COMPLAINTS POLICY

1. INTRODUCTION

Policies for the Chiltern Learning Trust are designed to support the ethos, aims and vision of the Trust and each school within it as outlined in the Strategic Intents and School Improvement Plan (SIP).

2. RATIONALE

The Board of Trustees welcome feedback, both positive and negative, about how we are doing. Where someone has a concern or complaint we will endeavour at all times to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible. This policy implements a structured process for the resolution of complaints.

Stage 1: Dealing with concerns and complaints informally

(i) The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, form tutor, year leader, subject leader, other members of senior staff, depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

(ii) Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

(iii) The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

(iv) If the person is dissatisfied with the response they have been given, they should be provided with a copy of the trust's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the Headteacher or his/her representative, usually in writing.

Stage 2: Referral to the Headteacher

(i) The issue is referred to the Headteacher or his/ her representative for investigation, usually in writing by the complainant. It is generally at this or the previous stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the Guidance for Parents. If the latter is the case, the Headteacher or his/her representative will need to inform the complainant of this and the way in which the complaint will be handled.

(ii) At this stage it has become clear that the concern is a definite complaint. Any complaint received under this process, whether orally or in writing, should be acknowledged and a meeting held within 5 school days with a full written response within 15 school days. Complainants should also be given the opportunity to meet with the Headteacher or his/her representative, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses, carried out in the course of the investigation should be kept by the Headteacher or his/her representative.

(iii) In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of Local Governing Body if they wish to take their complaint further. Any such referral should be made within 10 school days after receipt of the Headteacher or his/her representative's letter.

Stage 3: Review by the Chair of the Local Governing Body

(i) The complainant requests a review of their complaint by writing to the Chair of the Local Governing Body, care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints received by the Chair should be acknowledged within 7 school days and with a substantive response within 20 school days. The Chair may need to hold interviews with the Headteacher or his/her representative and possibly other members of staff and notes should be kept of those meetings. Again, the letter conveying the Chair's findings should include details of the next stage of the procedure.

(ii) This stage should also serve as the first point at which complaints specifically about the Headteacher or his/her representative, the actions of the local governing body or an individual governor should be considered (should the complaint be about the Chair, the Vice-Chair should undertake the investigation).

(iii) In acknowledging any complaint, the Chair may need to explain the powers of the local governing body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the local governing body can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a local governing body to change a decision, it may make a recommendation for the Headteacher or his/her representative to consider.

Stage 4: Review by Chiltern Learning Trust's Complaints Committee

(i) Complaints only rarely reach this formal level, but it is important that Trust is prepared to deal with them when necessary. Where the parent is not satisfied with the response of the Chair of the Local Governing Body, the parent must write to the Trust's Company Secretary. Where the Company Secretary receives a complaint under these procedures, he or she would make provision for a hearing before a panel appointed by or on behalf of the Chiltern Learning Trust and consisting of at least three people who were not directly involved in the matters detailed in the complaint and ensures that one member of the panel is independent of the management and running of the school. He or she will aim to arrange for the complaints committee to meet within 10 school days from receipt of the letter.

(ii) The Headteacher or his/her representative should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. On issuing notification of the date and time of the hearing, the Company Secretary will need to advise the complainant and the Headteacher or his/her representative that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members five days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend. (Please see Appendix 1 for Stage 4 procedures)

(iii) Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted and the Company Secretary should keep copies of all relevant correspondence and notes on file and confidential.

(iv) The findings of the committee should be notified to the complainant and the in writing within five school days of the hearing.

Appendix 1 – Procedures
Appendix 2 – Managing serial and unreasonable complaints

Further Recourse

If the complainant is dissatisfied with the Trust's handling of their complaint, further recourse to the DfE through the Education Skills Funding Agency (ESFA) is available to them outside the scope of the trust's own procedures.

The ESFA cannot review or overturn decisions about complaints made by school. They can only investigate whether the school considered the complaint appropriately. If the ESFA finds that the school did not consider a complaint appropriately, it can request the school to re-consider the complaint.

Complaints about the school should be sent:

By email to academyquestions@efa.education.gov.uk

By post to ESFA Complaints, Chief Executives Office, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

Telephone: DfE's Public Communications Unit on 0370 000 2288

SUMMARY OF THE COMPLAINTS PROCEDURE – LEAFLET FOR PARENTS

Concern or complaint received

Stage	Action required
Stage 1: Informal discussion with the class teacher or other relevant member of the senior staff usually resulting in resolution of the issue.	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedures and information on how to proceed to stage 2 with their complaint.

If the complaint is not resolved

Stage 2: The complaint is submitted, either verbally or in writing, to the Headteacher or his/her representative.	The Headteacher or his/her representative acknowledges receipt and arranges meeting within 5 school days and provides a full written response within 20 school days. If necessary the complainant should be informed of how to contact the chair of the local governing body.

If the complaint is not resolved or if the complaint is about the Headteacher

Stage 3: A written complaint is submitted to the chair of the local governing body.	The chair acknowledges receipt within 7 school days. Chair of local governing body provides full written response within 20 school days. Information is provided to complainant if required on how to progress complaint to stage 4.

