



Twyford
C of E
Academies Trust

| | |
|---|---|
| Document Title | Complaints Procedure |
| Committee Responsible for Policy | Board of Directors |
| Review Frequency | Every 3 years |
| Last Reviewed | November 2010 Updated June 2018 May 2019 |
| Next Review Due | May 2022 |
| Policy Author | Head Clerk |

Assessment of the Impact of a Policy on Equality & Diversity

| | |
|---|----------------------|
| Policy: Complaints Policy | |
| Impact assessed by: V Drake | Date: 26/4/17 |
| <p>1. What is the potential for this policy impacting a person or group with a protected characteristic differently (favourably or unfavourably) from everyone else?</p> <p>Complaints from protected groups could be treated less favourably.</p> | |
| <p>2. How would this be evidenced?</p> <p>Monitored through feedback from complainants.</p> | |
| <p>3. Is there evidence that the operation of the current policy might impact a person or group with a protected characteristic differently from everyone else?</p> <p>NO</p> | |
| <p>4. If the answer to 3 is 'Yes', please provide details and evidence.</p> | |
| <p>5. How might the new policy change this?</p> | |
| <p>6. Are there any other changes to the policy which might impact a group with a protected characteristic differently from everyone else?</p> <p>NO</p> | |
| <p>7. If the answer to 6 is 'Yes', please provide details and evidence.</p> | |
| <p>8. Policies are required to reduce or eliminate inequality and disadvantage and promote diversity. Does this assessment indicate that the Policy passes or fails this test?</p> <p>PASS</p> | |

Complaints Procedure

1 Background

This document is based on the standard complaints procedure set up by the London Diocesan Board for Schools – LDBS.

- Parents should follow the procedure described in Section 3 below.
- Complaints made by people other than parents should initially be raised with the Director of Finance & Operations for informal resolution. If this is not possible then the formal procedure described in Stage 2 of Section 3 below should be followed.

Twyford C of E Academies Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Directors of Twyford Academies Trust have approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

The Trust's Complaints Procedure is devised with the intention that it will: -

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Treat complaints confidentially
- Allow problems to be handled swiftly
- Inform future practice so that a problem is unlikely to recur
- Reaffirm the partnership between parents, staff and governors as we work together for the good of pupils in the Trust schools
- Ensure that the Trust's attitude to a pupil will never be affected by a parental complaint
- Discourage anonymous complaints
- Actively encourage strong home-school links
- Ensure that any person complained against has equal rights with the person making the complaint
- Be regularly reviewed

Which Procedure do I need?

The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the Clerk to the Governors' Office.

- Pupil admissions; *please see school's admissions policy*
- Pupil exclusions; please see the Trust's behaviour policy
- Staff grievance, capability or disciplinary; *these are covered by the Trust's grievance/disciplinary/capability procedure*
- Where the complaint concerns a third party; *please complain directly to the third party themselves*
- Anonymous complaints; *please refer to the Whistleblowing Policy*
- Subject Access Requests and Freedom of Information Requests; *please see the Trust's Data Protection and Freedom of Information policy.*
- **All other complaints, please use Complaints Procedure**

Raising Concerns

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of Data Protection Law. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Trust's safeguarding policy. (*Available on our website*)

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Twyford C of E Academies Trust requests that complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary procedures.

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such

action, but they are not entitled to participate in the proceedings or receive any details about them.

Unreasonable complaints (see Appendix B)

Where a complainant raises an issue that has already been dealt with via the Twyford C of E Academies Trust complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

Stages and timeframes

It is normal for each stage in the complaints procedure to be completed before moving to the next stage. In very exceptional circumstances the Associate Headteacher, usually in consultation with the Chair of Governors, may decide to omit a stage.

The Trust will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this may not always be possible due to the complexity of information needed to review a complaint. If it becomes apparent that it is not possible to complete any stage within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The Trust reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

2 Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. A complaint may be made in person, by telephone, by writing or by a 3rd party on behalf of the complainant. Any complaint must be submitted in writing.

Where as a result of raising a concern you feel that the issue has not been addressed, or where the outcome has been that the complaint can't be resolved briefly, needs further investigation, you may progress by making an informal complaint. In doing so the following steps should be followed:

STAGE 1 – INFORMAL.

