



COMPLAINTS POLICY

for

All Saints CE Primary School
Hope Hamilton CE Primary School

Houghton on the Hill CE-Primary School Richard
Hill Primary School

In all cases the policy will be implemented having regard to ethical and moral considerations

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Signed: Anne Marlow, Interim Chair of Trustees			

Statement of intent

The Vines Academy Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure. The Complaints Procedures Policy has been created to deal with any complaint against a member of staff, the school as a whole or against the trust, relating to any aspects of our schools or the provision of facilities or services. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that our school provides. This policy outlines the procedure that the complainant and schools must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

At school level, the headteacher will be the first point of contact when following the complaints procedure. It is expected that most complaints will be addressed as school level in the first instance, following the process set out below.

Complaints that have not been resolved satisfactorily, or which relate to leadership or governance of a school within the Vines Academy Trust, will be escalated to the CEO or Chair of Trust Board. Should a complaint not be resolved at school level or by a local governing body panel, the trust will follow this policy to resolve the complaint at the earliest possible stage.

1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- Education and Skills Funding Agency (ESFA) 'Creating an academy complaints procedure' 2015
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

2. Definition

2.1. For the purpose of this policy, a **complaint** can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

2.2. Complaints can be resolved formally or informally dependent on the complainant's choice. Informal resolutions are always to be recommended.

2.3. A **concern** can be defined as 'an expression of worry or doubt' for which reassurance is sought.

2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

2.5 For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

3. Roles and responsibilities

3.1. The complainant will:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

3.2. The investigating officer (headteacher, governor, trustee or CEO) will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk and chair of governors.
- Be aware of issues in regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

3.3. The investigating officer is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and investigating officer (headteacher, governor, trustee or CEO) to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

3.4. The panel chair will:

- Ensure that minutes of the meeting are taken.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.

- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and Chair of Trustees or CEO to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- **The panel can:**
 - **Dismiss or uphold the complaint, in whole or in part.**
 - **Decide on appropriate action to be taken.**
 - **Recommend changes that the school can make to prevent reoccurrence of the problem.**
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

3.6. The panel clerk will:

- Continuously liaise with the complaints co-ordinator, trustee or CEO
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

4.1. Complaints are not restricted to parents of attending pupils. The school will consider all complaints.

4.2. The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform our school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

4.3. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

4.4. The school upholds a three-month time limit in which a complaint can be lodged regarding an incident.

4.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

4.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

4.7. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form.

4.8. All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.

4.9. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

4.10. Any complaint made against the headteacher shall be initially dealt with by the chair of governors. Any complaint made against the CEO will be initially dealt with by the Chair of Trust Board. If the complaint is both against the chair of governors and the headteacher the CEO will initially deal with the complaint. If the complaint is against both the chair of trust and CEO then a trustee will investigate.

5. Complaints Procedure

Stage one – Informal concern made to a member of staff

5.1. A complaint may be made in person, by telephone or in writing.

5.2. A member of staff receiving a complaint can discuss the concern with the headteacher or a governor in order to seek support.

5.3. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.

5.4. If the concern is about the headteacher, the chair of governors should be informed and will need to handle the complaint in the first instance. The complainant can then be referred to the trust board as required.

5.5. In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person e.g. chair of governors. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

5.6. Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

5.7. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

5.8. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

5.9. Complaints about the CEO will be sent the chair of trust following the same timescales.

Stage two – Formal complaint made to the headteacher

5.10. Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the appropriate person depending on who the complaint is about will contact the complainant to inform them of the revised target date via a written notification.

5.11. An appointment with the headteacher for complaints at school level should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

5.12. An appointment with the CEO for complaints at trust level should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

5.13. If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

5.14. If the complaint is against the CEO, the complainant will initially need to write, in confidence, to the chair of the trust board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

5.15. Where there are communication difficulties, the complaint may be made in person or via telephone.

5.16. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.

5.17. In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

5.18. All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.

5.19. Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.

5.20. Any further action the school plans to take to resolve the issue will be explained / communicated to the complainant in writing, this could include email written notification.

5.21. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

5.22. The CEO or chair of governors will follow the same process described above in section 5.10 – 5.22 should this be required and a complaint is made against a headteacher.

Stage three – Investigation by the chair of governors – local level

5.23. The complainant should submit any complaint in respect of the headteacher's investigation in writing (or via an alternative method if necessary) to the chair of governors.

