Complaints Policy & Procedure

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1. Introduction

Discovery Trust and schools are committed to maintaining strong and productive partnerships with parents/carers, pupils and other members of the community.

This policy describes the principles for complaint resolution and the procedure that will be followed when a concern or complaint is raised.

For complaints against the Trust, a member of the central team, a trustee or the Trust board as a whole, please refer to Appendix 5. Where a complaint concerns a local advisory board member, the complainant should contact the Trust clerk at clerk@discoverytrust.org. The clerk will then determine the most appropriate course of action, seeking advice from the Director of Governance & Compliance, as appropriate. This will depend upon the nature of the complaint.

Our policy is to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint;
- make sure employees know what to do if a complaint is received;
- make sure all complaints are investigated fairly and in a timely way;
- make sure that complaints are, wherever possible, resolved and that relationships are repaired;
- gather information which helps us to improve what we do.

Where any concerns are raised, we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through day-to-day communication between parents and staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

Some complaints might be dealt with in other policies, for example, complaints involving pupil admissions, child protection or pupil exclusion. A full list of issues excluded from the scope of this procedure can be found in Appendix 6.

All references to 'headteacher' in this procedure include 'principal', 'executive headteacher' or 'head of school', depending on what leadership arrangements are in place in the school at the time of the complaint.

2. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, if they have appropriate consent to do so.

In accordance with equality law, we will make reasonable adjustments to enable complainants to access the complaints procedure, for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

For ease of use, a template complaint form is included in appendix 1. Assistance with completing this form can be obtained from the school office or a third-party organisation like the Citizens Advice.

3. Anonymous complaints

We will not normally investigate anonymous complaints. However, the recipient of the complaint will determine whether it warrants an investigation.

4. Timescales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The **school** will consider complaints made outside of this time frame only if the Chair of **the Advisory Board and** Headteacher, having taken advice, are of the view that exceptional circumstances apply.

All timescales in this procedure refer to school working days, for the relevant **school**, excluding school holidays, In Service Training (Inset) days and bank holidays.

Any complaints made outside of term time will be considered to have been received on **the first day of school after the holiday period.**

5. Resolving complaints

At each stage in the procedure the person(s) hearing a complaint will keep in mind ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is upheld in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of what steps have been taken to ensure that the situation will not happen again;
- an undertaking to review policies in light of the complaint; or,
- an apology.

It is useful if complainants can state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

6. Complaints Procedure

The complaints procedure provides an informal and formal route to resolving a complaint, in summary there are four stages:

Stage 1: Informal concern raised with a staff member
Stage 2: Formal complaint to the Headteacher/Trust
Stage 3: Formal complaint to the Chair of the Advisory Board
Stage 4: Formal complaint to the Complaints Appeal Panel

How each of these stages operates is explained below

6.1. Stage 1: Informal concern raised with a team member

Most concerns can be resolved at an early stage with a conversation with the relevant member of staff.

For parents/carers, this would normally be the class teacher. Class teachers are available at the start and end of the day, or it may be more appropriate to make an appointment so that more time can be given to address the concern. Appointments can be made through the school office.

The complainant will be kept fully informed of actions put in place to resolve the concern. In most cases, it is anticipated that concerns will be resolved quickly, generally within **5 school days**. However, there may be

circumstances where additional time to implement and review the effectiveness of any action is required. In these circumstances, the complainant will be advised, and a new time limit confirmed.

If the complainant is not satisfied with the informal resolution, they can make a formal complaint to the Headteacher (Stage 2). A formal complaint must be made within **10 school days** of the outcome of the informal stage. A copy of the formal complaint form in Appendix 1 will be forwarded to the complainant for completion and return, together with a copy of this Complaints Policy.

6.2. Stage 2 – Formal complaint to the Headteacher

This stage deals with written complaints. It applies where the complainant is not happy with the informal approach to dealing with the concern, as outlined above.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher) by completing the complaints form located in Appendix A.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The Headteacher will investigate the complaint and make every effort to resolve the issue. The Headteacher may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the Headteacher may delegate responsibility for investigating the complaint to a member of the senior management team within the school. In those circumstances the Headteacher will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Appendix 4 for further information about conducting an investigation.

Following the investigation of the complaint, the Headteacher will write to the complainant with a formal response within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in the event the complainant is not satisfied with the response.

Where a formal complaint concerns the Headteacher, it will be referred directly to the Chair of the Advisory Board for investigation under Stage 3 of the Complaints Procedure.

6.3. Stage 3: Formal complaint to the Advisory Board

If the complainant is not satisfied with the response to the complaint at Stage 2, the complaint should be made to the Advisory Board within **10 school days** of the date of the Stage 2 response.

