



# CONNECTED LEARNING COMPLAINTS PROCEDURES

Document Detail	
<b>Category:</b>	Trust Policy
<b>Authorised By:</b>	CL Board of Trustees
<b>Status:</b>	APPROVED
<b>Date Approved:</b>	May 2019
<b>Next Review Date:</b>	Every 2 years

# CONNECTED LEARNING

## Complaints procedures

The vast majority of complaints and concerns can be resolved informally.

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'*.

A concern or complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. This procedure refers to this person as a complainant.

The Trust will not normally investigate anonymous complaints. However, the Trust's Chief Executive Officer will determine whether the complaint warrants an investigation.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. 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.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an educational complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage and we would ask the complainant to do so in writing. Any complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Consideration of a complaint made outside of this time frame will only be made if exceptional circumstances apply. The Trust will consider complaints outside of term time to have been received on the first school after the holiday period.

Each school within the Trust will have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff is usually the Head of School.

The majority of concerns from parents, carers and others are handled under the following general procedures as follows:

**RAISING YOUR CONCERNS** This aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

**Stage 1** is the first formal stage at which written complaints are considered by a member of the Executive Leadership; in the event that the complaint concerns either the Chief Executive Officer (CEO) or Chief Learning Officer (CLO), this will be considered by the Chair of the Board.

**Stage 2 is the second formal stage when written complaints are considered by either a nominated Trustee or a Chair of Governors (if relevant)**

**Stage 3 is the next stage once Stage 2 has been worked through. It involves a complaints review panel of Trustees**

How each of these stages operates is explained below:

## **Raising Your Concerns**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact for parents and carers should be your child's class teacher or the Head of School - for members of the community, please contact the school's office. Complainants should not approach individual governors to raise concerns or complaints. – they have no power to act on an individual basis.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (within ten school working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, you must raise your concern as a formal complaint through the following stages.

## **Stage 1 - Formal consideration of your complaint by the Executive Leadership**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern as outlined above.

7. Normally, your written complaint should be addressed to **Chief Executive Officer at the Trust Business Centre - Private & Confidential**; we would prefer, if possible, that it was done on the attached form. If, however, your complaint concerns the Chief Executive Officer or the Chief Learning Officer personally, it should be sent to the school marked "**For the attention of the Chair of Board of Trustees at the Trust Business Centre – Private & Confidential**". The form/letter should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what you believe the Trust should do to resolve the complaint.
8. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school working days.
9. We will enclose a copy of this Complaints Procedure with the acknowledgement.

10. Normally we would expect to respond in full within ten school working days but, if this is not possible, we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

11. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. At this point, any meetings with you will be minuted and you may ask for a record.

12. The CEO or CLO, or Chair of Board of Trustees (or his/her representative), may also be accompanied by a suitable person if they wish.

13. Following the meeting, CEO or the CLO, or Chair of Board of Trustees (or his/her representative), will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.

14. We will normally talk to pupils with a parent or carer present unless this would delay the investigation of a serious or urgent complaint or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

**15. NB If the complaint is against a member of staff, it will be dealt with under the Trust's internal confidential procedures, as required by law, and not in line with these procedures.**

16. The CEO or CLO, or Chair of Board of Trustees, will keep written/typed, signed and dated records of all meetings and telephone conversations and other related documentation.

17. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the CEO's or CLO's, or Chair of Board of Trustees', decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

18. If you are not satisfied with the outcome of the Stage 1 investigation and the Trust's findings, you may wish to proceed to Stage 2.

## **Stage 2 – Review by a nominated Trustee (or Chair of Governors)**

19. If you are unsatisfied with the outcome of your complaint under Stage 1, you may write to the Chair of the Board of Trustees (or Chair of Governors if relevant\*) asking for it to be reviewed; this letter must be received within five Trust days of having received the letter confirming the Stage 1 outcome. This letter should not repeat matters already raised in the original complaint but should clearly set out how and why you do not accept the findings made under Stage 1.

20. We will acknowledge receipt of your letter within five working days and will specify the action to be taken and specified time limits. At this point a Trustee will be nominated to conduct Stage 2 unless it is appropriate for the Chair of Governors to take this forward. It will not be appropriate for the Chair of the Board to be nominated Trustee if (s)he has been involved in the Stage 1 investigation.

\*It would only be relevant to contact the Chair of Governors if the school in question has an operational Governing Body (please contact your School Office for further details)

21. As part of the consideration of your complaint, the nominated Trustee (or Chair of Governors) may invite you to attend a meeting to discuss the issues raised with the aim of reaching a mutually acceptable resolution.

22. The nominated Trustee (or Chair of Governors) will then write to you confirming the outcome of the review within 20 Trust days from the date that the request was made.

23. If you are not satisfied with the outcome of the Stage 2 review and the nominated Trustee (or Chair of Governors), you may request a Complaint Panel Hearing under Stage 3.

### **Stage 3- Consideration by a complaints review panel**

- If your concern has already been through the above stages and you are not happy with the outcome, the Clerk to the Board will be asked to set up a complaints review panel to consider matters further. This is a formal process and your ultimate recourse at school level.
- The purpose of this arrangement is to give your complaint a hearing in front of a panel of Trustees, who have no prior knowledge of the details of the complaint, and at least one person independent of the management and running of the Academy Trust who can, therefore, consider it without prejudice. The Clerk will source this individual through local schools/trusts or through the LA's Governor Services.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between you and the school. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
- The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint; new complaints must be dealt with from the initial stages of these procedures.