If the complaint is not resolved

Stage 4: Complainant writes to the company secretary of the Chiltern Learning Trust requesting that a complaints committee hear the complaint.	Company Secretary arranges for complaints committee to meet within 10 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. (Appendix 1 outlines hearing's procedures)

If the complainant is not satisfied that the complaint has been dealt with properly

according to the school's procedure

If the complainant is not satisfied that the complaint has been dealt with properly and fairly

Complainant writes to the Education and Skills Funding Agency (ESFA)	.

Appendix 1 – Procedures
Stage 4 – Complaint Heard by the Complaints Panel

1. **Request:**
   A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the school decision made at Stage 3.

2. **Acknowledgement:**
   Where an appeal is received, the school will within (three) 3 working days refer the matter to the Company Secretary who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within (three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

3. **Panel Hearing:**
   The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 10 working days after receipt of the Stage 3 request.

4. **Panel Membership:**
   The Panel will consist of two Trustees and or Local Governors who have not previously been involved in the complaint and one person independent of the management and running of the school (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

5. **The Remit of the Complaints Appeal 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 recur

   The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

6. **Attendance**:
   The following are entitled to attend a hearing, submit written evidence and address the Panel;
   - the parents/carers and/or one representative
   - the Headteacher and/or one representative
   - any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

7. **Evidence:**
   All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;
   - documents
   - chronology and key dates
   - written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than (five) 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than (three) 3 working days in advance of the Panel Hearing.

8. Roles and Responsibilities

The Role of the Clerk (Company Secretary):

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- 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 and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings and keep confidential
- notify all parties of the panel's decisions

The Role of the Chair of the Board of Trustees or Nominated Governor:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

The Role of the Chair of the Panel:

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents or others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

9. Decision:

The Panel will reach a decision, and make any recommendations within ten (5) working days of the hearing. The decision reached is final**.**

10. Notification of the Panel's Decision:

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Trustees and the Headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

20. Record Keeping:

The School concerned will keep a record of all Stage 2, Stage 3 and Stage 4 complaints detailing the findings and recommendations for inspection by the proprietor and the headteacher. This record will state if the complaint was completed following the formal procedure or a panel hearing. The school will record actions taken following recommendations.

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

Appendix 2 – Managing Serial and Unreasonable Complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- 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
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, or email), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable'* marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school site.

A GUIDE FOR PARENTS ON THE SCHOOL BASED COMPLAINTS PROCEDURE – *this guide forms a leaflet which can be given to parents*

What to do if you have a concern or complaint about *Denbigh High School*

At ***Denbigh High School***, we like to be told about how we are doing, whether well or badly. If you have a concern or complaint we always try to deal with it helpfully and reasonably. If we need to, we try to put things right as quickly as possible. If you have a concern or complaint you need to take it up with the school itself.

This complaints procedure is for general complaints. The school must follow these procedures for complaints or appeals about the curriculum; special educational needs provision, exclusions and admissions. Staff disciplinary action, child protection issues or criminal investigation will need to be handled differently. We shall tell you which is the right process when you discuss your concern with us.

The complaints procedure has four stages. You will be told what to do at each stage if you wish to take your complaint further.

Stage 1 of the process is informal:

STAGE 1

If you have a concern about the school, try to talk to someone at the school, preferably the person who is most closely involved. If you get in touch with one of the governors first of all they can only give you general advice. They may need to ask you to take up your concerns with the member of staff best able to help you, or with the Headteacher or his/her representative.

Your concern can usually be settled quickly and without fuss by contacting the right person in the school. This could be your child's teacher, another member of the senior staff or the Headteacher or his/her representative.

If your concern cannot be sorted out in this way or you are not happy with the way it has been dealt with you should take it to stage 2:

STAGE 2

You should complain to the Headteacher or his/her representative who will investigate your complaint. You would normally do this in writing. If your complaint is about the Headteacher or his/her representative, you can complain directly to the Chair of the local governing body (see Stage 3).

The school will let you know that it has received your complaint and a meeting held within 5 school days. You will be given the results of the Headteacher's investigation in writing within 15 school days.

If your complaint has still not been resolved to your satisfaction you may take it to stage 3:

STAGE 3

You can complain in writing to the chair of local governing body, in care of the school. You should make it clear why you are complaining, who you have already spoken to and what you want to happen as a result of your complaint.

The chair will let you know that (s)he has received your complaint within 7 school days and will then investigate it.

You will be told about the outcome of the chair's investigation in writing within 20 school days.

If you are still not satisfied after receiving the chair of governor's report, you can ask to have your complaint referred to a complaints committee of the Chiltern Learning Trust at stage 4.

STAGE 4

You can write to the Company Secretary care of the school. You should say exactly why you are unhappy with the chair's findings and ask that a complaints committee be set up to look at the complaint.

The committee will meet within 10 school days after the Company Secretary receives your letter. You will be told in advance about the process and what will happen at the meeting of the committee. You can attend and bring a relative or friend to support you if you want to. You will be told in writing about the committee's findings within 5 school days from the date of the meeting.

What you can do if you are still not satisfied with the Chiltern Learning Trust's decision

If you remain dissatisfied, you can contact the ESFA.

By email to: academyquestions@esfa.education.gov.uk

By post to: ESFA Complaints, Chief Executives Office, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

Telephone: DfE's Public Communications Unit on 0370 000 2288