



Marches Academy Trust

Date of last review: **July 2019**

Approved: **08.07.19**

Date of next review: **July 2020**

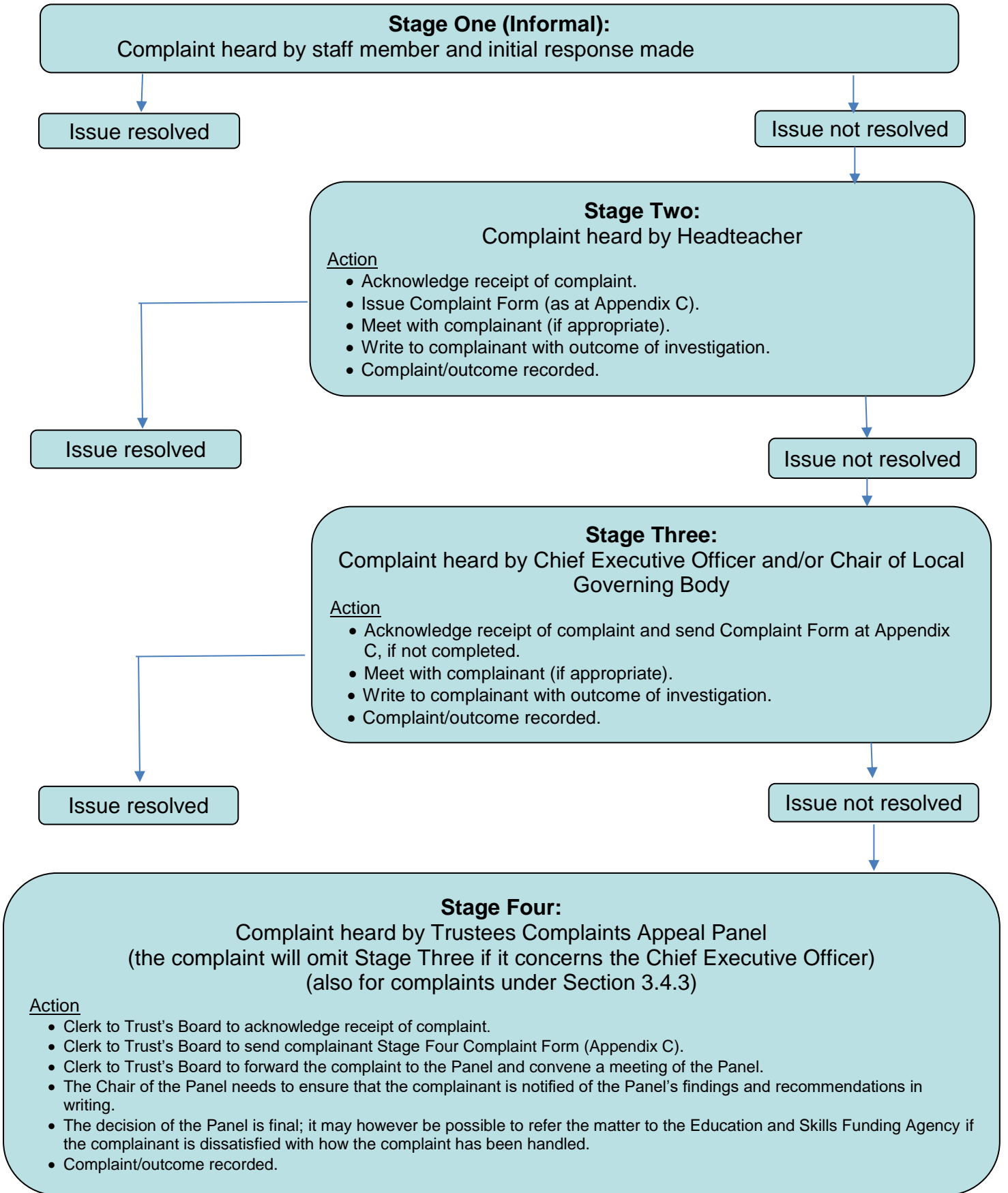
# Trust Complaints Procedure

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### **1. Summary of Dealing with Complaints**

#### **Flowchart**



## **2. Introduction**

This policy has been informed by The Education (Independent School Standards (England)) Regulations 2014, Schedule 1, Part 7. Part 7 is shown in full at Appendix A.

