



Scalby Learning Trust

Trust Policy

Concerns and Complaints Policy

Approver: Trustees
Review Cycle: Biennial

Revision History			
Date	Version	Short Description of Changes	Approved by:
Sept 16	v1	Policy Adopted	Trustees
Nov 18	V1.1	Reviewed	Trustees
Aug 19	V1.2	Reviewed	Trustees
Sept 20	V1.3	ESFA contact details added	CEO

This Policy Applies To:
Secondary Schools Primary Schools Centralised Trust Employees Agency Staff & Contractors Trustees & Governors

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Introduction

Working through its schools and its governing body, Scalby Learning Trust aims to provide an outstanding service to the pupils and students and families it serves. However, there may be occasions when parents feel the need express a concern or a complaint. The purpose of this document is to outline how parental concerns and complaints should be resolved.

1. General Principles

1.1 Concerns and Complaints

There is a difference between a concern which can be resolved by positive communication with the school and a formal complaint. Dealing with parental concerns at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if possible, without the need to implement formal complaints procedures.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve a concern informally. In most cases the head of year will receive the first approach from a parent. Staff should, wherever possible, be encouraged to resolve issues. However, in some circumstances parents may write to make a formal complaint. The process for addressing a concern or complaint is the same whether the complainant is a parent or not.

1.2 When a concern becomes a complaint

The formal complaints procedure will be 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. Formal complaints need to be made in writing in the first instance, to the Headteacher.

1.3 Framework of Principles

1.3(a) Encourage resolution of problems by informal means wherever possible

1.3(b) Be easily accessible and publicised

1.3(c) Be simple to understand and use

1.3(d) Be impartial and non-adversarial

1.3(e) Allow swift handling with established time-limits for action and keeping people informed of the progress

1.3(f) Ensure a full and fair investigation

1.3(g) Respect people's desire for confidentiality

1.3(h) Address all the points at issue and provides an effective response and appropriate redress, where necessary

1.3(i) Provide information to the school's senior leadership team when it is appropriate so that services can be improved.

1.4 Resolving Complaints

At each stage in the procedure, all parties need to consider ways in which the complaint can be resolved. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this will encourage a positive atmosphere in which to discuss any outstanding issues. An admission that the school could have handled the situation better or differently is not the same as an admission of negligence or wrongdoing.

1.5 Unresolved Complaints

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Properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been exhausted, the complainant remains dissatisfied. In that case, the Chair of the Governing Body will inform the complainant in writing that further appeal needs to be made to the Education and Skills Funding agency. The ESFA's complaint's system can be found online at: <https://www.gov.uk/government/organisations/complaints-procedure> (See Appendix 6)

If the complainant has exhausted all avenues of appeal and tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

1.6 Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible, and there are realistic time limits for each action within each stage.

The time limits are as follows:

Written complaint to the Headteacher:

- 5 working days to acknowledge in writing that the complaint has been received and will be investigated.
- 20 working days for the Headteacher to respond in writing from the date the complaint was received.

If the matter is not resolved, it will be referred to the Chair of Governors who will respond as follows:

- 5 working days to acknowledge in writing that the complaint has been received and will be investigated.
- 20 working days for the Chair to respond in writing from the date the complaint was received.

If the matter is not resolved, it will be referred to the Complaints Referral Committee (Hitherto referred to as the CRC), who will respond as follows:

- 5 working days to acknowledge in writing that the complaint has been received and will be subject to a hearing with a date given for the CRC to meet and endeavour to resolve the matter.

2. Procedures

A flow chart illustrates the procedural stages and can be found in annex 1.

There are a series of stages in the Scalby Learning Trust Concerns and Complaints Procedure as detailed below:

Informal stage: Addressing a concern.

It is hoped that parental concerns can be resolved through direct communication with the relevant staff member in the first instance. Parents should expect a prompt response from the member of staff who should contact them as soon as is practical, given their commitments during the school day.

If the complainant is dissatisfied with the outcome, formal stage 1 (a referral to the Headteacher) can be instigated.

If a complaint is not from a parent, it must be communicated directly to the Headteacher. The same stages of procedure will be followed as for a parental complaint.

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Stage 1: A formal written complaint. To the Headteacher/or the Local Governing Body if complaint is about the Headteacher.

The Headteacher will acknowledge in writing that they have received the complaint and will respond within 5 working days. The Headteacher will then seek to resolve the complaint and write again within 20 working days of the written complaint being received. The complainant is entitled to expect adherence to this timetable unless the delay is caused by the complainant themselves.

If after formal stage 1, the complainant remains dissatisfied with the outcome, stage 2 (a referral to the Chair of Governors) can be instigated. (See Annex 3).

Stage 2:

The Chair of Governors will acknowledge in writing that they have received the complaint and will respond within 5 working days. The Chair will then liaise with the Headteacher and seek to resolve the complaint and write again within 20 working days of the written complaint being received. The complainant is entitled to expect adherence to this timetable unless the delay is caused by the complainant themselves.

If after stage 2, the complainant remains dissatisfied with the outcome, stage 3 (a referral to the CRC) can be instigated.