The complaint should be made in writing and addressed to the Chair of the Advisory Board, via the school, marked “private and confidential”. The complaint should include the original complaint form, the letter concluding Stage 2 and details as to why the complainant is not satisfied with the outcome. The complainant should also set out the actions they feel would be necessary to resolve the complaint.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

A member of the Advisory Board, usually the Chair, will investigate the complaint and make every effort to resolve the issue. The Chair may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the Chair may delegate responsibility for investigating the complaint to an investigating officer. In those circumstances, the Chair will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Appendix 4 for further information about conducting an investigation.

Following the investigation, the Chair will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure should the complainant not be satisfied with the response.

6.4. Stage 4: Formal complaint to the Complaints Appeal Panel

If the complainant is dissatisfied with the outcome at Stage 3 they can request a complaints appeal panel hearing.

A request for a hearing before the complaints appeal panel must be put in writing to the Clerk to the Advisory Board within **10 school days** of the stage 3 decision being communicated. If no request for an appeal panel hearing is received within the 10 school days, it will be deemed that the decision is accepted, and the complaint will be closed (unless there are exceptional circumstances to explain the delay).

If an appeal is requested, the Clerk will acknowledge the appeal within **5 school days** of receipt of the request and make the necessary arrangements. They will aim to convene a meeting within **25 school days** of receipt of the complaint panel request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. The panel will not normally sit during school holidays.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk will decide when to hold the meeting. It will then proceed on the basis of written submissions from both parties.

The Clerk will write to the complainant to inform them of the date of the meeting. The clerk will ask the complainant to provide details of the appeal and any relevant supporting documentation.

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 appeal panel by both parties at least **5 school days** before the appeal panel hearing. The appeal panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The appeal panel will not accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Appointment of the complaints appeal panel

The complaints appeal panel will comprise at least three people who are not directly involved in the matters detailed in the complaint, have not been involved in dealing with the complaint in the previous stages and do not have any detailed prior knowledge of the complaint.

At least one of the panel members will be independent of the management and running of that school. For the avoidance of doubt, an Advisory Board Member from another Trust school may be the independent complaint panel member, as long as they are not an employee of the school or the Trust.

The complainant will be invited to attend the panel hearing and may be accompanied by another person, for example a relative or friend. Representatives from the media or legal professionals are not permitted to attend.

Parties who are subject of the complaint can attend but are not required to (this is for them to decide). Where they do not attend, the panel should consider how they could contribute effectively, for example by using a written statement, ensuring they still respond to any questions the complainant wishes to ask them.

The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (the person who investigated it).

The Panel hearing will be professionally clerked.

The remit of the Complaints Appeal Panel

The aim of the hearing is for the panel to review the decision reached at Stage 3 with the aim of resolving the complaint and to achieve reconciliation between the parties. The panel will review the complaint and make their findings and recommendations. They will decide if:

- the complaint investigation process was carried out fairly
- the outcomes were reasonable
- any more can be done to help resolve the issue

The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

Appeals procedure

The Complaints Appeal Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and headteacher/schools' representative will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The headteacher /schools' representative and panel will question the complainant.
5. The headteacher /schools' representative will explain the school's actions.
6. The complainant and panel will question the headteacher. /schools' representative
7. Any witness for the school gives their account and answer any questions.
8. The complainant will sum up their complaint.
9. The headteacher /schools' representative will sum up the school's actions.
10. The chair will explain that both parties will hear from the panel within 5 school days.
11. Both parties will leave together while the panel make their decision.
12. The clerk will stay to assist the panel with its decision making.

The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

Decision of the Complaints Appeal Panel

The Panel can:

- dismiss the complaint in whole or in part; or,
- uphold the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint; and,
- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The complainant will be notified in writing of the panel's decision, usually within **5 school days**. The letter will confirm the panel's findings and recommendations and will confirm the end of the complaints procedure and will explain further right of external appeal.

A copy of the panel findings and recommendations will be provided to the school for inspection.

Further information about the Complaints Appeal Panel, including the roles and responsibilities of the clerk and the logistics of the panel meeting is available in a separate panel guidance document.

7. Further right of appeal

The panel hearing is the final stage for any complaint within the school and Trust but, if the complainant believes the complaint was not handled in accordance with the published complaints procedure or that the school/Trust acted unlawfully or unreasonably in the exercise of their duties, they can contact the Department for Education (DfE)

The DfE has limited powers, they will consider whether the school/Trust followed the correct process, they will not investigate the decision. To refer a complaint to the DfE please visit: https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy

8. Closure of complaints

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. The complainant will be notified in writing that the procedure has been completed and that the matter is closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as persistent and there is no obligation on the part of the Trust or school to respond.