The Marches Academy Trust has clear Vision and Values, which build upon collaborations and aim to ensure that every school within the Trust works in a productive and positive partnership with all parents and carers to realise 'Achievement through caring'.

In respect of complaints relating to the school, or Trust, all complainants should use this complaints procedure, and refrain from airing any grievance or concerns on social media sites, as this could be potentially damaging to the school and our students.

### **2.1 Who can make a complaint**

This complaints procedure is not limited to parents or carers of children who are registered at one of the schools within the Trust. Any person, including members of the public, may make a complaint to an individual school within the Trust, or the Marches Academy Trust itself, about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions) see Appendix B, we will use this complaints procedure.

### **2.2 The difference between a concern and a complaint**

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important, for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction, however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally (Stage One), without the need to use the formal stages of the complaints procedure. Marches Academy Trust take concerns seriously, and will make every effort to resolve the matter as quickly as possible.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Marches Academy Trust, and the schools within the Trust, will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **2.3 Scope of this complaints procedure**

This procedure covers all complaints about any provision of education, community facilities or services by Marches Academy Trust, and the schools within the Trust, other than complaints that are dealt with under other statutory procedures, including those listed at Appendix B.

### **2.4 How to raise a concern or make a complaint**

A concern or complaint can be made in person or by telephone (for Stage One only), or in writing (Stages Two, Three and Four). They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher (Stage One). If the issue remains unresolved, the next step is to make a formal complaint.

## **2.5 Complainant**

The complainant will receive a more effective response to their complaint if they:

- explain the complaint in full, as early as possible;
- co-operate with the school or Trust in seeking a solution to the complaint;
- respond promptly to requests for information, or meetings, or in agreeing the details of the complaint;
- ask for assistance, as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media, and respect confidentiality.

## **2.6 Anonymous concerns or complaints**

We will not normally investigate anonymous concerns or complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **2.7 Dealing with persistent complaints**

In the case of vexatious or persistent complaints, the Board of Trustees will inform the complainant in writing that the procedure has been exhausted, and that the matter is now closed.

## **2.8 Resolving complaints**

At each stage in the procedure, Marches Academy Trust and the individual schools within the Trust want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event complained of will not recur.
- An explanation of the steps that have been, or will be, taken to help ensure that it will not happen again, and an indication of the timescales within which any changes will be made.
- An undertaking to review Trust/school policies, in light of the complaint.
- An apology.

This complaints procedure aims to be explicit and transparent to all.

# **3 The Complaints Procedure**

## **3.1 Stage One: Complaint heard by staff member**

The experience of the first contact between the complainant and the school/Trust can be crucial in determining whether the complaint will escalate. The staff member will try to resolve problems informally wherever possible; this informal response may be verbal or in

writing. An effective response and appropriate redress will be provided to all complaints as quickly as possible, depending upon the complexity of the issues raised.

It is essential that the school/Trust respects the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In this case, the Headteacher will refer the complainant to another designated member of staff. Where the complaint concerns the Headteacher the complainant should be referred to the Chief Executive Officer. Where the complaint concerns the Chief Executive Officer the complainant should be referred to the Clerk to Trust's Board for complaints.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another member of staff. The member of staff may be more senior but this is not essential.

The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a Governor or Trustee, the next step would be to refer the complainant to the Headteacher, and advise them about the procedure. It would be helpful if the Governor or Trustee did not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages, in the event that they may be needed to sit on a panel at a later stage of the procedure.

## **3.2 Stage Two**

### **3.2.1 Complaint heard by Headteacher**

If appropriate, the headteacher will invite the complainant to a meeting (the complaint must be made in writing, and a copy of the complaint form (Appendix C) can be issued for completion and return).