#### **The complaints review panel operates according to the following formal procedures:**

1. The Clerk to the Board will aim to arrange for the panel meeting to take place within 20 Trust days of the receipt of the request for a panel hearing. The Clerk will write to inform you of the date of the hearing. If you reject the offer of three proposed dates, without good reason, (s)he may decide when to hold the meeting. It could then proceed in your absence on the basis of written submission from both parties – you will be informed of the date.

2. The Clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements which must be signed and dated. You may ask witnesses to give evidence in person – if you wish this to happen, you must advise the Clerk well in advance; permission for a witness to attend is at the discretion of the Panel Chair and you will be advised whether permission has been granted at least five days in advance of the panel hearing.

3. All members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.

4. The Clerk will inform you, the Trust's Representative (usually the Chief Executive Officer or Head of School), and members of the Panel by letter of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.

5. The Clerk will also send all relevant correspondence, reports and documentation about the complaint; this must be received by you, the Trust's Representative and the panel members by at least five working days before the date that the hearing will be convened.

6. The letter will explain what will happen at the panel meeting and the Clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support, and will not play any part in the proceedings unless invited to do so by the Chair of the Complaint Panel. It is not generally encouraged that legal representatives accompany either party although there may be occasions when legal representation is appropriate - the Panel Chair must be advised in advance if you intend to be accompanied by legal representation. Representatives from the media are not permitted to attend.

7. With the agreement of the Chair of the Panel, the Trust's Representative may invite members of staff directly involved in matters raised by you to attend the meeting,

8. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease. The meeting will be held in private – electronic recordings of meetings or conversations are not normally permitted unless you have a disability or special needs which require it. Prior knowledge and consent of all parties must be sought before meetings or conversations are recorded and the consent will be recorded in the hearing minutes.

9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting may be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

10. The Chair of the Panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the Panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

11. However, the written outcome of the panel meeting will be sent to you and this should give you all the information you require – the letter will be sent within ten Trust days and will explain what further recourse is available to you.

12. During the meeting, you can expect to ask questions of the school and to be questioned regarding your complaint

13. In closing the meeting, the Chair will explain that the Panel will consider its decision and that written notice of the decision will be sent to the Head of School and yourself within ten Trust days. All participants other than the Panel and the Clerk will then leave.

14. The Panel will then consider the complaint and all the evidence presented within it. The Panel can either uphold the complaint in whole or in part or dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide on the appropriate action to be taken to resolve the complaint

- Where appropriate, recommend changes to the Trust’s systems or procedures to prevent similar issues in future

15. We will keep a copy of all correspondence and notes on file at the Trust Business Centre and in line with the Trust’s Retention Management Procedures.

## Closure of complaints

- Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant’s wishes. Sometimes it is simply a case of “agreeing to disagree”.
- If a complainant persists in making representations to the school – to the Head of School, Chair of Board of Trustees or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

Please refer to the Trust policy on managing serial and unreasonable complaints.

If, having completed all the stages of these Procedures, you are still dissatisfied with the handling of the complaint, the Education Skills & Funding Agency (ESFA) will offer support but it is the responsibility of the Trust to make sure that its complaints procedure is fully compliant. The ESFA’s responsibility is to ensure academies comply with their funding agreements.

If a complaint goes to the ESFA (full details of how to access the online complaints form will be supplied in the Stage 3 outcome letter), it will check whether the complaint has been dealt with properly by the Trust. It will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

It will not overturn an academy’s decision about a complaint. However, if the ESFA finds an academy did not deal with a complaint properly, it will request the complaint is looked at again and that the procedures are considered to ensure that they meet the requirements set out in the Regulations\*.

If the academy’s complaints procedure does not meet the Regulations, the academy will be asked to put this right. The ESFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

\*Education (Independent School Standards (England) Regulations 2014, Schedule 1, Part 7

**IF YOU WISH YOU MAY USE THE FOLLOWING FORM TO ALERT THE SCHOOL TO YOUR INFORMAL CONCERN (please use the next form if your complaint is formal)**

I wish to meet [*name of teacher*] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent 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:

**Signed**

**Date**

[Please complete this form and return it to the school office – please mark the envelope FOR THE ATTENTION OF THE CHIEF EXECUTIVE OFFICER at the TRUST BUSINESS CENTRE \* - PRIVATE & CONFIDENTIAL *Need to decide how complainants can email – need to have both options: hand written and email*

**Trust use:**

Date Form received:

Date response sent:

Received by:

Response sent by:

\*If the matter is concerning the Head of School / Chief Executive Officer or Chief Learning Officer, please mark the envelope for the ATTENTION OF CHAIR OF BOARD OF TRUSTEES at the TRUST BUSINESS CENTRE – PRIVATE & CONFIDENTIAL

**IF YOU WISH YOU MAY USE THE FOLLOWING FORM TO ALERT THE SCHOOL TO YOUR FORMAL COMPLAINT**

Please complete this form and return it to the school office (please mark the envelope – COMPLAINT - FOR THE ATTENTION OF xxx\* - PRIVATE & CONFIDENTIAL) who will acknowledge its receipt and inform you of the next stage in the procedure. **Again we need to think how best for this to be done with both handwritten and email options**

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):

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 =

Signature:

Date:

**\*If the matter concerns the Head of School, please mark the envelop FOR THE ATTENTION OF THE CHAIR OF BOARD OF TRUSTEES – PRIVATE & CONFIDENTIAL**

**Trust use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: