicising these procedures the governing body shall have regard to guidance given by the Secretary of State. As stated in section 1, above, this has now been issued.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a governing body [or LA] has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act.

In relation to a non-statutory complaint, there is no statutory right of appeal by a complainant to a LA or Diocesan Board.

COMPLAINTS POLICY

1. The Trust is committed to ensuring that, wherever possible, an informal resolution is attempted.
2. All stages of any complaint should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school. It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility as defined in the Children Act 1989.
4. The responsibility for dealing with general complaints lies solely with the Trust. The procedures of Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any non-statutory complaint received by them will be redirected to the Trust immediately and that the complainant be informed accordingly.
5. Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances. Exceptional circumstances would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. Spurious complaints and those brought by vexatious complainants may be terminated as outlined in the procedure.
7. In advising the complainant of the outcome of their complaint, the Trust may limit information provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The Trust recognises that the release of certain information might be an obstacle to the fair application of disciplinary/ capability procedures or otherwise contravene the employee's employment rights.
8. In the event that a complainant believes that the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may make request that the Trust Board review the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.
9. Any directors involved in the process will receive prior training for their role as required.
10. If the complainant believes that the Trust is acting unreasonably, they may make a complaint to the Secretary of State under sections 496 and 497 of the 1996 Act.
11. This Policy and Procedure will be published on School and Trust websites, be available in school office and be referenced in each School's Handbook to Parents and Carers.
12. Complaints must be raised within 2 months of the event or events to which the complaint pertains, save in exceptional circumstances.
13. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable.
14. Records pertaining to a complaint, its investigation and outcomes should be stored securely for a period of six years

COMPLAINTS PROCEDURE

All complaints must be raised within 2 months of the event being complained of, save in exceptional circumstances.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the Trust would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Part A: Complaining about the actions of a member of staff other than the headteacher.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Head of School or the CEO. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the "reasonableness" may be determined through the review process.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the CEO, who will be accountable for its investigation. The CEO may delegate responsibility for investigation. The CEO may decide that he/she is unable to deal with this matter under this Complaints Policy and Procedure. If so, he/she will inform the complainant in writing of his/her decision, of his/her reason for reaching that decision and of the review procedure available under Part C. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the CEO, or delegate, may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend at any such meeting.

The CEO, or delegate, will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if he/she wishes.

The investigation will begin as soon as possible (within, at most, five school days of receipt of the written complaint) and will be completed as soon as reasonably practicable. When it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern is not substantiated by the evidence
- the concern was substantiated in part or in full. Some details may then be given of action the Trust may be taking to review procedures etc but details of the investigation or of any disciplinary procedures will not be released
- the matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the CEO is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Trust Board review the process followed by the CEO in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the CEO, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the CEO is perverse, or that the CEO has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the CEO under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B: Complaining about the actions of the CEO

1) Informal stage

The complainant is usually expected to arrange to speak directly with the CEO. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Trust Board. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, and if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Trust Board who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation. The investigation will begin as soon as possible (within, at most, five school days of receipt of the written complaint) and will be completed as soon as reasonably practicable. The Chair may decide that he/she is unable to deal with this matter under this Complaints Policy and Procedure. If so, he/she will inform the complainant in writing of his/her decision, of his/her reason for reaching that decision and of the review procedure available under Part C.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint. The complainant may be accompanied by a friend at any such meeting.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The CEO will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the CEO to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The CEO may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the CEO will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Trust Board review the handling of the complaint by the Chair. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C: Review Process

Any review of the process followed by the CEO (Part A) or the Chair (Part B) shall be conducted by a panel of three members of the Trust Board i.e. the First Committee.

The review will begin as soon as possible (within, at most, five school days of receipt of the written request) and will be completed as soon as reasonably practicable.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the CEO or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the CEO or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern is not substantiated by the evidence
- the concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- the concern was substantiated in part or in full and the Trust Board will take steps to prevent a recurrence or to rectify the situation where this is practicable.

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Trust Board has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

Investigation Procedure

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Where the CEO or Chair of Trust Board receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Trust Board.

Records pertaining to a complaint, its investigation and outcomes should be stored securely for a period of six years.

Appendix 1: Saturn Education Trust Complaint Form

Please complete this form and return it to CEO / Clerk to Trust Board, via any school office, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the Trust [e.g. parent of a pupil]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number:.....

Evening telephone number:

Email :

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

Saturn Education Trust Complaint Form (Page 2)

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

Trust use:
Date Form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 2: Standard Letter Formats

RESPONSE TO SPURIOUS COMPLAINANT

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under Saturn Education Trust's General Complaints Policy and Procedure as:
[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Part C of the Complaints Policy and Procedure, by writing to the Clerk to the Trust Board.

Yours sincerely,

CEO
Or Chair of Trust Board

NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The Trust will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

CEO / Chair of Trust Board

REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Bard of Directors Complaints Review Panel has concluded that the General Complaints Policy and Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Trust Board Complaints Review Panel has concluded that the CEO/ Chair of Trust Board followed the General Complaints Policy and Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Trust Board Complaints Review Panel has concluded that the CEO/ Chair of Trust Board followed the General Complaints Policy and Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the Trust is concerned.

Yours sincerely

Chair of Complaints Review Panel

c.c. CEO
Chair of Trust Board