5.24. The chair of governors or appropriate governor will carry out an investigation and consider all available evidence.

5.25. The complainant and the headteacher will be informed of the outcome within 20 school days of the chair of governors receiving the complaint.

5.26. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four) and the complaint is considered by the CEO or at trust level.

5.27. The school may offer a Complaints Appeal Panel at a local level following the steps in Stage four below if this is deemed appropriate. If the complainant is not satisfied with the outcome of a local governing appeal panel meeting this would then be referred to the trust.

Stage three - Investigation by the chair of trust – trust level

5.28. The complainant should submit any complaint in respect of the CEO's or trusts investigation in writing (or via an alternative method if necessary) to the chair of trust.

5.29. The chair of trust or appropriate trustee will carry out an investigation and consider all available evidence.

5.30. The complainant and the CEO/trust will be informed of the outcome within 20 school days of the chair of governors receiving the complaint.

5.31. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair trustee or CEO has acted unreasonably, they may request that the trust board reviews the complaint (stage four).

Stage four – Complaints Appeal Panel

5.33. Following receipt of a stage two and/or stage three outcome, the complaint should be made in writing to the chair of trust within 10 school days.

5.34. Where there are communication difficulties, the complaint may be made in person or via telephone. If the complainant is not prepared to discuss or meet in advance of stage four, a decision will be made at trust level as to whether or not the complaint should be considered at Stage four.

5.35. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.

5.36. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a panel will hear the complaint within 20 school days.

5.37. The chair of governors/trust, or another nominated governor/trustee, will convene a panel meeting comprising: Three people not involved in the complaint, one of whom is independent of the management and running of the school. Governors of the school are not eligible or are not considered to be independent panel members, however, governors of other trust schools or trustees may be called upon.

5.38. Five days' notice will be given to all parties attending the panel meeting, including the complainant.

5.39. Prior to the hearing, the chair of governors/trust or appropriate person (depending on the complaint level) will have written to the complainant informing them of how the review will be conducted in line with this policy.

5.40. At the hearing, a panel chair will be appointed and all participants will be given the opportunity to put their case across and discuss any issues.

5.41. The panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

5.42. The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish. If accompanied 5 days' notice of who is accompanying the complainant should be given to the complaints coordinator or appropriate panel organiser/chair.
- The complainant to explain their complaint and the headteacher or CEO to explain the reasons for their decision.
- The complainant to question the headteacher or CEO, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel meeting, to be questioned.
- Members of the panel to question both the complainant and the headteacher or CEO as appropriate.
- Final statements to be made by both parties involved.

5.43. The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

5.44. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

Final stage – Appeal

5.45. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the online form or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

6. Interviewing witnesses

6.1. When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

6.2. The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.

6.3. The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

6.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

6.5. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

6.6. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

6.7. The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

7.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

7.2. All records are made available for inspection on the school premises by the CEO, trustees and the headteacher.

7.3. The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

7.4. Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

7.5. Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.

7.6. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

7.7. The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

8. Complaints not covered by this procedure

8.1. Complaints regarding the following topics should be directed to the relevant LA:

- Statutory assessments of SEND
- School re-organisation proposals
- Matters which may require a child protection investigation

- Admissions to schools

8.2. Complaints concerning admissions will be directed to the appropriate admissions authority.

8.3. Complaints about children being excluded from the school should be dealt with by following the process explained at:
<https://www.gov.uk/schooldisciplineexclusions/exclusions>.

8.4. The school has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be escalated to an appropriate member of staff or trustee, in line with the Whistle Blowing Policy, or can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.

8.5. Staff grievances and disciplinary procedures will be dealt with using the trust's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

8.6. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

9. Exceptional circumstances

9.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care and/or to the LA.

9.2. If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

9.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

10. Serial and persistent complainants

10.1. The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

10.2. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing board/trust board will inform the complainant that the matter is now closed.

10.3. If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

10.4. The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

10.5. The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

10.6. If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

10.7. Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

10.8. If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

10.9. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

10.10. Any new complaint made by a 'serial' complainant will be responded to.

10.11. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

11. Availability

11.1. A copy of this Complaints Procedures Policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

12. Reviewing the procedure

12.1. The complaints procedure will be reviewed annually, taking into account the latest guidance issued by the DfE.

12.2. Responsibility for reviewing the procedure belongs to the trust and headteachers board.

12.3. All projected review dates will be adhered to.

12.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

12.5. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

