



# Community Schools Trust

## MAT Policy Front Sheet

Policy:	Complaints Policy
MAT board:	Finance and Personnel
Date adopted by board:	November 2017
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Version number:	3

## Log of Changes

Version no.	Date	Initials	Note of change(s) made

## CST Ethos and Objectives

All policies within the trust must serve to further our ethos and objectives, summarised below.

Our ethos:

- We have the highest possible ambition for educational success in our area and aim to raise achievement for all.
- We expect all members of each school community to challenge each other to reach high standards and to never accept mediocrity.
- We are committed to improving the life chances of all students.
- We believe our schools should stand at the centre of their communities and work with closely with parents.
- We believe in providing a disciplined, safe and structured school environment with open and regular lines of communication between all stakeholders.
- We aim to nurture a strong culture of learning in our area and encourage the participation of local communities and stakeholders in shaping the education we offer.
- We offer a broad, balanced and stretching curriculum for all with a strong focus on the acquisition of skills for learning, literacy, numeracy, social and cultural development, employment and citizenship.

Our objectives:

- We expect staff and students to share a commitment to personal growth and a belief in human potential
- We want all pupils to make better progress than their peers nationally.
- We want all lessons to provide effective feedback to students so that they know how to improve, are fully engaged and are applying basic skills appropriately.
- We want strong leadership from governors, senior leaders, middle leaders, teachers and students alike.
- We want effective systems across all schools in the trust to be in place to support the good order and success of all schools.
- We want all schools in the trust to become autonomous, self-improving organisations that can drive continual improvement.

- We want all schools in the trust to be judged good or outstanding by Ofsted

## **Complaints Policy**

### **1.0 General**

Complainants can be parents or carers of pupils registered at a school, a member of the wider community, or someone representing an ex-pupil.

### **2.0 Investigating complaints**

We will ensure that at each stage, the person investigating the complaint:

- Establishes what has happened so far
- Identifies who has been involved
- Understands the nature of the concern or complaint
- Knows what issues remain unresolved
- Contacts the complainant to establish and clarify information
- Speaks to or interviews those involved as required
- Conducts meetings with an open mind
- Keeps accurate records of the complaint including notes of any meetings or discussions
- Makes reasonable adjustments to hear the complainant fairly, for example where the person's first language is not English.

### **3.0 Resolving complaints**

CST will acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):

- An apology
- An explanation of what actually happened (clarification of the facts)
- An admission that the situation could have been handled differently or more appropriately
- An assurance that the event complained of will not reoccur
- An explanation of action taken by the school to ensure that the event will not happen again
- An undertaking to review school policies in light of the complaint
- A written record will be kept and made available to the complainant outlining whether the complaint was dealt with informally or taken to panel.

### **4.0 Dealing with vexatious or unreasonable complaints**

If, despite all stages of the procedures having been followed, the complainant continues to be dissatisfied or if the complainant tries to reopen the same issue, the Chair of the Local School Board is able to inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and the school will then recourse to its procedures for unreasonable complaints which is an annexe to this policy (see annexe 1)

If a complainant raises a new, separate complaint, it will be responded to in accordance with the school complaints procedure.

### **5.0 Exclusions to the Policy and Exceptional Circumstances**

An anonymous complaint will only be investigated in very limited and exceptional circumstances. A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances. Exceptional circumstances typically include:

- Child protection issues
- Bullying allegations
- Gross misconduct

In such cases, the school may either involve appropriate external agencies and/or conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of the school's complaints procedure. Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan, they should contact the London Borough of Newham. This is in accordance with the SEND Code of Practice.

## **6.0 The 4 Stage Complaints Procedure**

### **6.1 Stage 1 – Informal Stage**

In the vast majority of cases, a concern can and should be resolved by the complainant contacting an appropriate member of staff. This may be the subject teacher, head of learning, form tutor or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant will receive a response from the designated staff member within 5 school days of making the complaint.

If this does not lead to a resolution of the problem then the concern or complaint will be referred to the next stage of the process which is the commencement of the formal process.

### **6.2 Stage 2 – Formal Stage**

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should put their complaint in writing to the Headteacher who will deal with it formally at Stage 2.

Where the Headteacher or a Local School Board Member is the subject of the complaint, the complainant should be advised to address it to the Chair of the Local School Board. If the complaint is being dealt with by the Chair of the Local School Board, this will bypass Stage 2 and go to Stage 3 of the formal procedure and be heard by the Chair of the Local School Board.

The complainant should ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They should also attach any evidence to support their concerns.

The Headteacher will acknowledge the complaint within 5 school days of receiving the complaint by writing to the complainant. The acknowledgement should state a further communication will follow, within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The Headteacher may delegate to another senior member of staff the responsibility for the investigation and instructions to resolve the matter. All notes relating to the investigation will be kept on file. The member of staff investigating may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.

Once satisfied that the investigation has been concluded and a decision has been reached, the Headteacher (or an appropriate member of staff such as a Deputy) must notify the complainant in writing of the conclusion and any actions that will be taken as a result.

### **6.3 Stage 3**

If the complainant is dissatisfied with the response from the Headteacher at Stage 2 they should be advised to put their complaint in writing to the Chair of the Local School Board for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint, and the desired outcome they seek. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

The Chair of the Local School Board must write to the complainant within 5 school days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Chair of the Local School Board will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of the Local School Board will notify the complainant in writing of the conclusion.

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld

#### **6.4 Stage 4**

If the complainant is dissatisfied with the response from the Chair of the Local School Board (or Vice-Chair) at Stage 3 or the complaint concerns a Trust Board Member, they should be advised that the next stage is to put their complaint in writing to the Chair of the MAT Board at Stage 4.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days of receipt

The complaint will be considered by a panel of at least three board members who form a complaints appeal panel consisting of at least three members. The panel must be independent and impartial. No board member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must be sensitive to the issues of race, gender and religious affiliation. If appropriate, the panel may be made up of board members from another school or from the Trust Board to ensure one panel member is independent of the management and running of the school.

The panel will convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk will be appointed to take notes of the meeting and records will be kept.

The Headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the Local School Board. Therefore the remit of board members' consideration of a complaint about a matter of internal organisation and control will be as to whether the Headteacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Head Teacher. The complainant is allowed to attend the panel hearing and be accompanied if they wish.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whomever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint.
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the panel:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Recommend changes to school systems or procedures to ensure that similar do not occur.

In all cases, an outcome letter with a copy of the findings and recommendations will be sent to the complainant and, where relevant, the person complained about within 20 school days of the meeting. Correspondence, statements and records relating to individual complaints must be kept confidential, except where the Secretary of State requests access to them.

## **7.0 Further information**

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedure. If the complainant is dissatisfied with the process, they are able to contact the Secretary of State for Education at the following address:

The Secretary of State for Education,  
 The School Complaints Unit (SCU)  
 Department for Education  
 2<sup>nd</sup> Floor, Piccadilly Gate  
 Manchester  
 M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint.

## **8.0 Links to other policies**

CST expects staff and students to comply with all internal policies and procedures. Where these have not been followed, a complaint may be raised using the guidance contained in this policy.

## Policy and Procedure for Unreasonable Complainants

Community Schools Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Community Schools Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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;
- 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 including referral to the Department for Education;
- seeks an unrealistic outcome;
- 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 by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or 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.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local School Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact a school in the Community Schools Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from a school or schools in the Community Schools Trust.

### **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools 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 school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Parents' will be given the opportunity to formally express their views on the decision to bar in writing.