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One, as well as pursuing their initial complaint. During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

### **3.2.2 Complaint against the Headteacher**

If the complaint is about the Headteacher, the Chief Executive Officer and/or Chair of the Local Governing Body, will consider the complaint.

In this instance, complaints must be made in writing, to the Chief Executive Officer.

## **3.3 Stage Three**

### **3.3.1 Complaint heard by the Chief Executive Officer and/or Chair of the Local Governing Body**

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage Two. The complainant **must** complete the complaint form at Appendix C. The

complainant should send the completed form to the Chief Executive Officer of the Trust, giving details of the complaint, and the reason why they are being requested to reconsider the decision of the school headteacher.

The Chief Executive Officer and/or the Chair of the Local Governing Body may delegate the task of collating the information to another member of staff but not the decision on the action to be taken. If appropriate, the Chief Executive Officer may invite the complainant to a meeting which may include the Chair of the Local Governing Body.

### **3.3.2 Complaint against a Governor, Local Governing Body, Trustee, or Board of Trustees**

If the complaint is about an individual Governor or Trustee, a suitably skilled Governor or Trustee will be appointed to complete all the actions at Stage Three.

## **3.4 Stage Four**

### **3.4.1 Complaint heard by the Trustees Complaints Appeal Panel**

Complaints to be considered by the Trustees Complaints Appeal Panel will be as a result of there being a referral from Stage Three. The complainant **must** complete the complaint form at Appendix C. We appreciate you will have completed a form similar to this previously but in order to gather your comments on how the matter has been dealt with to date, and to fully understand how best to resolve this matter, please can we ask you to complete and return the form to the Clerk to Trust's Board.

The panel will be convened by the Clerk, and the membership will be: a) three members of the Board of Trustees (who were not directly involved in the matters detailed in the complaint), and b) an individual who is independent of the management and running of the Trust. The panel will elect a chair when they meet. The complainant will be invited to attend the panel meeting, and may be accompanied if they wish. ***The general proceedings of the panel will be as agreed in the Board of Trustees Terms of Reference.***

The Trustees Complaints Appeal Panel hearing is the last Trust-based stage of the complaints process and its decision will be final. If the complainant is not satisfied that their complaint has been handled properly they may contact the Education and Skills Funding Agency via the school's complaints form: <https://www.education.gov.uk/form/school-complaints-form>.

### **3.4.2 Complaint against the Chief Executive Officer**

If the complaint is about the Chief Executive Officer, the Chair of the Board of Trustees will consider the complaint.

In this instance, complaints must be made in writing, to the Clerk to Trust's Board.

### **3.4.3 Complaint against a Governor, Local Governing Body, Trustee, or Board of Trustees**

If the complaint is about:

- the Chair and/or Vice Chair (Local Governing Body/Board of Trustees);
- the entire Local Governing Body or Board of Trustees;
- the majority of the Local Governing Body or Board of Trustees,

it will be considered at Stage Four by an independent investigator appointed by the Board of Trustees or Lichfield Diocese (in the case of our Church schools). At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **4. Timescale**

The timescales in school days for the procedure are:

- 10 school days at Stage One (with a further 10 school days for more complex complaints or additional time if an advocate is required).
- 25 school days at Stage Two (with maximum extension to 65 school days).
- 25 school days at Stage Three (with maximum extension of 65 school days).
- 30 school days to convene and hold the Trustees Complaints Appeal Panel at Stage Four.
- 10 school days for the Panel to issue its findings.
- 15 school days for the school to respond to the findings.

The timescales place a duty on the school to act expeditiously through the procedure; this is to ensure that the complaint is dealt with as swiftly as possible.

## **5. The remit of the Trustees Complaints Appeal Panel**

### **5.1 Outcome of the Appeal**

The panel will consider the complaint and all the evidence presented. The panel can:

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

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

- Decide on the appropriate action to be taken to resolve the complaint;
- Where appropriate, recommend changes to the school/Trust's systems or procedures to prevent similar issues in the future.

