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2. August 2020	Head of G&C	Clarity around working days being school term dates only.

Complaints Procedure

Our mission is “to deliver excellence in education and to transform lives through learning”, bringing to life our core values of empowerment, enterprise, connectedness and transformation. We work hard to ignite confidence, expand opportunities, energise the community and generate prosperity.

These values are further supported by [our learning philosophy](#), rooted in the dynamics between the brain, motivation and our emotions.

Policy Statement

This policy sets out the Trusts expectations regarding the handling of complaints to ensure that complaints, concerns and issues raised by parents of pupils at the trust and others are properly investigated in an unbiased, non-judgmental, transparent and timely and appropriate manner.

Principles

Complaints and concerns will be investigated to try to clarify; what has happened, who was involved and what the complainant feels would put things right. We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

This Complaints policy is linked to:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Whistleblowing policy

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1. Aims

Our trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and trust improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our trust.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint:

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The trust will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Working days are defined as school term dates only.

The trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)

- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about a school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO) in the first instance; they will then be referred to this complaints policy. Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The trust expects that complaints will be made as soon as possible after an incident arises, and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Summary of complaints procedure

We have adopted a 4-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – local governing board panel hearing
- Stage 4 – review by the trust board

6. Stage 1: informal resolution

The trust will take informal concerns seriously and make every effort to resolve that matter quickly.

The complainant should raise the complaint as soon as possible with the relevant member of school staff or the head teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office.

The school will acknowledge informal complaints within 5 working days, and provide a response within 10 working days.

The informal stage may involve:

- A meeting between the complainant and the head teacher and/or the subject of the complaint, if appropriate.
- Provision of additional information or clarification
- Amendments to provision or practice

- Provision of additional support or guidance
- Mediation
- Conflict resolution

If the complaint is not resolved informally, it will be escalated to a formal complaint.

7. Stage 2: formal investigation

The formal stage involves the complainant putting the complaint into writing. This letter should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents.

Addressing your complaint

Complaints **not** involving the head teacher or a member of the local governing committee should be directed to the head teacher, this can be done by:

- Email: Please see Appendix 1
- Letter addressed to the head teacher, delivered to the school office (Appendix 1)

Complaints involving the head teacher or a member of the local governing board should be directed to the chair of the local governing board. This can be done by:

- Email: Clerk@alet.org.uk
- Letter addressed to the chair of the local governing board, delivered to the school office

Complaints involving the chair of the local governing board should be directed to the Clerk to the Trust. This can be done by:

- Email: Clerk@alet.org.uk
- Letter: Clerk to the Activate Learning Education Trust board.

Activate Learning Education Trust
Oxpens Road
Oxford
OX1 1SA

Investigation

The complainant will receive written acknowledgement of their complaint within 5 working days.

The investigating officer (such as the head teacher or the chair of the local governing committee) will then conduct their own investigation. The investigation may include:

- Reviews of relevant documents
- Interviews with pupils, parents, staff and other involved parties

The written conclusion of this investigation will be sent to the complainant within 10 working days. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the investigating officer in writing within 10 working days.

8. Stage 3: local governing board panel hearing (within 15 working days)

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

An independent panel will be appointed on behalf of the trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. An independent investigator from within the trust will be appointed.

The panel cannot be made up solely of local governing committee members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section entitled 'Record Keeping' below). The local governing committee is responsible for ensuring that the panel is properly minuted.

The complainant must be notified of the date, time and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

At the review panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant is allowed to attend the panel hearing and be accompanied if they wish.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust and head teacher.

The panel will inform those involved of the decision in writing within 10 days.

9. Stage 4: review by the trust board

Where the school-based complaints procedure has been completed, and the complainant does not feel their complaint has been addressed to their satisfaction, they may contact the trust in writing to request a review of the complaint investigation.

They can do this by:

- Email: Clerk@alet.org.uk
- Post: Clerk to the Activate Learning Education Trust board
Activate Learning Education Trust
Oxpens Road
Oxford
OX1 1SA

The written request should include a summary of the complaint, along with any relevant dates, times and evidence.

The trust will only investigate complaints where:

- The school did not comply with the complaints procedure
- The school or trust's complaints procedure does not comply with statutory requirements
- The school has failed to comply with a duty imposed under its funding agreement

The trust cannot overturn decisions on complaints made during the school's complaints procedure. However, it can assess whether the school considered the complaint appropriately.