In addition, there may be occasions when a complaint is made about a matter which is deemed trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure. The school reserves the right to refuse to investigate such a complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where a complainant's behaviour is causing a significant level of disruption, a tailored communications strategy may be implemented, such as restricting the method of communication or putting in place a single point of contact. In these scenarios, the unreasonable complaints policy will be followed. **Please see Appendix 3 for more information on handling unreasonable complainants.**

9. Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject. Depending on the subject in question, the school may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school's website (as applicable).

10. Withdrawal of a complaint

A complainant may withdraw their complaint at any time during the process and should confirm this in writing.

11. Confidentiality and record keeping

All complaints must be treated in the strictest confidence. All documentation relating to a complaint, including correspondence, statements and records will be kept confidential except where access is requested through a statutory power.

Information relating to a complaint will be handled sensitively, telling only those who need to know and following any relevant data protection requirements. Should a complaint relate to a member of staff, then that person shall be advised of the complaint made against them, unless there is an overriding reason why this would be inappropriate.

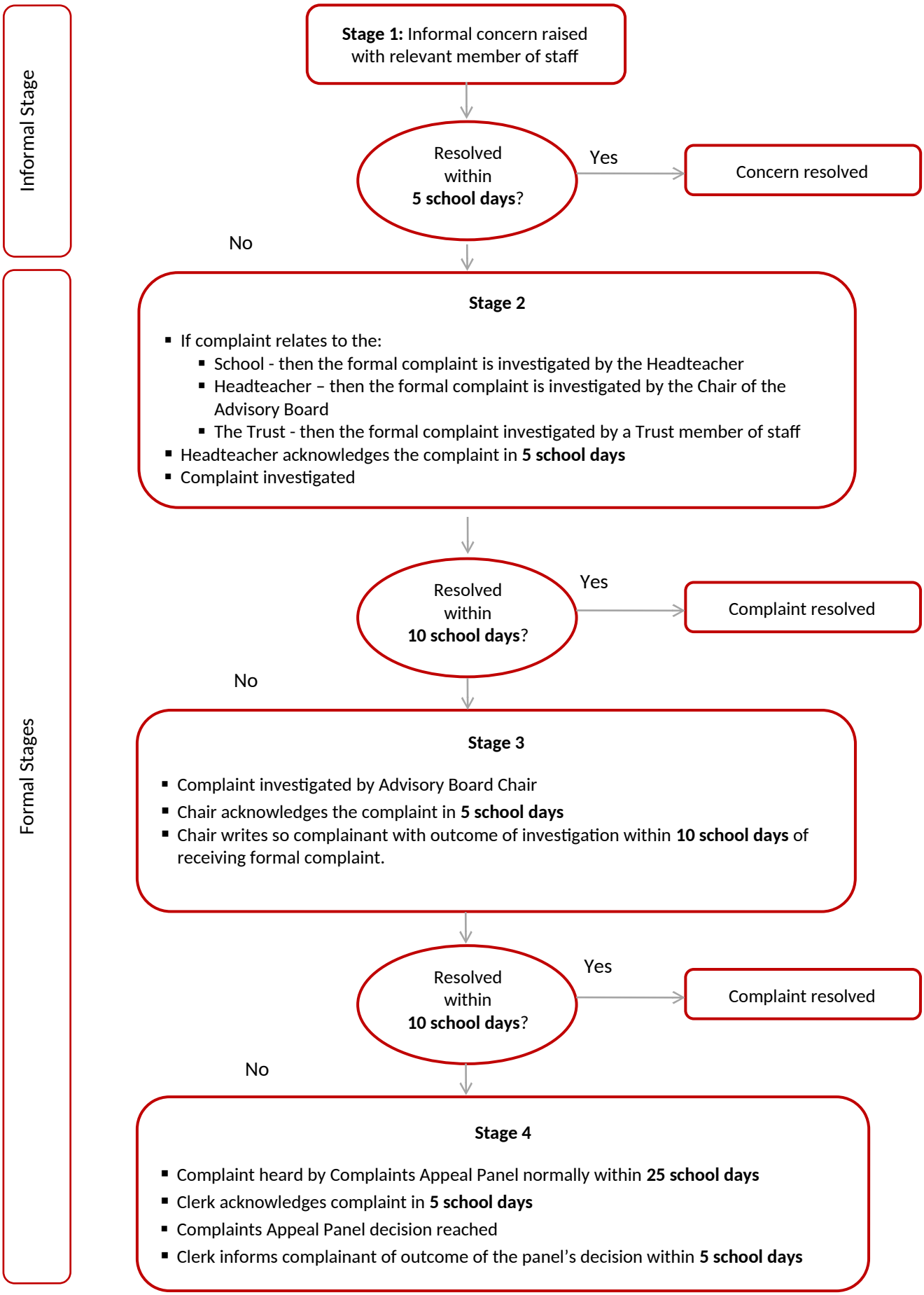
The school must keep a record of all formal complaints, the actions taken to resolve the complaint and the stage at which it was resolved. These records will be kept only for as long as is considered to be reasonably necessary in the circumstances.