Stage 3:

The Governing Body will nominate certain Governors with delegated powers to hear complaints. The CRC panel will consist of three or five people who will choose their own chair from amongst them. The panel will be drawn from the governing body, plus at least one person who is independent of the management and running of the school.

The remit, roles and responsibilities of the CRC are set out in Annex 2, together with a checklist for a panel hearing.

Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel.

Where the complainant's first approach is made to a governor on any issue of complaint, the governor will refer the complainant to the appropriate contact person, usually the **Headteacher, and advise the complainant about the procedure. The governor should then** inform the Chair of Governors of the initial approach. Governors must not act unilaterally on an individual complaint outside the formal procedure.

3. Managing and Recording Complaints

3.1 Publicising the Policy

There is a legal requirement for the Complaints Procedures to be publicised. Details of the Complaints Policy will be referred to on the school website and will be available in paper copy in the school vestibule and made reference to during the school induction process.

These documents will refer parents to the Concerns and Complaints Policy.

3.2 Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals. In turn, Scalby Learning Trust will review the number of formal complaints annually.

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As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. The monitoring and review of complaints by the Governing Body and in turn, the Trust, will be a useful tool in evaluating a school's performance.

3.3 Communicating with the Governing Body

It is strongly recommended that letters of complaint and associated documents are sent to the Chair of the Governing Body, care of Scalby School, by recorded or special delivery post, and the date-stamped consignment slips kept as evidence of postage. Alternatively, by handing the complaint letter in to the school reception.

3.4 Recording Complaints

The Headteacher will ensure that formal complaints and the final outcomes are recorded. The Headteacher is accountable for the maintenance, security and accessibility of the records.

