



The  
**Redstart**  
Learning Partnership

## Complaints Procedure & Guidance

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SIGNED *Marsden* Date 04/08/2020

Chairman of the TRLP Board

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## 1. General Principles

### 1.1 Initial concerns

- 1.1.1 We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.
- 1.1.2 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints. In other cases, where the complaint is about the school but not from a parent/carer, it will be the head of school that will receive an approach; again it is beneficial if they can resolve the issue.
- 1.1.3 Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

### 1.2 Framework of Principles

#### 1.2.1 Our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be clear on the issues that will be dealt with under the formal complaints process
- 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 improved.

### 1.3 Investigating Complaints

#### 1.3.1 At each stage the person investigating the complaint will ensure 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 or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.

## 1.4 Resolving Complaints

1.4.1 At each stage in the procedure we will want to keep in mind 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.

1.4.2 Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

1.4.3 We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 1.5 Vexatious Complaints

1.5.1 If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

1.5.2 However, should a complainant raise a completely new separate/different complaint we will respond in accordance with this complaints procedure.

## 1.6 Time-Limits

1.6.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

## 1.7 Formal complaints Procedure

1.7.1 There are four stages to our formal complaints procedure:

- Stage one – complaint heard by a member of staff (though not the subject of the complaint) – (informal).
- Stage two – complaint heard by the Head of School – (formal)
- Stage three – complaint heard by the Deputy CEO– (formal)
- Stage four – complaint heard by the Chair of the Trust Education Committee – (formal)

When considering each stage of the formal complaints procedure the stages must be followed in order to progress to the next stage. Only complaints made at the correct stage in the process will be considered. If the complaint starts at the incorrect stage they will be returned to the complainant.

- 1.7.2 There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the head of school after a meeting with the complainant.
- 1.7.3 Complaints about the Head of School will be dealt with initially by the Deputy CEO.
- 1.7.4 Complaints about the Deputy CEO will be dealt with initially by the CEO.
- 1.7.5 Complaints about the CEO will be dealt with initially by the Chair of the Trust Board.
- 1.7.6 An unsatisfied complainant can always take a complaint to the next stage.
- 1.7.7 The complaints procedure can be found following this policy guidance – Annex A.

## **2. Managing and Recording Complaints**

### 2.1 Recording Complaints

- 2.1.1 We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in Annex B. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

### 2.2 Education Committee Review

- 2.2.1 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Teaching & Learning Committee (TLC) is a useful tool in evaluating our school's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole Education Committee will not name individuals.

### 2.3 Publicising the Procedure

2.3.1 There is a legal requirement for the complaints procedure to be publicised. As a TRLP school we include details of our procedure in:

- Information given to new parents when their children join the school;
- On our website



## **Annexe A - Complaints Procedure, The Four Stages**

### **Stage One:** Complaint heard by the Head of School or Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Head of School can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Head of School, the complainant will be referred to the Deputy CEO.

Where the first approach is made to a member of the TLC, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. TLC members will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed at a later stage of the procedure.

### **Stage Two:** Complaint heard by the Head of school

The Head of School's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff, the Head of School will hear, and investigate, the complaint. Although the Head of School can delegate the task of collating the information to another staff member, they cannot delegate the decision making or any action to be taken.

### **Stage Three:** Complaint heard by the Deputy CEO

If the complainant is not satisfied with the response of the Head of School or the complaint is about the Head of School, the complainant should write to the Deputy CEO to request that their complaint is considered further.

### **Stage Four:** Complaint heard by the Complaints Panel

Complaints would not be heard by the whole Education Committee at any stage, as this could compromise the impartiality of any Education Committee Member that might need to be on a panel associated with a complaint.

The complainant will need to write to the Clerk to the Education Committee giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated Education Committee Member, will convene a complaints panel.

The appeal hearing is the last stage of the school-based complaints process and is not convened merely to rubber-stamp previous decisions. Members of the panel will be drawn from the nominated members and will consist of three people. The panel will choose their own chair.

## **Complaints panel**

A panel of three Members of the Education Committee (or other Trustees if required), with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures
- Hear individual complaints
- Make one or more of the recommendations set out in this policy as a result of the complaint

## **Remit of the Complaints Panel**

The complaints panel can:

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

## **Panel members**

Points to remember – there are several points which any Member of the Education Committee (or other Trustee) sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Education Committee Member will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Chair will ensure that it is a cross-section of Education Committee Members (or other Trustees) and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial
- Extra care will need to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend
- The members of the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The clerk will be the contact point for the complainant and is required to:



- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings and notify all parties of the panel's decision

**The role of the Chair of the Education Committee or nominated Trustee** – is to make sure

- That the correct procedure has been followed;
- If a hearing is requested, that the clerk is notified to arrange a panel.

**The role of the Chair of the Complaints Panel** – is to ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions, written material is seen by all parties;
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

### **Checklist for the panel hearing**

- The hearing is informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- If the hearing is to meet with the parties individually :
  - The Panel will meet with the complainant and any witnesses, they will then leave
  - The Panel will then meet with Head of School and any witnesses to hear the school's response to the complaint.
  - After each meeting the Chair will explain the time scales as to when all parties will hear from the Panel.
  - The Panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
  - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
  - The Head of School may question both the complainant and the witnesses after each has spoken,
  - The Head of School is then invited to explain the school's actions and be followed by the school's witnesses,
  - The complainant may question both the Head of School 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 Head of School is then invited to sum up the school's actions and response to the complaint,

- The Chair of the Panel will explain the time scales as to when all parties will receive notification of their decision,
- All parties leave together while the Panel decides on the issues.

### **For complaints against the CEO, Deputy CEO or other members of the Trust Senior Leadership**

Complaints against the CEO will be heard in the first instance by the Chair of the Trust Board.

If the complaint is not resolved at this stage, then a Complaints Panel will be convened consisting of three members of TRLP Trust Board.

The Trust Manager as Clerk to the Trust Board will convene the complaints panel at the request of the Chair and in accordance with the procedure set out above.

Complaints against a Deputy CEO or other member of the Trust Senior Leadership will be heard in the first instance by the CEO.

If the complaint is not resolved at this stage, it will be referred to the Chair of the Trust Board and, if still unresolved, to a Complaints Panel consisting of three members of the Trust Board as set out above.

If the complainant is still dissatisfied with the outcome of the complaints procedure the final stage of appeal is that they have the right to contact the ESFA (Education Funding Agency). Complainants will need to be advised to write to the School Complaints Unit (SCU) at the DfE, 2nd floor, Piccadilly Gate, Manchester, M1 2WD.

The DfE will make sure that the complainant has exhausted all the local procedures and will then examine if the complaints policy and any other relevant policies were followed. The Department does not re-investigate the substance of the complaint. If breaches of policy or legislation are found the SCU will report them back to the school for action to be taken.

Following the outcome of stage 4 of this procedure, complaints regarding Academies may be considered by the Education Funding agency only in specific circumstances shown below:

The ESFA can only look at complaints about academies that fall into the following areas.

- a. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements. The ESFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The ESFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the ESFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the ESFA will ensure this is put right.
- b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. One of the ESFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The ESFA will seek to resolve any concerns regarding potential or actual breaches of the funding.
- c. Where an academy has failed to comply with any other legal obligation.

## **Annexe B - School Complaints Procedure Complaint Form**

School Name:

Your Name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

**School use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

