



Concerns and Complaints Procedure and Policy

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CONTENTS

- 1 Introduction
- 2 What this policy covers
- 3 Process
- 4 Complaints to the Secretary of State for Education
- 5 Relevant legislation
- 6 Monitoring and review

Appendix: Panel hearing procedures

1. Introduction and principles

The aim of this policy is to ensure that any concern or complaint is handled sympathetically and efficiently, and that it is dealt with at the appropriate level, and resolved as soon as possible.

Parents, pupils and other stakeholders should feel comfortable raising any issue, confident in the knowledge that it will be dealt with fairly and without prejudice to their future treatment. If appropriate, we will investigate and try to resolve every complaint in a positive and solution focused way.

We will always take a solution focused approach to complaints and they will be handled in a professional rather than a personal manner. Whilst investigations may highlight shortfalls in individuals' practice that may need addressing in the appropriate way, for example through confidential performance management and disciplinary procedures, this complaint procedure should not be used to seek retribution. The process is not designed to be recriminatory.

Concerns and complaints will be dealt with in three main stages:

1. Informal discussion regarding a concern: all concerns should be raised informally in the first instance, with those most closely involved; this gives the best chance for a quick resolution.
2. Formal complaint: where a concern cannot be resolved informally, the details should be put in writing as a formal complaint and an investigation will follow.
3. Panel hearing: where a complainant has a substantial disagreement with the outcome of the formal complaint, they may appeal to a panel hearing. The panel's decision is final.

If a complainant is dissatisfied with an investigation conducted at school level, the complainant may write to the CEO who may commission a Trust investigation into the matter. A panel hearing will generally not happen at this stage.

See Section 3 below for guidance regarding to whom a complaint should be made which varies depending on a person's role and place of work.

The Education Funding Agency may further investigate the handling of a complaint or investigate the breach of either the law or a funding agreement requirement. However, they will only consider whether a complaint was properly handled and not overturn the substance of a panel hearing decision.

2. What this policy covers

This policy covers complaints about an ASSET Education school. Certain issues are not appropriate for consideration under this policy and will be dealt with under other academy policies:

1. Admissions – covered by the Trust Admissions Policy
2. Allegations of abuse against staff – covered by the Allegations of Abuse Against Staff Policy
3. Permanent exclusion – covered by the Trust's Behaviour and Exclusions Policy.
4. Data protection or freedom of information requests – these have their own statutory procedures
5. Staff grievance or disciplinary proceedings - covered by the grievance and disciplinary policy
6. Commercial or other incidental arrangements not directly related to a school's public functions, such as facilities hire.

Concerns and complaints will normally only be considered from those with a direct interest in the matter.

We recognise that people feel passionately about education and may express complaints in robust terms. However, where a complainant acts in an aggressive, abusive, vexatious, or otherwise unreasonable

manner, or makes a series of complaints in a very short space of time without allowing time for matters to be addressed, we will refer to the *Managing serial and unreasonable complaints* policy.

ASSET staff are not able to consider complaints that are matters of dispute between parents pertaining to court orders that are in place for childcare arrangements. Whilst schools will seek to facilitate arrangements that are specifically laid out in court orders, schools should not be asked to mediate between parents and/or interpret court orders and therefore we will not consider complaints regarding these unless schools have very clearly been in breach of specific clauses.

3. To whom complaints should be made

For a complaint concerning:	The complaint should be made to:	An appeal should be addressed to:	Complaints appeal panel:
A member of school staff other than the headteacher of a school	Headteacher	CEO	A panel will not be convened at this point. The CEO may deem it necessary to commission a Trust investigation.
Trust Central Staff	Director of Strategy	CEO	Chair: CEO Two other senior staff including senior school staff members not previously involved and independent of the service area of the trust
Headteacher or the Director of Strategy	CEO	The Executive Clerk	Chair: a school Chair of Governors or Trustee not previously involved. Two other members of the Trust Executive and/or trustees and/or governors.
CEO	The Chair of Trustees	The Executive Clerk	External investigation

4. Process

Step 1: Informal discussion regarding a concern

Many concerns can be resolved quickly and amicably through informal discussion between parents and school or trust staff.

Parents should contact their main point of contact at the school, for example a class teacher, to express their concern. If a parent is unsure of who to contact they should contact the school reception or main office for help.

Once contacted, staff should make a brief note of any concern. The note should contain:

- the name, age / year group / of the relevant pupil(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps agreed to resolve the complaint

A copy of the note will be passed to the headteacher, or another delegated senior member of staff, for use in the event the complaint remains unresolved.

It will often be appropriate for the complainant to be given opportunity to go through the key details of the concern in person with the relevant staff, and all parties should work in a solution focused way to resolve issues.

It is good practice for the member of staff to make fresh contact with the complainant after a short period to ensure that they are happy with the handling of the concern and to discuss any further steps that may be required.

Notes should be kept of meetings, and records should be kept and filed.

Step 2 – Formal complaint

Where an informal approach has failed to reach an agreed resolution, parents may make a formal complaint in writing to the appropriate person (see Section 3).

To enable the school (or Trust) to investigate most fully, the complaint letter should include:

- the name and date of birth of the relevant pupil(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps already taken to attempt to resolve the complaint
- any suggested steps to resolve the complaint

Upon receipt of a formal written complaint, the school or Trust will acknowledge receipt within 2 working days. Following initial enquiries, a decision will be made about whether to investigate or not. This will usually involve a phone call with the complainant where possible.

