



Igniting the Future' Deal Education Alliance Learning Trust



DEALT Multi Academy Trust Policy, Common Trust Policy,
Use as Published Complaints Policy.

Date adopted by Trust Board:

Date of Review: 23-04-2019

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Deal Parochial C.E.P. School

Our core Christian values are:

Kindness, Trust, Friendship, Respect, Courage, Forgiveness

Vision statement

**Our School is built on the teachings of the Bible and inspired by The Gospel
Values of Faith, Hope and Love.**

**Our Christian ethos is upheld by respecting humanity fostered through our
community that is welcoming, inclusive and forgiving.**

Together we flourish through courageous learning, friendships and generosity.

TO BE THE BEST THAT I CAN BE – THE WAY GOD INTENDS

Contents

1. Aims.....	3
2. Legislation and guidance.....	3
3. Definitions and scope.....	3
4. Principles for investigation.....	4
5. Stages of complaint (not complaints against the Head Teacher or a governor).....	5
6. Complaints against the Head Teacher or a governor.....	7
7. Referring complaints on.....	7
8. Persistent complaints.....	7
9. Record keeping.....	8
10. Learning lessons.....	9
11. Monitoring.....	9
12. Links with other policies.....	10

1. Aims

Deal Education Alliance Learning Trust is a member of DEAL Trust Limited (hereafter referred to as the DEALT). Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

As a Church Of England School, this policy has been written with a view to the School Vision and Values that the local governing body Team have agreed.

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
- 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 school website.

Please note that any reference to 'a school' within this document means an academy within the Trust

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

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".

The school will resolve concerns through day-to-day communication as far as possible.

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

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.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO)/Head Teacher]; they will then be referred to this complaints policy. Our [SEN policy and information report] includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

Complaints about our fulfilment of early years' requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against the Head Teacher or a governor)

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 Head Teacher as appropriate, 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.

Parents are always welcome to discuss any concerns with the appropriate member of staff, who will try to clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure to follow if the matter cannot be resolved informally.

The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name and contact address or phone number.

All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.

If the matter is brought to the attention of the Head Teacher, they may decide to address the complaint. If the complaint is against the Head Teacher, the parent will be advised to contact the Chair of the Local Governing Body.

The member of staff dealing with the concern will make sure the parent is clear on what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

Stage 2: formal investigation

The formal stage involves the complainant putting the complaint into writing, usually to the Head Teacher and/or the subject of the complaint. This letter 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.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The Head Teacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

The written conclusion of this investigation will be sent to the complainant within **20 working 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 chair of governors in writing within **10 working days**.

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 be appointed by the Trust and will consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member will be independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 9).

The panel will hear the complaint within 20 working days of receiving the request letter from the complainant. 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. 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 Chair or clerk of the review panel will write and inform the complainant, Head Teacher, any relevant witnesses and

members of the panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

At the meeting:

- The panel will decide on the format of the proceedings and at what point they will hear from the complainant and the Head Teacher
- The complainant will have the opportunity to present their complaint.
- The Head Teacher will explain the Academy's position.
- Panel members will have the chance to ask questions of the complainant and the Head Teacher.
The Head Teacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or she feels they have had a fair hearing.

After the meeting has closed, the panel must then put together its findings and recommendations from the case. The panel will also provide a copy of 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 trust and Head Teacher.

The Chair will inform those involved of the decision in writing within 15 working days.

The remit of The Complaints Appeal Panel

The panel can:

1. dismiss the complaint in whole or in part;
2. uphold the complaint in full or in part;
3. decide on the appropriate action to be taken to resolve the complaint;
4. recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which anyone sitting on a complaints panel needs to consider:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, due consideration will be given ensure that it is a cross-section of representation and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The members sitting on the panel must be aware of this complaints procedure.

6. Complaints against the Head Teacher or a governor

6.1 Stage 1: informal

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1.

6.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2. They will be appointed by the governing board, and will write a formal response at the end of their investigation.

6.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from DEALT and will carry out the steps at stage 3 (set out in section 6 above).

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school'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>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if (this list is not intended to be exhaustive):

- The school has taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of the school's position and their options (if any)
- The complainant is contacting the school repeatedly but making substantially the same points each time
- The complainant refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- The complainant refuses to accept that certain issues are not within the scope of a complaints procedure;
- The complainant insists on the complaint being dealt with in ways which are incompatible with the adopted

complaints procedure or with good practice;

- The complainant 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;
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- The complainant changes the basis of the complaint as the investigation proceeds; □
- The complainant seeks an unrealistic outcome;

The school will be most likely to choose not to respond if:

- They have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- Letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The complainant makes insulting personal comments about, or threats towards, school staff
- The complainant is using falsified information;

The complainant publishes unacceptable information in a variety of media such as in social media websites and newspapers.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Barring from the Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Academies will, therefore, act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the premises. In serious cases, the Head Teacher or the Trust can notify them in writing that their implied licence to be on the premises has been temporarily revoked subject to any representations that the parent may wish to make. The School will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed by the Trust Chief Executive Officer (CEO), taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

9. Record-keeping

The school 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 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 for 3 years (inline with your document retention schedules).

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 governing board, who will not unreasonably withhold consent.

10. Learning lessons

The Local Governing Body will review any underlying issues raised by complaints with the Head Teacher or senior leader where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Trust monitors the complaints procedure, in order to ensure that all complaints are handled correctly. The Head Teacher records all complaints and or allegations received and how these were resolved. This information is reported in the Head Teacher 's report to the Local Governing Body.

The Trust will take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is provided to all parents; through the prospectus, information given to new parents and the website, so that they can be adequately informed about the complaints process.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

