



# Complaints procedure

	Date	Signed
Agreed by Trust Board:	March 2021	Chair of Board James Hargrave
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## 1. Aims

All Trust Schools aim to meet their statutory obligations when responding to complaints from parents of pupils at the school, and others.

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

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

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 Trust's website and each of our schools' websites.

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

If you do not understand any part of this policy, please do not hesitate to contact the Headteacher of the relevant school.

## 2. Legislation and guidance

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.

## 3. Definitions and scope

### 3.1 Definitions

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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

**Anonymous complaints:** The Trust will not normally investigate anonymous complaints. However, the CEO or the Headteacher will determine whether the complaint warrants an investigation.

## 4. Roles and responsibilities

### 4.1 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
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### 4.2 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

### 4.3 Clerk to the Local Governing Body / Trust 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

## 4.4 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

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- › What has happened
- › Who was involved
- › What the complainant feels would put things right

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- › Set new time limits with the complainant
- › Send the complainant details of the new deadline and explain the delay

## 6. Stages of complaint

### 6.1 Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, 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, as follows:

SCHOOL	TELEPHONE NUMBER	OFFICE EMAIL
All Saints CofE Primary School, Laxfield	01986 798334	<a href="mailto:office@laxfieldprimaryschool.co.uk">office@laxfieldprimaryschool.co.uk</a>
Charsfield CofE Primary School	01473 737347	<a href="mailto:office@charsfield.suffolk.sch.uk">office@charsfield.suffolk.sch.uk</a>
Dennington CofE Primary School	07128 638206	<a href="mailto:office@dennington.suffolk.sch.uk">office@dennington.suffolk.sch.uk</a>
Fressingfield CofE Primary School	01379 586393	<a href="mailto:admin@fressingfield.suffolk.sch.uk">admin@fressingfield.suffolk.sch.uk</a>

SCHOOL	TELEPHONE NUMBER	OFFICE EMAIL
Great Whelnetham Primary School	01284 386203	<a href="mailto:office@greatwhelnetham.co.uk">office@greatwhelnetham.co.uk</a>
Occold Primary School	01379 678330	<a href="mailto:office@occoldprimaryschool.org">office@occoldprimaryschool.org</a>
St Peter & St Paul CofE Primary School, Eye	01379 870497	<a href="mailto:admin@eyeprimarysuffolk.org">admin@eyeprimarysuffolk.org</a>
Stradbroke Primary School	01379 384415	<a href="mailto:admin@stradbroke.suffolk.sch.uk">admin@stradbroke.suffolk.sch.uk</a>
Wortham Primary School	01379 898484	<a href="mailto:admin@wortham.suffolk.sch.uk">admin@wortham.suffolk.sch.uk</a>

The school will acknowledge informal complaints within 2 school days, and the Headteacher will investigate and provide a response within 7 school days.

The informal stage will involve a meeting between the complainant and the Headteacher, and the subject of the complaint, if relevant/appropriate.

If the complaint is not resolved informally, it will be escalated to Stage 2, a formal complaint.

## 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. .

If complainants need assistance raising a formal complaint, they can contact the school office: see above.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 7 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing body in writing within 10 school days. Contact information is available from the school offices (contact details above). A form is provided in Appendix A if required

The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either email or letter) within 2 school days.

## 6.3 Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will consist of the Headteacher and two other panel members who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Governing Body members, as they are not independent of the management and running of the school. Note: A local governor from another school within the Trust would count as an 'independent' person (as long as they have no conflict of interest or prior

knowledge of the complaint). A Trustee would not be an independent person as they have oversight of, and ultimate responsibility for, each school in the Trust.

The panel will have access to the existing record of the complaint's progress (see section 10).

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, but in all circumstances the hearing will take place within 20 school days of the notification of a 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 if they wish.

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(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented 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 individual who is the subject of the complaint, and make a copy available for inspection by the Headteacher.

The school will inform those involved of the decision in writing within 7 school days.

If the complainant is unsatisfied with the outcome the complaint will move to stage 7.

## **6. 4 Complaints about the Headteacher/Executive Headteacher, or member of the Governing Body (including Chair and Vice-Chair)**

Complaints about the Headteacher/Executive Headteacher, or member of the Governing Body, must be submitted to the Trust CEO.

The CEO or a suitably skilled Trustee will be appointed to complete all actions at Stage 1.

Complaints about the Headteacher/Executive Headteacher, or member of the Governing Body at Stage 2, will be dealt with by the CEO, under 7 below.

## **7. Complaints against the Trust, CEO or a school Headteacher/Executive Headteacher, Governor or the Governing Body; or to escalate a complaint after stage 6.**

### **7.1 Stage 1: informal**

Complaints made against the Headteacher or any member of a Local Governing Body of any of the Trust's schools should be directed to the CEO of the Trust in the first instance. Trust contact details:

TRUST	TELEPHONE NUMBER	OFFICE EMAIL
All Saints Schools Trust	01986 798334	<a href="mailto:admin@asst.org.uk">admin@asst.org.uk</a>

The CEO will acknowledge the complaint within 2 days and will investigate and provide an answer within 7 schools days.

Complaints against the CEO should be submitted to the Chair of the Trustees (via the Trust office); the stages below will be followed however the Chair of Trustees will substitute for the CEO.

The informal stage will involve a meeting between the complainant and the CEO, and the subject of the complaint, if relevant/appropriate.

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

Complaints submitted following stage 6.3 will be dealt with by the CEO as above.

## **7.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint to the CEO:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the Trust office: see contact details above

The CEO (or other person appointed by the CEO for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 7 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 10 school days. Contact information is available from the Trust offices (contact details above). A form is provided in Appendix A if required.

## **7.3 Stage 3: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will consist of the CEO and two independent panel members who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of trust board members, as they are not independent of the management and running of the school because they have oversight of, and ultimate responsibility for the Trust and all its schools.

The panel will have access to the existing record of the complaint's progress (see section 10).

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, but in all circumstances the hearing will take place within 20 school days of the notification of a 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 if they wish.

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 Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust representative(s) have presented 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 individual who is the subject of the complaint, and make a copy available for inspection by the all parties concerned.

The Trust will inform those involved of the decision in writing within 7 school days.

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 trust board, who will not unreasonably withhold consent.

## 8. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- › Whether there was undue delay, or the school did not comply with its own complaints procedure
- › Whether the school was in breach of its funding agreement with the secretary of state
- › Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## 9. Persistent complaints

### 9.1 Unreasonably persistent 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 Trust'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, refuses 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.

## **9.2 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 EFSA if they are dissatisfied with our original handling of the complaint

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

## **9.3 Complaint campaigns**

Where a 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. Record keeping**

The school or Trust (if Trust specific) 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 and record retention policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case the outcome results in a disciplinary hearing at a later point.

## 11. Learning lessons

The Trust and its schools will review any underlying issues raised by complaints with the Headteacher or CEO, respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The Trust will monitor the effectiveness of the complaints procedure, with feed-back from Headteachers and Local Governing Bodies, in ensuring that complaints are handled properly. The Trust and its schools will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Headteacher of each school and reported to the CEO.

This policy will be reviewed by the Trustees every 3 years.

At each review, the policy will be approved by Trustees at a full Board Meeting.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

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

Appendix A:

### All Saints Schools Trust Complaints Form

Please complete and return to the staff member (or Headteacher/CEO) who will acknowledge receipt and explain what action will be taken.

School Name:	
Your Name:	
Pupil's Name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
1.	Please give details of your complaint, including whether you have spoken to anybody at the school about it.
2.	What action do you feel might resolve the problem at this stage?