Appendix 1: Complaint Form

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Day time telephone number: **Evening telephone number:**	
Please state whether your complaint concerns a school (if so, please name the school) or the Trust.	
Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated.	
What action, if any, have you already taken to try and resolve your complaint? i.e., whom have you spoken to and what was the outcome?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature: **Date:**	

Official use			
Date received:		**Date acknowledgement sent:**	
Received by:		**Sent by:**	
Complaint referred to:		**Date:**	

Appendix 2: Complaint Flowchart



Appendix 3: Policy for Handling Unreasonable Complainants

Our Trust is committed to dealing with all complaints fairly and impartially. We will not normally limit the contact complainants have with the Trust or one of our schools. 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.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust/school, such as, if 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.
- 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 complaint's 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.
- 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 Education and Skills Funding Agency.
- 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/or by telephone while the complaint is being dealt with.
- uses threats to intimidate.
- uses abusive, offensive, or discriminatory language or violence.
- knowingly provides falsified information; or publishes unacceptable information on social media or other public forums.

Complainants should limit the number of communications with the Trust/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 senior Trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher or senior Trust member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

If the behaviour is not modified the school inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable and outlining the arrangements that will be put in place for further communication.

For complainants who excessively contact the Trust/school 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 six 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 barring an individual from the Trust or school premises.

Appendix 4: Investigation procedures for formal complaints

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within 10 school days of receipt of the written formal complaint.

Principles of Investigating a Concern or Complaint

The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy and is familiar with the procedure.
- Is aware of the time limits that apply to the relevant stage to ensure compliance.
- Establishes the nature of the complaint and what issues remain unresolved.
- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right.
- If necessary, interviews those involved in the matter, for example the Complainant, pupils, and members of staff, including those complained about.
- Where pupils are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Allows pupils and those complained about to be accompanied during interviews, if they wish.
- Keeps a written record of the interview and asks the interviewee to sign and date it.
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these.
- Provides an effective response to the complaint, which will include the following information:
    - a brief summary of the complaint/concern
    - a brief outline of the process that has been followed
    - the outcome of the investigation
    - the reasons for that outcome, unless confidentiality would be compromised
    - any recommendations for future action
    - information as to the next stage of the procedure in case the complainant is not satisfied with the response.

Appendix 5 - Raising a Complaint Against the Central Trust, a Member of Central Team Staff, or a Trustee

Complaints relating to the Central Team of Discovery Trust, to a central Trust policy or to a trustee, or the Trust Board as a whole will be handled in line with the principles of this policy. Every effort will be made to resolve the complaint informally, but if you remain dissatisfied you should address your concerns in writing to the Trust's Director of Governance & Compliance, marked private and confidential to headofgovernance@discoverytrust.org.uk.

Upon receipt of the completed complaints form at stage 2, the Director of Governance & Compliance will identify an appropriate member of staff to investigate the complaint.

A complaint about the CEO or a trustee, will be referred to the Chair of the Board of Trustees. In the event the complaint is about the Chair of the Board of Trustees or the whole Board, the Director of Governance & Compliance will arrange an appropriate investigation.

The complaint will be acknowledged within 5 working days of receipt of the written formal complaint confirming the name of the individual investigating the complaint.

The complaint will be investigated, and every effort made to resolve the issue. A meeting may be arranged with the complainant to clarify details of the complaint

Following the investigation of the complaint, the complainant will receive a formal response confirming the outcome of the investigation within 10 working days of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

If the complainant remains dissatisfied with the findings of Stage 2, they have the right to request a hearing with a panel of two trustees and an independent member. Where the complaint involves Trustees or the Trust Board entirely, an independent panel will hear the complaint at this stage.

Appendix 6 – Complaints subject to statutory procedures

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with, which lie outside this procedure. This includes:

- pupil admissions
- pupil exclusions
- statutory assessments of special educational needs and education health and care plans
- appeals relating to internal assessment decisions for external qualifications
- disciplinary issues relating to members of staff
- matters likely to require a child protection investigation
- national curriculum content
- complaints about services provided by other providers who may use school premises or facilities
- school re-organisation proposals
- staff grievances
- staff conduct issues

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

The Headteacher will in most cases determine which if any of these statutory procedures apply. If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure should be suspended until the statutory procedure has been concluded.