When a parent is making an informal complaint it is helpful for the complaint to be put in writing to the relevant member of staff. The complaint should explain.

- The overview of the complaint so far
- Who has been involved
- Why the complaint remains unresolved
- Action they would like to be taken to put things right

| Stage | Description | Number of days after receipt of complaint |
|-------|--|---|
| 1.1 | Parent/s discuss concerns with Form Tutor/Subject Teacher | As soon as possible but no later than 5 school days |
| 1.2 | Parent/s discuss concerns with Head of Year/Head of Department | As soon as possible |
| 1.3 | Parent/s discuss concerns with Line Manager | As soon as possible |
| 1.4 | If parents are still dissatisfied a meeting may be arranged between the Associate Headteacher or designated member of staff and parent/s | 10 school days |
| 1.5 | If still dissatisfied, parents may make a formal complaint in writing to the Associate Headteacher by completing the Complaints Form (Appendix A). | |

- a. At the end of any discussion it will be made clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how s/he will be notified of any outcomes. Every effort will be made to resolve the matter
- b. If all of the above stages have been exhausted and it is apparent that the parent is not happy with the response to their complaint, the parent can make a formal complaint in writing to the Associate Headteacher and will be advised to complete a complaints form. (Appendix A)

STAGE 2 – FORMAL

| Stage | Description | Number of days after receipt of complaint |
|-------|---|--|
| 2.1 | On receipt, a written formal complaint will be acknowledged by the Associate Headteacher (if a parent has made an oral complaint this will not apply) | Within 3 school days |
| 2.2 | Investigation of complaint by Associate Headteacher or designated member of staff, which may include a meeting with the parent/s. Written notification of the outcome of the investigation to the parents. The parents are told that if they are not satisfied they may send a written complaint to the Chair of Governors within 5 school days. The Associate Headteacher may wish to refer the matter to the Chair of the Governors | Within 10 school days or by a mutually agreed time |
| 2.3 | On receipt of a written formal complaint the Chair of Governors or designated Governor acknowledges receipt, saying the matter will be investigated and indicating timings. | Within 3 school days |
| 2.4 | The complaint is investigated. Chair of governors sends a summary of findings and a decision to the parents. | Normally within 10 school days |
| 2.5 | The parents are told that if they are not satisfied they may ask for the matter to be referred to the Complaints Committee within 5 school days. | Within 5 school days of receipt of Chair of Governor's letter |
| 2.6 | Complaints Committee considers the complaint. The complaint, Associate Headteacher's/Chair of Governors' report of investigation and other relevant papers sent to all taking part 7 school days before the meeting | Hearing within 20 school days with 10 days' notice of meeting. Agenda and papers sent out 7 days in advance. |
| 2.7 | Decision of Complaints Committee notified to parents. The committee's decision is final | Within 2 school days of the meeting |

- a. After considering the available evidence the Associate Headteacher can:
- i. Uphold the complaint and direct that certain action be taken to resolve it
 - ii. Reject the complaint and provide the complainant with details of the next stage of the procedure.
 - iii. Uphold the complaint in part: the Associate Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

- b. Where an investigation takes place, written statements will be taken and recorded. (see 1 below)
- c. If the Chair of Governors receives a written complaint from a parent s/he will consult with the Associate Headteacher before taking action. It is important that all stages of the informal procedure have been exhausted. If this is not the case the Chair of Governors will normally advise the complainant to follow the procedures described for the informal stages above.
- d. After completing the investigation the Chair will prepare a written summary of his/her findings, writes to the complainant saying the investigation has been completed and may refer to any matter including the following:
 - i. All appropriate steps have already been taken and he/she considers no further action is necessary
 - ii. As a result of the investigation what arrangements have been made which it is hoped the complainant will find satisfactory
 - iii. The recommendations made to the Governing Body
 - iv. If the complainant is not happy with this response, he/she may write to the Clerk to the Governing Body at the school address requesting that the complaint be considered by the Complaints Committee of the Governing Body/Directors. The complainant is requested to indicate clearly the grounds for taking the complaint to a further stage.
- e. If the Complaints Committee of the Governing Body is to consider the complaint, the Clerk to the Governors will give at least 10 school days' notice of the meeting to the members of the Committee, complainant, Associate Headteacher and the Chair of the Governing body sending them with 7 days' notice the following: -
 - i. An invitation to attend the meeting
 - ii. Details of date, time and place of meeting
 - iii. A request for copies of any written papers which people may wish to be considered to be sent to him/her by a specific date so that they can be distributed to members of the Complaints Committee and the other parties.
 - iv. A request for the names of any witnesses who may be called
 - v. A statement saying that the complainant may wish to be accompanied by a friend and asking for the name of such friend
 - vi. Where appropriate, an enquiry as to whether or not it would be helpful for an interpreter to be available
 - vii. An enquiry as to whether or not access should be provided for the disabled
 - viii. A summary of the procedure to be followed at the meeting
- f. The hearing by the Complaints Committee will be as informal as possible. The Committee will consist of two Governors and one independent person. The Associate Headteacher may be present. The Clerk to Governors, or another person appointed by the Chair of the Governors will be present throughout the hearing and after the parties have withdrawn, in order to take notes.

