

# SHERBORNE AREA SCHOOLS' TRUST



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## Complaints Policy

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<b>Author:</b>	<b>SAST</b>

## **SAST Schools' Concerns and Complaints Procedure**

### **- Making a Complaint to the School or the Trust**

#### **2018-2019**

This procedure set outs a procedure which deals with concerns or complaints in a positive way that is simple and easy to understand. It is our intention to resolve the matter swiftly in an impartial, non-adversarial, fair, accessible, and respectful manner, keeping confidentiality at all times.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. We recognise there are times when things go wrong, when concerns continue and differences of opinion develop. These can usually be resolved by speaking to the right person. Most concerns can be settled without too much trouble, but whatever the concern, it's always important to try to find an answer or work together to try to resolve the issue.

#### **How to resolve a concern or complaint**

***Please note that all parties involved in making or resolving a complaint are bound by strict rules of confidentiality.***

#### **STAGE 1 – Informal Resolution**

Raise the concern informally with the staff member or individual concerned.

Please make an appointment by telephoning or emailing the school. If your concern is more serious you may prefer to share it first with a middle or senior leader or with the Headteacher. All matters regarding the running or organisation of a SAST School including conduct of school staff, school policies and premises should be directed to the Headteacher in the first instance.

If your concern relates to the LGB please contact the Chair of the LGB through the School

If your concern relates to the running or organisation of the Trust, please direct the concern to the CEO by making contact through the school or SAST central office or to the Chair of Trustees, if it relates to the CEO.

#### **STAGE 2 – Formal Resolution**

- 2.1** If you are dissatisfied with the response of school or Trust staff in trying to resolve the concern, raise the matter in writing as a formal complaint. You should make it clear if you wish the matter to be dealt with as a formal complaint. Please include details which might assist the investigation, such as names of those people involved, potential witnesses, dates and times of events, and copies of relevant documents.

This will be investigated by the Headteacher or a Senior Leader (in relation to a school matter), the Chair of the LGB and CEO (if it relates to the Headteacher or the LGB), the Chair of the LGB (in relation to the LGB), the CEO (in relation non-school based SAST staff) or Chair of Trustees, if it relates to the CEO.

**NOTE:** The formal procedures are only 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.

- 2.2** All matters regarding the running or organisation of a SAST School including conduct of school staff, school policies and premises should be directed to the Headteacher in the first instance. If the matter is a complaint about the Headteacher personally it should be directed to the Chair of Governors. If it relates to the running or organisation of the Trust, please direct the complaint to the CEO. The person who deals with the complaint is called the Respondent. If you are not sure who to approach or direct your complaint to, please contact the school or Trust.

- 2.3** Contact or visit the school office or SAST Head office and request a Formal Complaint Form (see Appendix 1) or write to the person you wish to raise it with by email or letter. The Respondent will record the date the complaint is received and will acknowledge it in writing within 5 school days. If a formal complaint is received in the school holidays, it will be acknowledged within 5 term time days.

- 2.4** The Respondent will investigate the complaint, keeping a record which will include:
- Date of receipt and a summary of the complaint.
  - Action taken as part of the investigation (notes of meetings and telephone calls).
  - Evidence that any staff members subject to a complaint and, if appropriate, that the Chair of governors or Trust have been informed and any written responses.
  - Learning from complaints – how steps taken to resolve the matter have been implemented as part of a wider School or Trust Development Plan, if appropriate.

**2.5** **2.5.1 School Matters** - The Headteacher (or a Senior Leader) will investigate the complaint and, in most cases, seek to resolve the matter through discussion with the complainant. The Headteacher will contact his/her Chair of Governors to inform them of the complaint and will also contact other relevant parties involved in the matter and may ask them to meet with him/her in order to present written and oral evidence in response. When the investigation has been concluded, the complainant will be informed in writing of the conclusion of the investigation and the outcome. This will normally be within 10 school days, but you will be kept informed if more time is needed.

**2.5.2 Trust Matters** - As above, the CEO will investigate the complaint in the same manner above informing the Chair of Trustees of the complaint.

**2.6** The outcome of the investigation may be to the effect that:

- The complaint requires further investigation because of its complexity or seriousness and a response will be forthcoming at a date specified.
- The complaint was substantiated in part or in full. Details will be provided of the action taken by the school/Trust which will include measures to remedy the matter.
- The complaint is unsubstantiated; there is insufficient evidence to reach a conclusion, it is unreasonable or it falls outside this procedure, and the complaint cannot be upheld.

On receipt of a response we hope the matter will be fully resolved. However, if you are not satisfied with the response or actions of the respondent, you have the option to Appeal the matter to the Chair of Governors or Chair of Trustees respectively. Please write to the Chair including a statement about why at Stage 2 you feel there were failures in following this Complaints Procedure.

### **STAGE 3 – Complaint Appeal**

If you are dissatisfied with the formal response to your complaint at Stage 2, you can appeal. This will be considered by the Chair of the Local Governing Body (in relation to a school matter), an LGB Panel with the CEO (in relation to the HT) or by the Chair of the Board of Trustees and Trustee Panel (in relation to a matter regarding the Trust itself).

