



Complaints Procedure

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INTRODUCTION

The Trustees of The Fallibroome Trust are committed to ensuring that the highest standards are maintained at Trust schools both in the provision of education to pupils and in every other aspect of running 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 by the Trustees 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. A concern might be defined as a cause of worry, which can be routinely dealt with through contact with a form tutor or class teacher and could be about issues such as a query about the amount of homework set or an incident in the playground. A complaint might be defined as an expression of dissatisfaction about actions taken or a lack of action. This dissatisfaction might be about educational matters e.g. a lack of a pupil's progress, the quality of teaching, disciplinary matters or sanctions imposed by the school.

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 possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern or complaint informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

Our formal procedures are invoked when initial attempts to resolve an issue are unsuccessful and the person raising the concern or complaint remains dissatisfied and wishes to take the matter further.

PURPOSE

This policy aims to:

- Outline the procedure to be followed for all Fallibroome Trust complaints

GOVERNANCE

The Local Governing Body of each school is a committee of the Fallibroome Trust. The Local Governing Body will adopt and comply with all policies communicated by the Trustees of the Trust. The Local Governing Body is responsible for setting out the policies and practices for staff. The Local Governing Body may delegate these matters to:

- The Principal/Headteacher;
- A sub-committee of the Local Governing Body; or
- A sub-committee and the Principal/Headteacher.

Where this procedure refers to the Local Governing Body representative this can be any one of the above.

SCOPE

This policy covers all complaints against the school by external persons/parties that do not have an alternative statutory avenue of complaint or formalised process. All complaints will be kept confidential unless it is necessary to involve parties and will be dealt with as quickly as possible.

Specific policies and procedures exist for dealing with complaints about:

- The curriculum
- Child Protection Issues
- Admissions and Exclusions
- SEN
- Complaints from staff through the grievance or other personnel policies
- Whistle blowing
- Complaints about services provided by other providers who use school premises or facilities; these should be dealt with under the external provider's own complaints procedure.

Where complaints make allegations of misconduct against members of staff, this Complaints Procedure may be superseded by use of the Staff Disciplinary Procedure or other appropriate process or policy. In this instance, any disciplinary action by the school against a member of staff 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.

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Chair of the Local Governing Body 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 this procedure.

LIMITATIONS

Formal complaints must be submitted within twelve months of the incident in question unless these concerns relate to potential criminal behaviour, or the complaint is triggered following the receipt of examination results.

Non-parental complaints (where the complainant is not a parent / carer of a pupil or former pupil) do not fall within the scope of this policy, however, schools will still handle such complaints respectfully and expediently. Formal complaints from families who have left the school community will no longer be eligible for consideration after twelve months have lapsed following the end of the

summer term in the year of their departure, unless these concerns relate to potential criminal behaviour.

Attempts to link a recent incident to other issues going back several months or years must be carefully substantiated.

The Trust reserves the right to regard the repeated submission of complaints as vexatious (see separate section below).

OBJECTIVES AND TARGETS

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- 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 reviewed and, where necessary, improved

PROCEDURE

Within the Fallibroome Trust, the Chief Executive Officer (CEO) has overall responsibility for the operation and management of the school's complaints procedure. In practical terms, the CEO will nominate the Principal/Headteacher as complaints co-ordinator to deal with matters on a day-by-day basis and hold records relating to any complaints received. If the complaint is about the specific action / inaction / conduct of the Principal/Headteacher, this will be dealt with by the CEO and Chair of the Local Governing Body. In the event that the complaint is about the CEO, this will be dealt with by the Chair of the Board of Trustees.

It is expected that attempts will be made to resolve difficulties informally with the class teacher/form teacher/head of year/tutor before being referred to the Principal/Headteacher. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage. If any substantial complaint is made to a member of staff by a parent it should 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.

Whenever a formal complaint is received, it will be investigated. At each stage, the person investigating the complaint will make sure that they:

- Establish what has happened so far and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant where the complainant is agreeable to
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning; and
- Keep notes of the interview.

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 unlawful or negligent action.

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.

STAGE 1 – INFORMAL – COMPLAINT HEARD BY STAFF MEMBER

In this stage, the class teacher / form tutor/ tutor (but not the subject of the complaint or a governor) will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher / form tutor or tutor. The complaint will be dealt with within five school days. However, if the complainant wishes to take the matter further, they are requested to inform the school in writing via the "make a complaint" section of the school's website, email or by post within five school days. The Principal/Headteacher will be informed, and stage 2 will be implemented.

STAGE 2 – FORMAL – COMPLAINT HEARD BY PRINCIPAL/HEADTEACHER

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

- The complainant should put the complaint in writing via the "make a complaint" section of the school's website, email or a letter to the Principal/Headteacher.
- The Principal/Headteacher, or a designated member of the school's leadership team, will investigate the circumstances of the complaint including meeting with the complainant 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 consider these details.
- The Principal/Headteacher or designated member of the school's leadership team will consider the complaint. It will be the Principal/Headteacher who will decide on the action required. They will respond to the complainant with the outcome of the investigation, normally within ten school working days of meeting with the complainant. The response may be in writing or by e-mail or at a further meeting with the complainant followed by written confirmation of the outcome.