The Chair of the Committee will: -

- i. Welcome those present and introduce each person by name
- ii. Stress that the meeting is strictly confidential to those present
- iii. Outline the procedure to be followed

- iv. Ask all attending the committee, including witnesses to remain available for approximately ½ hour after they withdraw from the hearing, in case the committee needs to clarify a point.
- g. An outline of the procedure for the hearing is given below: -**
- i. Both parties are invited to explain their case
 - ii. The Complainant's desired outcome and any possibilities of redress are discussed
 - iii. An attempt is made to resolve the complaint, if possible to the satisfaction of the complainant
 - iv. After the complainant, Chair of Governors and Associate Headteacher have withdrawn, the Committee decides on its recommendations, including any redress measures.
- h. The Complaints Committee can make the following decisions:**
- i. Dismiss the complaint in whole or in part
 - ii. Uphold the complaint in whole or in part
 - iii. Decide on the appropriate action to be taken to resolve the complaint
 - iv. Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur
- i. The written decision and recommendations of the Complaints Committee are sent out within two school days to all parties. The Committee's decision is final.
- j. If the complainant feels that the Governors acted 'unreasonably' in the handling of the complaint, they can complain to the DfE after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- k. Parents may also complain to Ofsted, but Ofsted will not normally investigate complaints concerning individual pupils. However if there are any child protection concerns they may pass these to social services, or the police and this may trigger an inspection.
- l. Storing Formal Complaints:** The following storage arrangements are applied whether formal complaints are
- resolved following a formal procedure
 - or proceed to a panel hearing
 - or if any action has been taken by the school as a result of those complaints (regardless of whether they are upheld)
- i. All records will be kept in accordance with the principles of Data Protection Law.
 - ii. Written records of complaints, decisions and outcomes (including all correspondence and statements) are held electronically and in hard copy.
 - iii. All files are treated as confidential except where the Secretary of State or a body conducting an inspection under section 109 or the 2008 Act requests access to them.

m. Reporting Formal Complaints to Governors/Directors

- i. Complaints are reported quarterly to the Student Committee and LGB of the Trust Schools.
- ii. Annual report to be presented to the Directors in the Summer term.

NOTE:

1. *School days are when the pupils are attending; staff INSET days are excluded*
2. *Counting begins on the school day after receipt*
3. *If the Associate Headteacher is the subject of the complaint, the Chair of Governors or a nominated governor would undertake the investigation.*

Appendix A: Complaint form

When we receive a complaint, we aim to acknowledge its receipt within 3 school days and send a full or interim response within 10 school days.

| | |
|---|--|
| Name | |
| Name of pupil, year group and your relations to them (where applicable) | |
| Contact Address | |
| Daytime telephone number | |
| Evening telephone number | |
| Mobile phone number | |
| Detail of the Complaint: What is your concern and how has it affected you? | |
| | |
| Action taken so far. Have you discussed this matter with a member of staff before filling in this form? If so who did you speak to and what was the response or solutions offered | |
| | |
| State the reasons why this was not a satisfactory resolution for you? | |
| | |
| As a result of making this complaint what would you like to happen to resolve the problem? | |
| | |
| Are you attaching any paperwork? If so list below: | |
| | |

Signed:

Date:

Date Received:

Signed:

Appendix B: Unreasonable Complaints

Twyford C of E Academies 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.

