

## Every Child Matters Academy Trust Complaints Policy

*The terms Trust and Schools (and levels within e.g. governors and trustees) are interchangeable and apply to all schools within the Trust*

### General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the Every Child Matters Academy Trust (the Trust) or any of its schools or the services that they provide.
- The Trust has adopted this procedure for complaints from people who are parents/carers of pupils attending any of the schools at the time the complaint is made, or from people who are accessing the services of the Trust at the time the complaint is made.
- The Trust will usually also follow this procedure when dealing with complaints from others, but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so. Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by the school.
- This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
  - Admissions
  - Exclusions
  - Issues Related to Child Protection
  - Statements of Special Educational Needs / Education, Health and Care Plans
  - Any service provided directly by an external provider (including the Local Authority) for any school or the Trust and over which the school or Trust has no control e.g. Home to School Transport. (Providers should be contacted directly and have their own procedures for such eventualities.)
  - Complaints about services provided by external parties using a school's or the Trust's premises. (Providers should be contacted directly and have their own procedures for such eventualities.)
  - Whistleblowing
  - Staff Grievances and disciplinary procedures.
- The aims of the procedure are:
  - to deal with any complaint against the Trust or a school or any individual connected with it by following the correct procedure
  - to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant

### Understanding this procedure

- In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.
- We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times. The procedure under Part 2 will only be

used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

- To enable a proper investigation, concerns or complaints should be brought to the attention of the individual school or the Trust (for the Trust complainants) as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the School / Trust may make exceptions to this.
- If, at any stage, the Trust or the school believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Headteacher or Chair of Governors/Trustees (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to Stage 4 of this procedure.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and you will be provided with revised timescales.
- A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority. Before secure destruction, the written records will be retained for a period of 12 months following the conclusion of the complaints process.
- In this procedure:
  - “school days” excludes weekends, bank holidays and school holidays
  - “parent” means a parent, carer or anyone with legal responsibility for a child

## **PART ONE - Raising a Concern or Complaint**

### **Stage 1 - Informal Stage**

Many concerns can be resolved by simple clarification or the provision of information.

Where a complaint concerns;

- your child or a child attending a school, it is normally appropriate to communicate directly with the child’s class teacher, or the school’s Headteacher;
- a member of school staff, it is normally appropriate to communicate directly with them in the first instance; or
- another school matter, it is normally appropriate to communicate directly with the Headteacher.

In all of the above, communication may be by email, letter, by telephone or in person by appointment (requested via the school office).

- Where a complaint is about the Trust, it is normally appropriate to communicate directly with the Chief Executive Officer (CEO). Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. In both instances, this may be by email, letter, by telephone or in person by appointment,

requested (via the Trust office).

We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. If you wish to hold a meeting to discuss your concern or complaint, please explain the nature of your concern or the complaint in advance.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the Chair of Governors if the complaint is about a Headteacher).

It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of being notified of the complaint.

## **Stage 2 - Formal Stage**

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing to:

- in the case of a school matter, the Headteacher or, if the complaint relates to the Headteacher, the Chair of Governors; and
- in the case of a Trust matter the CEO or if the complaint relates to the CEO, the Chair of Trustees.

In both instances, you should use the Complaint Form provided (see Appendix 1).

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the school / Trust (as applicable) to take to resolve your concern.

Your written complaint will be acknowledged within 5 school days of receipt. You may be invited to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by one other person such as a relative or friend to assist you in explaining the nature of your concerns. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated. If necessary, witnesses will be interviewed and statements taken from those involved.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. Where possible, this will be within 15 school days of receipt of the complaint. You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by a Review Panel.

- In the case of a school matter, the Headteacher or the Chair of Governors (as appropriate) will provide the written response.
- In the case of a Trust matter the CEO or the Chair of Trustees (as appropriate) will provide the written response.

### Stage 3 - Review Panel Hearing Stage

- If you are dissatisfied with the decision of the Headteacher / Chair of Governors (in the case of individual school complaints) under the Formal Stage, you may request that a Review Panel of the governing body is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing before the Review Panel, you should write to the Chair of Governors within 10 school days of receiving notice of the outcome of the Formal Stage.
- If you are dissatisfied with the decision of the CEO/Chair of Trustees (in the case of the Trust complaints) under the Formal Stage, you may request that a Review Panel of the Trust is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing by the Review Panel, you should write to the Chair of Trustees within 10 school days of receiving notice of the outcome of the Formal Stage.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. The Chair of Governors/Chair of Trustees (as appropriate) will acknowledge your request in writing within 5 school days of receipt.