### **5.2 Conduct of the Appeal Panel**

There are several points which any Trustee sitting on a complaints appeal panel needs to remember:

- It is important that the appeal hearing is independent and impartial, and that it is seen to be so. In deciding the make-up of the panel, Trustees need to try and ensure that they are sensitive to the issues of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religious beliefs, gender, and sexual orientation.
- The aim of the hearing, which needs to 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 that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only 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/carers 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.
- The school should be mindful of the specific needs of children and young people, either involved in, or affected by, complaints, and ensure that it safeguards and promotes the rights and welfare of the child concerned. The best interests of the child should be paramount at all times.
- The Trustees sitting on the panel need to be familiar with the complaints procedure.

## **6. Roles and responsibilities**

### **6.1 The role of the Clerk**

The Clerk is the contact point for the complainant and the Complaints Appeal Panel, and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- 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 relevant to the complaint, and send it to the parties in advance of the meeting, within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

### **6.2 The role of the Chief Executive Officer and/or Chair of the Local Governing Body**

During Stage Three the Chief Executive Officer's and/or Chair of the Local Governing Body's role will be:

- to ensure that the correct procedure has been followed;
- to ensure that an investigation is carried out, and a report compiled;
- to meet the complainant, if appropriate;
- if the complaint is being referred to Stage Four, notify the clerk to arrange the Panel.

### **6.3 The role of the Chair of the Trustees Complaints Appeal Panel**

The Chair of the Panel has a key role, ensuring that:

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child;
- the remit of the panel is explained to the complainant;
- written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR);

- key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be noted or considered by the panel;
- both the complainant and the school are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the meeting, or verbally in the meeting itself;
- the issues are addressed;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk.

## **7. Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant and, where relevant, the person complained about, is notified of the panel's findings and recommendations, in writing. The letter needs to explain that if the complainant is not satisfied that their complaint has been handled properly they may contact the Education and Skills Funding Agency via the schools complaints form: <https://www.education.gov.uk/form/school-complaints-form>.

## **8. Record of complaints**

The findings and recommendations of the Complaints Appeal Panel are available for inspection on the school premises by the proprietor (Chair of the Board of Trustees), the CEO and the Headteacher.

A record of all written complaints is kept together with:

- a record of whether they were resolved following Stages Two and Three, or whether they proceeded to Stage Four (Complaints Appeal Panel);
- a record of actions taken by the school as a result of those complaints (regardless of whether they were upheld).

All correspondence, statements and records relating to individual complaints are to be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, requests access to them.

## Appendix A

### The Education (Independent School Standards (England)) Regulations 2014, Schedule 1, Part 7

#### Manner in which complaints are handled

**33.** The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
  - (i) provided to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—
  - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## Appendix B

### Complaints that are dealt with under other statutory procedures

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Shropshire Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.  <i>*complaints about the application of the Behaviour for Learning Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

**Appendix C**  
**Complaint form example**

<b>Your name:</b>
<b>Student's name:</b>
<b>Your relationship to the student:</b>
<b>Address (including postcode):</b>  <b>Daytime telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>
<b>What action, if any, have you already taken to try and resolve your complaint?</b> <b>(Who did you speak to and what was the response)</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b> <b>Date:</b>
<b>Official Use:</b> <b>Date acknowledgement sent:</b> <b>By whom:</b>
<b>Complaint referred to:</b> <b>Date:</b>

## **Appendix D**

### **Checklist for a Trustees Complaints Appeal Panel**

The panel needs to take the following points into account:

- The hearing is kept on an informal basis.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Chief Executive Officer/Headteacher may question both the complainant and the witnesses after each has spoken.
- The Chief Executive Officer/Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Chief Executive Officer/Headteacher and the witnesses after each has spoken.
- The complainant must not make personal or derogatory comments about members of staff.
- The chair of the panel reserves the right to stop any participants if personal or abusive comments are made.
- Questions may be asked of either party; however, this is not the forum for personal comments about individuals.
- The complainant cannot raise any additional issues not previously submitted.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Chief Executive Officer/Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.