We define 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:-

- The complainant refuses to co-operate with the school's relevant procedures.
- 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 Associate Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Associate Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Twyford C of E Academies Trust schools 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 Twyford C of E Academies Trust School.

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 Associate 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.

Appendix C: Procedural Advice – Conducting interviews with complainants

1. In conducting interviews with complainants, Headteachers (or chairs of governors, if relevant) should: -
 - a. Have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance; from the outset all parties to a complaint should be made aware of the need for confidentiality
 - b. Listen attentively and sympathetically to complainants, allowing them to explain their concern/s in their own way. After they have finished, it may be necessary to try to clarify the issue(s) by asking questions and summarising what has been said. It is helpful to ascertain the complainant's desired outcome and possibilities (if any) for redress. Headteachers may wish to ensure that the meeting is minuted by a third party, so that there is a clear record of the meeting.
2. At the end of the interview decide if it is possible to: -
 - a. Make an immediate response to the concern/s, or
 - b. Delay a response. It is often necessary to say to complainants that their concerns will be carefully considered and when all the facts and circumstances have been ascertained, they will receive a response normally within 5 school days.
3. Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all aspects of the complaint.
4. If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not usually in the presence of the complainant unless this is deemed desirable by all concerned.
5. Examine the general context and constraints of the situation and consider if there are any precedents.
6. When all the facts and circumstances relating to the matter have been ascertained make careful notes summarising your investigation. You should then decide how to respond to the complainant.
7. The complainant should be clearly informed of the school's response to the complaint/s and of the next stage in the procedure, should s/he wish to proceed further.

Appendix D: Outline of the procedure for a complaints panel hearing

The Panel may: -

- a) Dismiss the complaint in whole or in part
- b) Uphold the complaint in whole or in part
- c) Decide on the appropriate action to be taken to resolve the complaint
- d) Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Panel members should be aware of the following: -

- a) The school's complaints procedure
- b) The appeal hearing is independent and impartial and must be seen to be so
- c) No governor may sit on the panel if they have had a prior involvement in the complaint, or the circumstances surrounding it
- d) Panel members should be drawn from a cross-section of the governing body
- e) The hearing is held in private
- f) The aim of the hearing is to resolve the complaint and achieve conciliation between the school and the complainant
- g) It may not be possible to resolve matters to the complainant's satisfaction. It may only be possible to establish facts and satisfy the complaint that the matter has been taken seriously
- h) Some parents may feel nervous; the panel chair will make efforts to ensure proceedings are as informal as possible

The Chair of the Panel: -

- a) Welcomes those present and introduces each person by name
- b) Stresses that the meeting is strictly confidential to those present
- c) Checks that mobile phones and other devices are switched off
- d) Outlines the procedure to be followed
- e) Asks all attending the panel, including witnesses, to remain available for approximately 30 minutes after they withdraw, in case the panel needs to clarify a point
- f) Ensures that key findings of fact are made and the issues addressed
- g) Ensures that each party is able to state their case and ask questions without undue interruption
- h) Ensures that all written material is seen by all parties
- i) Conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy

Order of hearing: -

- a) The complainant is invited to present their case and explain their desired outcome and any possibilities of redress
- b) The Headteacher may question both the complainant and any witnesses
- c) The Headteacher is invited to explain the school's actions
- d) The complainant may question the Headteacher and any witnesses
- e) Both parties are invited to sum up

After the complainant and Headteacher have withdrawn, the Panel decides on its recommendations, including any redress. The decision and recommendations of the Complaints Panel are set within two school days to all parties. The Panel's decision is final.

Sometimes the Panel will need to respond to unexpected events e.g.:-

- a) A complainant may not arrive for the meeting. The Panel will need to consider any reason given or any request for a postponement and decide whether to proceed in their absence or to reconvene the meeting
- b) A party may wish to introduce new written evidence not previously distributed. This should be given to the clerk and the chair will need to consider whether to allow time for all sides to consider the new information or to disallow it. New complaints or allegations should not be considered
- c) A person may become agitated or distressed during the meeting, in which case a short adjournment may be helpful