Note: If a complaint concerns the conduct of the Principal/Headteacher, stage 2 of the complaints procedure will be led by the CEO, or their Deputy, and Chair of the Local Governing Body. If the complaint concerns the CEO, Deputy CEO or a member of the Local Governing Body then stage 2 of the complaints procedure will be led by the Chair of the Board of Trustees of the Fallibroome Trust. A complaint concerning the Board of Trustees of the Fallibroome Trust should be sent to the clerk to

the board who will determine the most appropriate course of action depending on the nature of the complaint.

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 or if the complainant considers that the school's procedure has not been followed correctly. The period in which any appeal must be lodged in writing is five school days, unless there are exceptional circumstances which delay the appeal.

Any such request by a complainant should be addressed to the Clerk to the Local Governing Body for the attention of the Chair of the Local Governing Body and the Governors' Complaints Appeal Panel will be convened. If the complaint concerns the CEO or a member of the Local Governing Body, the appeal should be sent to Clerk to the Board of Trustees who will determine the most appropriate course of action.

STAGE 3 – FORMAL – GOVERNORS' COMPLAINTS APPEAL PANEL MEETING

When the Clerk of the Local Governing Body receives the request for the Governors' Complaints Appeal Panel to meet:

- The complainant will be informed within five school days by the clerk of the new timescale for the investigation. (Note: the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed fourteen days, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.)
- A Governors' Complaints Appeal Panel will be assembled comprising three members, none of whom has any previous connection to the complaint, and one of whom will act as Chair for the meeting. One of the panel members will be independent and will not be involved in the management and running of any school within the Fallibroome Trust. The meeting will additionally have a Clerk in attendance.
- The Clerk will write to the complainant, the Headteacher, the Chair of the Governing Body and Appeal Panel members giving details of the meeting and requesting copies of any documents to be put before the meeting. The school or the complainant may choose to invite witnesses but neither party can compel any individual to attend.
- The Clerk will inform the complainant of the right to be accompanied by a friend.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. 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.

A template of key points to discuss and to help form the agenda of the meeting is included in **Appendix A** of this document.

After the hearing the Clerk will offer a copy of the report summarising the hearing and outcome of the meeting to all parties involved in the panel hearing within five school working days and provide an opportunity for the minutes to be agreed and, if necessary, challenged within five school days so that no additional complaints will arise because of the record of the meeting.

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 electronic mail 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, despite following appropriate procedures, the complainant remains dissatisfied and they wish to take the complaint further, they must complete the form available on the DFE's website and the complaint will be directed to the Education and Skills 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 Secretary of State.
- That the policy meets all legal requirements.

We will keep a copy of all correspondence and notes on file in the academy's records but separate from pupils' personal records, for one year after your child has left the academy. This may be made available for inspection by the Trust and or the Headteacher (where s/he is not the subject of the complaint).

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

Records will indicate:

- a) whether the complaint has been resolved at an informal stage or proceeded to a Complaints Panel Hearing
- b) action taken by the school as a result of those complaints (regardless of whether they are upheld)

DFE Guidance for complaining about a school may be found here:

<https://www.gov.uk/complain-about-school>

VEXATIOUS COMPLAINTS

The Trust is committed to dealing with all complaints transparently, fairly and in line with its published procedures. All complainants have the right to be heard, understood and respected. However, where complaints are serial, persistent and/or unreasonable, they may be considered vexatious. Examples include:

- Making excessive demands on the time and resources of staff whilst a complaint is being investigated, for example by excessive telephoning or sending emails to numerous staff, writing lengthy complex letters or emails every few days or sending excessive information for review.
- Expecting immediate responses or resolutions to communication (staff have teaching commitments and are usually unable to respond immediately)
- Repeatedly changing the substance of the complaint and/or raising unrelated concerns
- Making unsubstantiated allegations or inflammatory accusations against staff.
- Refusing to accept the decision - repeatedly arguing the point and complaining about the decision after the process has been concluded.
- Putting pressure on school staff to comply with demands that are clearly unreasonable
- Refusal to accept that issues are not within the remit of a complaint procedure or demanding outcomes which the complaint procedure cannot in itself provide.

The Chair of Governors will determine whether or not a complaint, or series of complaints is vexatious, usually on recommendation from the Chief Executive Officer (CEO) or their Deputy.

Where a complaint is determined to be vexatious, the Headteacher / Principal may agree with the CEO/Deputy CEO to:

- Limit the scope of the complaint they are responding to
- Limit the contact with the complainant to specific times and frequencies
- Cease all further communication about the issue, particularly where the complaints procedure has already been fully exhausted.

Should this happen, the complainant will be notified as to:

- the reason the decision to limit the procedure / responses / contact has been taken
- what it means for his or her contacts with the school/trust;
- how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

HARASSMENT AND ABUSE

The Trustees 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 from a complainant such as harassment, personal threats, derogatory personal remarks, 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.

APPENDIX A: GOVERNORS' COMPLAINTS APPEAL AGENDA AND KEY POINTS

The Governors' Complaints Appeal Panel needs to consider the following points, these points will help the clerk to publish an agenda in advance of the meeting:

- The hearing is as informal as possible.
- Any documents must be circulated to all parties in advance of the hearing; documents tabled at the hearing will not be accepted. These documents will be detailed on the agenda
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. This will be clearly detailed on the agenda
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal/Head teacher may question both the complainant and the witnesses after each has spoken.
- The Principal/Head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal/Head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal/Head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.