The headteacher may undertake the investigation or appoint an investigating officer from within the school. The CEO may undertake the investigation or appoint an investigating officer from the Trust Central Team or from another Trust school. In most cases the investigation will include a meeting between the complainant and the investigating officer and a discussion regarding what the person making the complaint thinks will put things right. The scope of the investigation must be agreed at this stage.

The investigating officer will keep appropriate notes of any meetings and interviews held and endeavour to have these and any written statements agreed and signed in PDF form.

An investigation report is a confidential report and will not be shared with the complainant. Disclosure of all details may not be compatible with the Trust's duty of confidentiality as employer.

A formal written response setting out the main findings of the investigation, and any appropriate steps to

resolve the complaint will be sent to the complainant as expeditiously as possible, usually within 15 working days from the start of the investigation, once the scope has been agreed. The response will also detail the complainant's ability to appeal as per Section 3.

Any extension to the 15 day timeframe will be communicated to the complainant. Where the investigation period falls over a school holiday, the investigation timescales will be suspended. This must also be communicated with the complainant.

Correspondence, statements and records relating to formal complaints will be retained by the school and kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Step 3: Appeals

Where a complainant remains dissatisfied after a formal investigation, they may request a panel hearing of their complaint (see Section 3). The main purpose of the panel hearing is to consider whether due process has been followed and to evaluate whether the matter has been dealt with fairly and without prejudice.

The request must be made in writing by the complainant within 15 working days of notification of the outcome of the formal investigation and sent to: CEO, ASSET Education, % St Helen's Primary School, Woodbridge Road, Ipswich, Suffolk IP4 2LT.

On receipt of a request, the Trust will acknowledge the request and convene a panel hearing within 15 working days. The complainant should be notified of the hearing time, date, and location at least 5 working days before the hearing. See Section 3 for whom might be appointed to the panel.

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

The papers for the panel hearing must be sent 48 hours in advance of the hearing. The panel will have access to all papers pertaining to the investigation including meeting minutes and the investigation report. Apart from their own agreed meeting notes, the complainant will not have access to these documents as they are confidential and disclosure may not be compatible with the Trust's duty of confidentiality as employer.

The panel will consider the complaint and any evidence it considers relevant, and will agree a report that cites its findings and recommendations. The Order of Appeal Meeting document should be used (Appendix 1) to structure the hearing. A letter summarising the findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant, the Headteacher, the CEO, and where relevant the person complained about. Some aspects of the outcome will remain confidential. Disclosure of all details may not be compatible with the Trust's duty of confidentiality as employer.

The report of the panel hearing is final and no appeal is possible on the substance of the complaint.

4. Complaints to the Secretary of State for Education

Parents may complain about a school to the Secretary of State for Education. These complaints are considered on their behalf by the Education and Skills Funding Agency (ESFA).

Where a complaint is made to the ESFA, they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

The ESFA will not overturn a Trust's decision about a complaint. However, if the ESFA finds a Trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Education (Independent School Standards) Regulations 2014.

If the Trust's complaints procedure does not meet the Regulations, they will ask the Trust to put this right. The ESFA may seek to enforce the decision under the terms of the Trust's funding agreement on behalf of the Secretary of State, if appropriate.

5. Relevant legislation

This policy fulfils the Trust's responsibilities under the Education (Independent School Standards) Regulations 2014, Schedule 1, Part 7.

6. Monitoring and review

- 6.1 For complaints that are dealt with at a school level, the governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher logs all complaints received by the school and records how they were resolved. Governors examine this log on an annual basis.
- 6.2 Trust complaints are logged centrally and a summary paper is shared with the Operations Committee annually. A Trustee may request to look at complaint records to monitor that processes are being followed.
- 6.2 This policy is made available to all parents, so that they can be properly informed about the complaints process.

Appendix: Order of Appeal Meeting

Appeal Meeting at NAME OF SCHOOL / LOCATION
called to consider appeal under ASSET Education Trust's Concerns and Complaints Policy by
NAME OF COMPLAINANT

DATE

Introductions and order of the meeting (Chair)
Presentation of appeal (complainant)
Questions to complainant (panel)
Presentation and/or response by investigator and/or decision maker
Questions to investigator and/or decision maker (complainant, panel)
Closing remarks (complainant, investigator)
Close (Chair)
<i>Complainant and Investigator and/or decision maker leave(s)</i>
Consideration of the appeal (appeal panel - closed deliberations)
Decision (Chair)

At the meeting

Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned. Consideration should be given to the seating arrangements to make everyone feel equal and comfortable.

A clerk will attend to take notes and advise on process but will take no formal part in the meeting.

The Chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.

People present should introduce themselves stating their reason for being at the meeting.

The Chair of the panel should request a short verbal statement from the complainant in support of their written letter of complaint and how they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the complainant's point of view.

The Chair of the panel should request a short verbal statement from the investigator and/or the decision maker in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the investigator's and/or the decision makers point of view.

The members of the panel should make sure they fully understand the issues and ask any further questions

to clarify any points that are still not clear to them.

The complainant, investigator and/or decision maker should be invited to give closing remarks.

When the panel members understand all the issues, the chair will close the hearing.

After the meeting

The panel members will discuss the matter in private and, with the assistance of the clerk, produce a written report of findings and recommendations.

A copy of the findings and recommendations will be provided within 10 working days of the panel hearing to: the complainant, the Trust, the Headteacher, and where relevant the person complained about.