If it is found that the school did not address a complaint appropriately, or that statutory requirements were not met, the trust will require the complaint to be reconsidered within 15 working days. This also applies where adjustments must be made to the complaints procedure to bring it in line with statutory requirements.

Investigation

Where a complaint is raised with the trust, the trust's investigating officer will acknowledge the complaint in writing within 5 working days.

The school will be asked to provide the following within 5 working days:

- A copy of its complaints procedures [if this differs in any way to the trust-wide policy]
- Details of other relevant policies and procedures
- An explanation of how each stage of the complaints procedure has been followed
- A response to the complaint, including relevant documents and correspondence

The investigating officer will provide a written response to the complaint within 10 working days.

10. Complaints about the trust or central staff

We use a 3-step process for addressing complaints made about the trust as a whole, or against central staff:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – trust board panel hearing

Stage 1: informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the trust's central team, or the Chief Executive Officer (CEO).

If the concern regards the CEO, the complainant should contact the chair of the board of trustees.

If the complainant is unsure who to contact, or needs to contact the chair of the board of trustees, they should contact the trust office:

- Email: Clerk@alet.org.uk
- Telephone: 01865 551025
- Post: Clerk to the Activate Learning Education Trust board
Activate Learning Education Trust
Oxpens Road
Oxford
OX1 1SA

The process for responding to and investigating an informal complaint about the trust or central staff is the same as that set out in section 6.

Stage 2: formal investigation

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within 5 working days.

The investigating officer will then conduct an investigation, in line with the process set out in section 7 above, providing a written response to the complainant within 15 working days which can be extended if needed.

Step 3: trust board panel hearing

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

A panel will be appointed by the trust, and will consist of 3 members of the board not involved in investigating the complaint in the formal stage.

The complainant must be notified of the date, time, and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The board will ensure that the hearing is properly minuted.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust.

The panel will inform those involved of the decision in writing within 10 working days.

11. Referring complaints on completion of the school and trust procedures

If the complainant is unsatisfied with the outcome of the school or trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the school or trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school or trust did not comply with its own complaints procedure
- Whether the trust was in breach of its funding agreement with the secretary of state
- Whether the trust has failed to comply with any other legal obligation

If the complaint was not dealt with properly, the school or trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

12. Persistent complaints

Where a complainant tries to re-open the issue with the school or trust after the complaints procedure has been fully exhausted and the school or trust has done everything it reasonably can in response to the complaint, the chair of the local governing committee or the chair of the board of trustees will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school or trust again about the same issue, the school or trust can choose not to respond. The normal circumstance in which the school or trust will not respond is if:

- The school or trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school or trust's position and their options (if any), *and*
- The complainant is contacting the school or trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school or trust will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or

- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school or trust staff

Unreasonable behaviour which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

The school or trust will act reasonably. Once the school or trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

Unreasonably persistent complaints

Where it is deemed that complaints are unreasonably persistent, these may result in restricting or terminating contact with the complainant and implementing an engagement plan.

The Trust will also refer to the guidance from the Department for Education

<https://www.gov.uk/government/publications/controlling-access-to-school-premises>

13. Record-keeping and confidentiality

The school will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final outcome

The records will also include copies of letters and email, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely in the school office, and will be viewed only by those involved in investigating the complaint or on the review panel.

In the case of complaints about the trust or central staff, these records will be managed by the clerk to the board of trustees, and will be stored securely in the trust's offices under restricted access.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the General Data Protection Regulation, or where the material must be made available during a school inspection.

Records of complaints will be kept for 6 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing committee of the school (or the entire trust board) in case a review panel needs to be organised at a later point.

Where the local governing committee is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the local governing board, who will not unreasonably withhold consent.

14. Learning lessons

The local governing committee will review any underlying issues raised by complaints with the head teacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

The trust board/CEO/other relevant trust leaders will receive regular reports on the types of complaints received in each school in order to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

15. Monitoring arrangements

The local governing committee will monitor the effectiveness of the school complaints procedure in ensuring that complaints are handled properly.

The local governing committee will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'.

The complaints records are logged and managed by the head teacher's office.

The Clerk to the trust board will monitor the effectiveness of the complaints procedure trust-wide.

This policy will be reviewed by Clerk to the Trust board every 3 years.

At each review, the policy will be approved by Policy Committee.

16. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Whistleblowing policy
- Department for Education guidance for controlling access to school premises.

<https://www.gov.uk/government/publications/controlling-access-to-school-premises>