**3.1** The Chair of Governors or Chair of Trustees will investigate your complaint and, in most cases, seek to resolve the matter through discussion with yourself and the Headteacher/CEO. The Trust will be informed (if not already) that a Complaint Appeal has been received. An investigation will follow led by a panel of governors if it is a school matter raised at Stage 2 or led by a panel of Trustees in the case of a complaint raised against the Trust at Stage 2. The Complaints Appeal Panel shall consist of not less than three members and may include the CEO at the panel's discretion. The Complainant will have the opportunity to offer up further information or evidence in support of the Complaint Appeal. Once the panel has had an opportunity to consider this, and any other evidence from the original Complaint, the Complainant will be invited to meet with the panel. This will normally be within 20 school days of receipt of the Complaint Appeal, but the Complainant will be kept informed if more time is needed.

**3.2** A response will be provided by the Panel explaining the outcome of the Complaint Appeal which may be to the effect that:

- The Appeal is accepted - The complaint was substantiated in part or in full and details will be provided of the action taken by the Governing Body to include measures to remedy the matter.

- The Appeal is denied - The complaint remains unsubstantiated; there is insufficient evidence to reach a conclusion, or it falls outside this procedure, and the decision made at Stage 2 is upheld.

#### **STAGE 4 – DFE**

On receipt of a response we hope the matter will be fully resolved. However, if you are not satisfied with the response or actions of the Panel, you have the option to raise the matter to Secretary of State via the School Complaints Unit. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is practical and expedient to do so. Note that the DFE will only respond to complaints where all stages of the school complaints policy have been followed in full.

Please write to:

Department for Education  
School Complaints Unit (SCU)  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### **Unreasonable Complainants**

SAST schools and the Trust are committed to dealing with all complaints fairly, impartially, courteously and with professionalism. We will not normally limit the contact Complainants have with the school. However, the Trust does not expect school or its own staff to tolerate unacceptable behaviour and it will take action to protect staff from that behaviour, including where a concern or complaint results in communication which is abusive, offensive or threatening.

SAST defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint can be regarded as unreasonable when the person making the complaint:

- Refuses to specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Raises numerous, detailed but unimportant questions; insisting that they are answered immediately or to their own timescales.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing and by telephone.
- Makes covert recordings of meetings

A complaint will also be considered unreasonable if the person making the complaint does so:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- Makes inappropriate comments on the internet and social networking sites.

If staff trying to resolve a concern or complaint feel the complainant's behaviour is unreasonable they will be notified and given an opportunity to change it. Staff may also specify methods of communication and times. Any serious incident of aggression or violence or course of action will be notified to the Police.

### Formal complaints falling outside this policy

Formal complaints can be made about any subject except those listed below for which there are separate statutory procedures.

- admissions to schools
- exclusion of children/young peoples from school
- statutory assessments of special education needs
- school re-organisation proposals subject to statutory procedures
- matters likely to require a Child Protection Investigation
- whistle-blowing
- staff grievances and disciplinary procedures
- complaints about services provided by other providers, such as contractors

Please note that complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales. If there is a risk that dealing with a complaint might prejudice a separate but related legal matter, the complaints procedure will be suspended until the concurrent legal matter is concluded. Complaints considered to be "unreasonable" will not be accepted under this procedure.

### Monitoring of the Procedure

The Local Governing Body and the Board of Trustees will monitor the operation and effectiveness of this Complaints Procedure annually as well as how information about complaints is being used to improve school services. The report will include the number of complaints received, their nature and how they have been resolved.

### Summary of the Stages

Complaint relates to	School	Headteacher (HT)	LGB or School Governor	Chair of LGB	SAST Non School staff	Executive Head (EH)	SAST or Trustee
<b>Stage 1</b>	<b>Informal Stage - Concern raised with</b>						
	Teacher/tutor Middle/Senior leader HT	HT	Chair LGB	Chair of Trustees/CEO	CEO	Chair of Trustees	Chair of Trustees
<b>Stage2</b>	<b>Formal Stages – written complaint</b>						
	HT	Chair of LGB and CEO	Chair of LGB	Chair of Trustees	CEO	Chair of Trustees	Chair of Trustees
<b>Stage 3</b>	<b>Appeals</b>						
a	Chair of LGB	LGB Panel and CEO	Chair of Trustees and CEO	Trustee Panel	Chair of Trustees	Trustee Panel	Trustee Panel
b	LGB Panel including CEO	Trustee Panel	Trustee Panel		Trustee Panel		
<b>Stage 4</b>	<b>DFE or ESFA</b>						

Policy adopted by: \_\_\_\_\_ Chair of Trustees

School/Organisation Name: \_\_\_\_\_

Date: \_\_\_\_\_ Review date: \_\_\_\_\_

## Appendix 1

Private & Confidential

### Formal Complaint Form (2 pages)

Your Name	
Relationship with school / to the pupil	
Pupil's name (if relevant)	
Your Correspondence Address	
Telephone Numbers	Daytime -  Evening -
Your Email Address	
<p>Please give full details of the Complaint here (attach additional pages as necessary) –</p>	

Private & Confidential

What action have you taken to resolve it so far?  
(please include who you have spoken to and when and their response)

What actions do you feel would resolve the matter at this stage?

Are you attaching any paperwork? (please specify what)

Signed by: \_\_\_\_\_ On Date: \_\_\_\_\_

**OFFICIAL USE**

**Date acknowledgement sent:**

**By:**

**Complaint referred to:**

**Date:**

**Additional documents attached?  
(please specify)**

**Additional comments:**