



COMPLAINTS POLICY AND PROCEDURE

Review Body:	Rainham Mark Education Trust Board
Leadership Group Responsibility:	Headteacher
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Adopted in January 2017, in accordance with The Education (Independent School Standards) (England) Regulations SI 2014/3283

Introduction

The governors of Rainham Mark Education Trust are committed to ensuring that the highest standards are maintained at the schools in the Trust both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher, form tutor, head of year or an individual delivering the service will receive the first approach. Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This policy does not cover certain types of complaints, which are dealt with under separate procedures. These include:

- Any complaint relating to child protection.
- Complaints arising through conflict between estranged parents over the application of parental responsibility.
- SEN complaints.
- Complaints by staff – addressed under the school's grievance procedure or other personnel policies.
- Admissions – addressed under the admissions and admissions appeals procedure.
- Whistle blowing – (matters of impropriety e.g., a breach of law, school procedures or ethics) – addressed under the whistle blowing procedure.
- Complaints about school re-organisation.
- Complaints against services provided by third party hirers of the school premises.

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

If a complaint is investigated according to the school's policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the governing board will inform them in writing that the procedure has been exhausted and that the matter is now closed. However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the school's complaints procedure.

Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the school's obligations under the Equality Act 2010.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved.

Action plan

At each school, the Headteacher has overall responsibility for the operation and management of the school complaints procedure. In practical terms, the Headteacher will nominate a senior member of staff as complaints co-ordinator to deal with matters on a day-by-day basis and hold records relating to any complaints received. Complaints should be addressed to the Headteacher in the first instance.

It is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/head of year or other appropriate member of staff before being referred to the Headteacher. The informal stage of the procedure will be exhausted before the matter is referred to the formal stages. If any substantial complaint is made to a member of staff by a parent it will be referred to the line manager or Headteacher, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

Roles and responsibilities of the participants in the investigation of a complaint

The complainant

The person who makes the complaint will receive the most effective response to the complaint if he/she:

- Expresses the complaint in full as early as possible.
- Asks for assistance if needed throughout the handling of the complaint.
- Co-operates with the school in its procedures of seeking a solution to the complaint.
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- Treats all those involved in the complaint with respect.

The complaints co-ordinator (or Headteacher)

Whenever a formal complaint is received it will be investigated. At each stage, the complaints co-ordinator must:

- Be aware of issues regarding:
 - Sharing third party information.
 - Additional support for the complainant when making a complaint including interpretation support.
- Liaise with staff members, Headteacher, chair of governors and clerk to ensure the smooth running of the complaints procedure.
- Ensure that the complainant is fully updated at each stage of the procedure.
- Keep records.

The investigator

The investigator is involved in stages 1 and 2 of the procedure. They investigate the complaint and will ensure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning.
- Keep notes of the interviews or arrange for an independent note taker to record minutes of all meetings.

The investigator's role will include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved, if this is not clear from a written complaint.
 - Interviewing staff, pupils and other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
- Effectively liaising with the complainant and the complaints co-ordinator to clarify what the complainant feels would put things right.
- Identifying solutions and recommending courses of action to resolve problems.
- Being mindful of the timescales to respond.
- Responding to the complainant in plain and clear language.

The panel clerk (this could be clerk to the governors or the complaints co-ordinator)

The clerk is involved from stage 3 of the complaint procedure. The panel clerk is the contact point for the complainant for the panel meeting and will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Circulate the minutes of the panel hearing.
- Notify all parties of the panel's decision.
- Liaise with the complaints co-ordinator.

The panel chair

The panel chair will ensure that:

- He/she liaises with the clerk and complaints co-ordinator
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The panel is open-minded and acts independently.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a young person).
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy.

- While the hearing is conducted in an informal manner, all matters brought up will be considered seriously.
- The role of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption.
- The meeting is minuted.
- The issues are addressed.
- Both the complainant and the school are given the opportunity to state their case and seek clarity where necessary.
- Key findings of fact are made.
- Written material is seen by everyone in attendance.
- If a new issue arises, a short adjournment of the hearing will take place so that everyone will have the opportunity to consider and comment upon it.

Panel members

Panel members become involved at stage 3 in the complaint procedure. They need to be aware that:

- The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant.
- The panel hearing is independent and impartial, and must be seen to be so.
- Many complainants will feel nervous and inhibited in the setting.
- Extra care must be taken when the complainant is a young person and present during all or part of the hearing and the welfare of the young person is most important.

Stages in the procedure

There are three stages in the school's complaints procedure. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

The school expects any complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances). Once a formal complaint has been received, the school's cut-off timeframe will apply to both parties. However, the school will consider exceptions to this time-frame from both parties if necessary.

Stage 1 – informal – complaint heard by staff member

A complaint may be made in person, by telephone, or in writing. In this stage, the investigator, i.e., the class teacher/form tutor/head of year/assistant head (but not the subject of the complaint or a governor), will deal with the complaint. Most parents' concerns can be adequately resolved by discussion at this stage.

There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. At the end of a meeting, telephone call, or email exchange the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The complaint should be resolved within fifteen school days of receipt of the complaint, unless this is impractical in which case the complainant will be advised of a different timescale. If not satisfied with the response at Stage 1, the complainant must, within 10 school days of receipt of the member of staff's decision, write to the Headteacher. Stage 2 is then implemented.

Stage 2 – formal – complaint heard by Headteacher or senior staff member

If the concern is not met to the complainant's satisfaction by discussion, then:

- The complainant puts the complaint in writing.
- The initial recipient of the complaint will refer the matter to the investigator e.g., the Headteacher or to a designated member of the senior management team.
- The Headteacher, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher or designated member of staff will consider the complaint but it will be the Headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within fifteen school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

Note: Complaints against the Headteacher will usually first be dealt with by the chair of governors. Complaints against the chair of governors or any individual governor should be made by writing to the clerk to the governing board. In some circumstances, the school reserves the right to refer the matter to an external body.

The complainant will be informed of his or her right to have the matter referred to the governors' complaints appeal panel if the outcome of Stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is ten school days of receipt of the Headteacher's decision. Any such request by a complainant should be addressed to the clerk to the governors for the attention of the chair of governors and the governors' complaints appeal panel will be convened.

Stage 3 – formal – governors' complaints appeal panel meeting

When the clerk to the governors receives the request for the governors' complaints appeal panel to meet:

- The clerk to governors will acknowledge your appeal and make the necessary arrangements, and will usually convene the appeals panel within fifteen school working days from the acknowledgement being sent. Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties.
- The clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the appeals panel by both parties at least five working days before the appeals panel hearing.

- A governors' complaints appeal panel will be assembled comprising three members, none of whom have any previous connection to the complaint, and one of whom will be a governor from another school/academy, who has no involvement in the management and running of the school. One of the panel members will act as chair for the meeting. The meeting will additionally have a clerk in attendance.
- If the complainant requests an independent panel, the school will consider the request but ultimately the decision is made by the governors.
- The clerk will write to the complainant, the Headteacher, the chair of governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The clerk will inform the complainant of the right to be accompanied by a friend.

The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the governors' complaints appeal panel.

Confidential notes will be taken of all meetings and copies supplied to the complainant. While any complainants' comments will be considered, notes do not have to be agreed with the complainant.

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's procedures to ensure that similar problems do not recur.

The governors' appeal panel's decision is final.

A copy of the findings and recommendations of the panel will be sent by letter or email to the complainant and, where relevant, to the person complained about, and will be available for inspection on the school premises by the Headteacher.

If the complainant is still not satisfied

If the complainant is still not satisfied after all the processes of the school's complaints procedure have been undertaken or tries to re-open the same issue, the chair of governors will inform them in writing that the procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the school.

It may be possible for the complainant then to take the complaint to the Education Funding Agency (EFA). The EFA will not consider complaints from unsatisfied complainants who have not exhausted the school's procedures.

The process for complaining to the EFA is to use the online school complaints form available at: <https://www.gov.uk/complain-about-school>.

The Education Funding Agency who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- That the procedures in the school's policy and other relevant policies were followed correctly.
- That the school has complied with its funding agreement with the Education Secretary.
- That the policy meets all legal requirements.

Complaints to the EFA may also be sent to:
Providers, Standards and Intervention
Education Funding Agency
Earlsdon Park
53–55 Butts Road
Coventry
CV1 3BH

Unreasonable or repeated complaints

Sometimes, despite exhausting every stage of the academy trust's complaints procedure, a complainant may persist with a complaint about the same subject. In those cases and in cases where a complaint is clearly so trivial that it would be a waste of the Trust's resources to deal with the complaint under all stages of the Trust's complaints procedure, the Trust reserves the right (in exceptional cases only) to write to the complainant informing them that their complaint is regarded as unreasonable and/or repeated and that the academy's complaints procedure will not be followed.

In such cases, the complainant is entitled to write to the Chair of the Board asking for him or her to review the decision to regard the complaint as unreasonable and/or repeated. The Chair of the Board will respond to such a request within 10 school days of receiving it confirming the outcome of the review. If the Trust's decision is upheld by the Chair of the Board, the complainant may refer their complaint to the Education Funding Agency as outlined above.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed.
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically:

- Maliciously.
- Aggressively, using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.

- Using falsified information.
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where aggression or abusive behaviour has been used, the school may have to:

- Ask them to leave the school premises.
- Inform the police.
- If necessary, bar them from being on school premises.

Monitoring and evaluation

The governing board will monitor the level and nature of complaints using the records kept by the complaints co-ordinator. Wherever possible, complaints information shared with the whole governing board will not name individuals. The policy will be evaluated in the light of complaints made and their resolution in order to contribute to school improvement.

Should the EFA advise the school that the policy or procedures need to be amended, these will be effected as soon as possible. Where changes in legislation require changes to the policy, these will also be introduced as soon as possible.

Reviewing

The governing board will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.