



Complaints Policy

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on behalf of YCAT Full Board

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on behalf of YCAT Full Board

Complaints procedure

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1. Introduction and aims

The Trust and its schools aim to provide an outstanding service to the children and families it serves and is committed to working in partnership with parents/carers. All staff in the Trust have high expectations and are continually trying to find ways to improve provision for our children. The Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

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

The Trust and its schools 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.

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)
- School re-organisation
- Matters likely to require a Child Protection investigation
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Services provided by external bodies using school's premises or facilities

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.

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 [class teacher/special educational needs co-ordinator (SENCO)/headteacher]; 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.

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 Trust and its schools expect 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.

Anonymous complaints will be investigated but only as far as it is possible and practicable. A record will be kept of anonymous complaints, actions taken to investigate and any outcomes.

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

Stage 1: Informal

The school will take all 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.

Parents/Carers should feel free to raise their concerns with the class teacher or other appropriate member of staff either in person or by letter, telephone or email. It is important that any concerns are raised as soon as possible to facilitate a speedy and satisfactory resolution. If the parent/carer is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 3 school days, and investigate and provide a response within 15 school days.

The informal stage will usually involve a meeting between the complainant and the head teacher or class teacher or other appropriate member of staff.

A written record will be made of the informal complaints received and any action taken.

If the concern is not resolved informally, it will be move to stage 2 as a formal complaint.

Exceptions: Any complaint which involves a claim for compensation or an allegation of misconduct about a particular member of staff should be put in writing to the headteacher. A complaint about the headteacher should be made in writing to the Chair of the Local Governing Body.

Stage 2: Formal

The formal stage involves the complainant putting the complaint into writing, usually to the headteacher. 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.

Receipt of the complaint will be acknowledged within 3 school days and will specify how and by whom the complaint will be investigated and the timescale within which a written response will be made.

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 15 school days.

Stage 3: Inform the Chair of the Local Governing Body

If the complainant is not satisfied with the response to Stage 2 and wishes to proceed to stage 3, or the complaint is about the head teacher, they should inform the Chair of the Local Governing Body in writing within 15 school days of receipt of the response to Stage 2.

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The Chair of the Local Governing Body will acknowledge receipt of the letter within 3 school days.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

The complainant will be advised that if they are dissatisfied with the outcome of Formal Stage 2, they should inform the Clerk to the Local Governing Body in writing within 15 school days of the receipt of the response to stage 3. The Clerk to the Local Governing Body will also inform the Clerk to the YCAT Board.

Stage 4: Review Panel

Complaints will move to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage. This is the final right of appeal.

The panel will be appointed by the Local Governing Body (The Local Governing Body may consult with the Chief Executive Office and/or Chair of the Trustees if appropriate). The panel will consist of at least 3 members, including 2 local governors who have no prior knowledge or involvement 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 Local Governing Body members, as they are not independent of the management and running of the school. The panel cannot include staff governors.

The panel will have access to the existing record of the complaint's progress (see section 9). The panel will meet within 20 school days of receiving the complaint and the complainant and the headteacher will be informed of the date, time and venue of the panel hearing. The complainant will be given reasonable notice (at least 5 school days) 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.

The panel will appoint its own chair. The chair of the panel will ensure that the appeal hearing is minuted.

The panel will consider the way the complaint has been investigated and handled by the school in the previous stages. However, the review should not entail a re-hearing or re-investigation of the case. 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 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 by the members of the review panel.

The panel must then put together its findings and recommendations from the case. The decision of the panel is final and will be communicated in writing to the complainant and the Headteacher within 3 school days.

6. Complaints against the headteacher or a local governor

Complaints made against the headteacher should be directed to the Chair of Local Governing Body (see section 5, Stage 3). Where a complaint is against the chair or any member of local governing body it should be made in writing to the Chief Executive Office of the Trust in the first instance.

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. Please note the ESFA cannot review or overturn a school's decision about a complaint. 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 and vexatious actions

If 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 the Local Governing Body (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 the school will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*

- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

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

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

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.

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 the General Data Protection Regulations, or where the material must be made available during a school inspection.

Records of complaints will be kept for 6 years.

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

Where the local governing body 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 local governing body, who will not unreasonably withhold consent.

10. Learning lessons

The Local Governing body will review any underlying issues raised by complaints with the headteacher, 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 local governing body and the Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The local governing body will track the number and nature of complaints, and review underlying issues as stated in section 10. The nature and number of complaints will be reported on a termly basis to the Clerk to the Trust Board.

The complaints records are logged and managed by the headteacher or appropriate member of staff nominated by the headteacher.

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

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
- Records Management