The review will be conducted by a panel of 3 members. In the case of a school, it will consist of two governors of the school and one other person who is independent of the management and running of the school. In the case of the Trust, it will consist of two trustees and one other person who is independent of the management and running of the Trust.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practical, and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Panel. Copies of any additional documents you wish the Panel to consider should be sent to the Chair of Governors (school complaint) or Chair of Trustees (Trust complaint) at least 3 days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the school/Trust (as appropriate) in defence of the complaint, will be provided to the Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you and the Headteacher / CEO (as applicable) at least 3 school days before the hearing. The Review Panel reserves the right not to consider any documentation presented by either you or the school or Trust, less than 3 school days prior to the hearing. The Review Panel is under no obligation to hear oral evidence from witnesses, but may do so and/or may take written statements into account.

You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend. The Clerk to the Governing Body / Board of Trustees or nominated deputy will also attend the hearing in order to keep a record of the proceedings.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner.

Unless otherwise stated, the procedure for an appeal is as follows:

- the complainant and Headteacher or CEO (as appropriate) will enter the hearing together;

- the Chair of the Review Panel will introduce the panel members and outline the process;
- the complainant will explain the complaint;
- the Headteacher or CEO (as appropriate) and committee members will question the complainant;
- the Headteacher or CEO (as appropriate) will explain the School's / Trust's actions
- the complainant and the committee members will question the Headteacher / CEO;
- the complainant will sum up their complaint (no new evidence to be presented at this stage);
- the Headteacher or CEO (as appropriate) will sum up the school's / Trust's actions (no new evidence at this stage);
- the Chair of the panel will explain that both parties will hear from the committee within 5 school days; and
- both parties will leave together while the panel decides

After the hearing, the Panel will consider their decision and inform you and the Headteacher / CEO (as appropriate) of its decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The Panel can:

- Request further information from you and/or the school / Trust to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's / Trust's systems or procedures to ensure that problems of a similar nature do not reoccur

#### **Stage 4 - Referral to the Education, Skills and Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the ESFA who has limited powers to review the School's / Trust's handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at [www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school](http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school)

#### **RECORDS OF COMPLAINTS**

A written record will be kept of all documentation will be retained for a period of one year after the conclusion of the complaint process before secure destruction. Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

#### **PART TWO - UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One.

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Governors or Trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the school / Trust, the complainant is hindering the consideration of their or other people's complaints and/or the proper running

of the school/ Trust;

- where the complainant's complaint is vexatious and/or has patently insufficient grounds; and
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the school / Trust.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school / Trust e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the school's / Trust's premises;
- conduct the Review Panel on written evidence only i.e. not hold a hearing; and
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, Governors or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Approved by the Board of Trustees on 18/01/2019

To be reviewed in Spring Term 2021

Chair: \_\_\_\_\_

CEO \_\_\_\_\_

## SUMMARY OF COMPLAINTS PROCEDURE

<b>Stage 1: Informal Concerns</b>	Complainant brings complaint to the attention of <ul style="list-style-type: none"> <li>• School complaints – member of staff / Headteacher (as appropriate)</li> <li>• Trust complaints – member of staff / CEO (as appropriate)</li> </ul>
	Complaint to be resolved within 15 school days of receipt
	Where no satisfactory solution has been found, parent to be advised that they may proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	If the complaint is not resolved at Stage 1 then the Complainant should put the complaint in writing using Complaint Form to <ul style="list-style-type: none"> <li>• School complaints – Headteacher / Chair of Governors (as appropriate)</li> <li>• Trust complaints – CEO/Chair of Trustees (as appropriate)</li> </ul>
	Complaint to be acknowledged within 5 school days of receipt
	(Optional) Meeting with parents within 10 school days of receipt of the complaint (wherever possible)
	Response to the complaint sent within 15 school days of receipt of the complaint (wherever possible)
<b>Stage 3: Referral to Review Panel</b>	Complainant to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days of receiving the complainant's request
	Hearing to take place within 20 school days of receipt of the request
	Notification of date, time and place of the hearing and details of the Review Panel present sent at least 5 school days before the hearing
	School / Trust and complainant to submit evidence in support of their case to the respective Chairs at least 3 school days before the hearing
	Review Panel decision sent not more than 5 school days after the hearing
<b>Stage 4: Referral to Review Panel</b>	Complainant may refer the complaint to the ESFA

## CONTACT DETAILS

### School informal formal complaints:

Headteacher at the appropriate school address

### The Trust informal and formal complaints:

The Chief Operating Officer

Every Child Matters Academy Trust

Newsome Avenue

Wombwell

Barnsley S73 8QS

## STAGE 2 - FORMAL COMPLAINT FORM

Please complete this form and return it, **to the school office or Trust office (as appropriate)** who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the Trust/school  
(eg parent/carer of a pupil on the school roll)

Pupil's name (if relevant to the matter to be discussed)

Your Address

Telephone numbers

Daytime

Evening

E-mail address

Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

**Number of Additional pages attached =**



What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to and what was the outcome?)

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

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Admin use**

Date Form received	Date acknowledgement sent
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Received by:

Acknowledgement sent by:

Complaint referred to:	Date:
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