

# Complaints Policy & Procedure



ADVANTAGE  
S C H O O L S

**Approved by:** Trust Board **Date:** 12 September 2018

**Last reviewed on:** July 2017

**Next review due by:** September 2021

## Complaints Policy

The Trust when dealing with complaints will be guided by the following principles:

- It will be receptive to genuine expressions of dissatisfaction;
- Complaints need to be dealt with promptly, fairly and proportionately; and
- In dealing with complaints it will take account of its public sector duty.

Occasionally parents and students will have questions for a school, and these can give rise to **concerns**. These matters will in most circumstances be resolved by discussion which will involve parents, students, and the relevant member of staff. Where this is not achieved, parents can follow the procedure outlined below.

At each stage of the procedure, the person investigating the **complaint** will seek ways to resolve the complaint satisfactorily.

***For some issues it will be not be appropriate to use this procedure.*** These include child protection allegations, exclusions and assessment decisions for external qualifications. Where a different procedure applies, parents will be advised accordingly

This policy complies with the Education (Independent School Standards) Regulations 2010. This means that parents must be offered:

- An opportunity to resolve a complaint with the relevant school on an informal basis - for example through discussion with a senior member of staff;
- A formal complaint stage where a complaint is made in writing;
- A hearing with a panel appointed by or on behalf of the Trustees and consisting of at least 3 people who were not directly involved in the matters detailed in a complaint, one of whom must be independent of the management and running of the school or Trust.

## Complaints Procedure

### Stage 1: Informal Resolution

1. It is hoped that most complaints can be resolved quickly and informally.
2. If parents have a complaint they should normally contact their child's class teacher or form tutor, who will consult with other staff as necessary. If the complaint does not relate to teaching, learning or pastoral care, then the line manager for the relevant area will look into the issues raised.
3. Complaints made to a Principal / Head of School will usually be referred to the most appropriate member of staff.
4. All reasonable endeavours will be made to resolve any informal complaint within ten school days.
5. Should the matter not be resolved as described in paragraph 4 above, or in the event that the staff member and the parents fail to reach a satisfactory resolution, then the parents can decide whether they wish to proceed with their complaint under Stage 2 set out below
6. In the event that the complaint relates to a Principal / Head of School, the Executive Principal will look into the issues raised within the timescale set out in 4 above; if the complaint relates to the Executive Principal, it will be investigated by a Trustee.

## Stage 2: Formal Resolution

1. If the complaint is not resolved informally as set out in Stage 1, then parents should put their complaint in writing to the Chief Financial & Operations Officer, within ten school days of the conclusion of the Stage 1 process. It would be helpful if parents could also identify how they wish their complaint to be resolved. The complaint will be acknowledged within 5 school days.
2. The complaint will be thoroughly investigated by a senior member of staff. Where the complaint is against a Principal / Head of School or the Executive Principal, it will be investigated as detailed in point 6 of Stage 1. This may involve a meeting with the parents. All reasonable endeavours will be made to ensure that the parents are advised of the outcome of their complaint within ten school days. Where the investigation will take longer than this, the parents will be advised within ten school days and be given a time by which it is anticipated the investigation will be concluded.
3. The parents will receive a written response by email or post setting out the conclusions reached.
4. Where the parents are dissatisfied with the outcome of the school's response to their formal complaint, the parents have the opportunity to have their complaint heard by a panel as outlined in Stage 3 below

## Stage 3: Panel Hearing

1. If parents wish to have their complaint heard by a panel having gone through stage 1 and 2 of the procedure described above, they must submit a request in writing to the Chief Financial & Operations Officer within 10 school days of the date of the school's letter advising them of the outcome of the Stage 2 procedure.
2. Parents should provide a list of their complaint(s) and explain why they feel their complaints have not been resolved satisfactorily.
3. The Chief Financial & Operations Officer will convene a meeting of the panel who will hear the complaint within 20 school days of receiving the parent's request, dependent upon the availability of panel members.
4. The parents and the school will be given 5 school days' notice of the date of the hearing by the panel
5. The panel will comprise two members of the Trust Board who have not been previously involved in the complaint and one person independent of the management and running of the Trust.
6. Proceedings of the panel:
  - The hearing will be closed to the public
  - The complainant will be invited to attend and can be accompanied in representing their own views
  - The relevant Principal / Head of School will be invited to attend and may be accompanied
  - If witnesses attend they will only be present for that part of the hearing where they give their evidence
  - The Chief Financial & Operations Officer will ensure any documents are circulated to all parties involved 5 school days before the hearing
  - The panel may ask questions at any point
  - The panel may agree to the submission of documents less than 5 school days before the hearing
  - The panel will deliberate in private

- The panel will reach a decision as quickly as possible and in no more than 5 school days following the hearing
  - The decision of the panel will be final
7. Remit of the panel – the panel can
- 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 systems or procedures to ensure that problems of a similar nature do not occur
8. The Panel’s findings will be sent by the Chief Financial & Operations Officer in writing to the parents, the relevant Principal / Head of School, the chair of the Trust, and where relevant the person complained of.

## Records

A record of all complaints will be kept in line with data protection and Information and Record Management Society guidelines. They will be monitored by the Trust Board.

## Vexatious or persistent complaints

There are rare circumstances where we will deviate from the Complaints procedure set out above. These include, but are not necessarily limited to:

- where the complainant’s behaviour towards staff, members of the local governing body or Trustees is unacceptable, for example, is abusive, offensive or threatening
- where, because of the frequency of their contact with a school within the Trust, the complainant is hindering the consideration of their or other people’s complaints and/or the proper running of the a school within the Trust;
- where the complainant’s complaint is clearly vexatious and/or has patently insufficient grounds;
- 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 within the 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 within the 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 relevant academy’s premises;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly the Education and Skills Funding Agency (ESFA).

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, members of the local governing body 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.

## Concerns or Complaints from persons other than parents/carers of registered pupils in a school within the Trust

The main body of this complaints policy applies solely to complaints made by parents or carers of pupils in the Trust. The Trust wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the Trust or a school within the trust and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter in accordance with Stage 1 above immediately or may, if appropriate, refer the matter to their line manager or member of the Senior Leadership Team who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 10 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, a formal complaint should be sent to the Principal to investigate and Stage 2 above will commence . The Principal may delegate the task of investigation and/or responding to the complaint to a member of the Senior Leadership Team or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 20 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chair of the local governing body of the school. You should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaints committee on the same terms as set out in the main body of the complaints policy. At Stage 3 The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the academy's complaints procedure.

## Education and Skills Funding Agency

Parents can contact the Education and Skills Funding Agency if they wish to complain about how their complaint to the Trust was handled. The relevant contact details are:

via the Department for Education's schools complaints form  
<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

by post to:

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