Annex 1. **SCALBY LEARNING TRUST COMPLAINTS PROCEDURES – SUMMARY GUIDANCE**

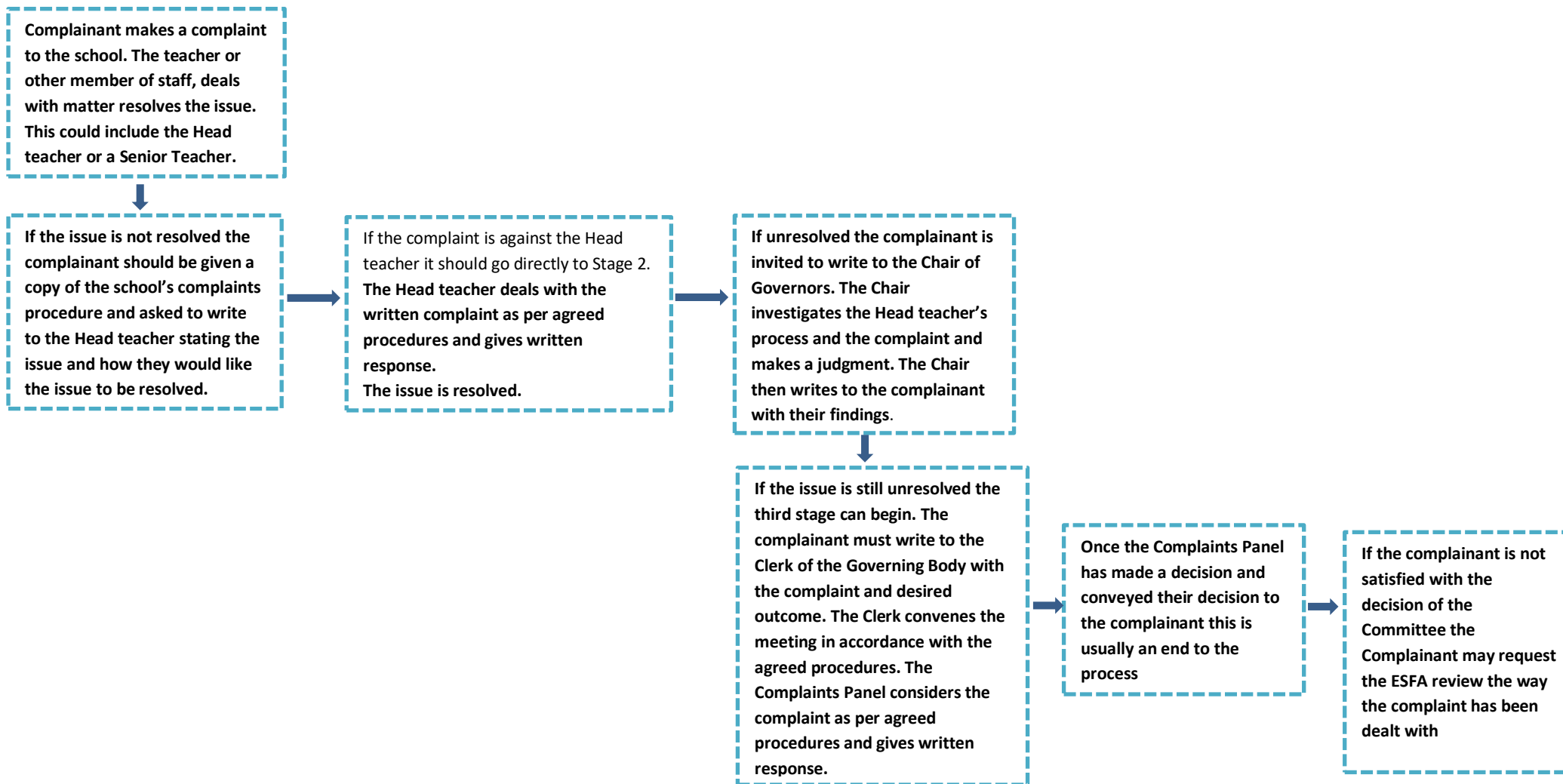
Informal Stage

Formal Stage

Stage 1

Stage 2

Stage 3



Complaints Review Committee remit, roles and responsibilities

Remit

The Committee 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.

There are several points that any governor sitting on a CRC panel needs to remember:

1. The panel must contain between 3 and 5 members of which at least one must be independent of the governing body and the management of the school.
2. The panel must be aware of the complaints procedure.
3. It is important that the complaints review hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of governors and sensitive to the issues of race, gender and religious affiliation.
4. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in the complainant's favour. It may sometimes be possible only to establish the facts and to make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
5. An effective panel will acknowledge that all parties may feel apprehensive in such a setting. The panel Chair will ensure that the proceedings are welcoming whilst recognising the rights of all parties. The layout of the room will set the tone and care is needed to ensure that the setting is not adversarial.
6. The role of the Chair of the Governing Body or the Nominated Governor
The Chair of the Governing Body or nominated governor will:
 - Check that the correct procedure has so far been followed by the Headteacher and the complainant
 - If procedures have been followed to date, the Chair will notify the clerk to contact governors to arrange a meeting of the CRC to consider the complaint.

The role of the Clerk

The Complaints Review Committee will be clerked. The clerk will be the contact point for the complainant and will:

- 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
- Notify all parties of the panel's decision.

The role of the Chair of the Panel

The Chair of the CRC will ensure that:

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- The considerations and findings of the CRC are recorded by a clerk or suitably qualified person
- The clerk provides members of the CRC with copies of all documents relating to the complaint at least 48 hours before the meeting
- The remit of the panel is explained to the parties and each party has the opportunity of putting it's case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents and 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 its 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.

Notification of the CRC's Decision

The Chair of the CRC panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's reasoned response, within the set deadline publicised in the complaints procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a CRC panel hearing

The panel will ensure that:

- The hearing respects the rights of all parties
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain the complaint, and be followed by any witnesses
- The Headteacher may question both the complaint and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by any witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up the complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the panel within a set time scale
- Both parties leave together while the panel decides on the issues.

Complaints Proforma

Please complete and return to the Chair of Governors who will acknowledge receipt and explain what action will be taken

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint (using the reverse if necessary).

**What action, if any, have you already taken to try and resolve your complaint.
Whom did you speak to and what was the response?**

What actions do you feel might resolve the problem at this stage?

Please attach all relevant copy letters and documents, and list them below:

Signature:

Date:

For Chair of Governors use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Annex 4.

Parent's guide

It is important that you raise this with the school as soon as possible. Set out below are the steps you should take.

What to do first

Most concerns can be resolved quickly by speaking with your child's Head of Year. Telephone the school and the receptionist will be able to help you contact the right person. The Head of Year will usually contact you within 24 hours if he or she is not immediately available. If required, the Head of Year will arrange a meeting if you both think that this is the best way forward. Most concerns are resolved once the Head of Year has a clear understanding of your issues and has had the opportunity to investigate them and identify appropriate solutions. You can be accompanied at the meeting if you wish.

If you have a concern which you feel should be looked at by the Headteacher because for example, it relates to the member of staff you have already tried to resolve the issue with, you can contact them if you prefer. You should also contact the Headteacher if you still have any concern after the Head of Year has completed their investigations. The Headteacher may well ask the Deputy Headteacher one of the Assistant Headteachers to look into the complaint and report back to you. The Headteacher will always be kept informed of any such concern dealt with in this way.

If you are still concerned

If you are still not satisfied, you may wish to make a formal written complaint to the Headteacher. Please pass this personally to the Headteacher's PA at the school or alternatively send it for the attention of the Headteacher at the school address. It is strongly recommended this is done by recorded or special delivery post and the date-stamped consignment slips kept as evidence of postage. You will receive a written acknowledgement within 5 working days of receipt of your complaint. The Headteacher will then investigate the matter and write to you within 20 days of the receipt of the original letter. They may also invite you into school to discuss the matter if this is appropriate. You may be accompanied to any meeting by a parent advocate, for example.

If you are dissatisfied with the Headteacher's response, please refer the matter in writing to the Chair of Governors of the school, using the complaint proforma (see annex 3) and enclosing copies of relevant documents. It is strongly recommended that the letter of complaint and associated documents are sent to the Chair of the Governing Body, care of the school, by recorded or special delivery post, and the date-stamped consignment slips kept as evidence of postage. You will receive a written acknowledgement within 5 working days of receipt of your complaint. The Chair will then investigate the matter and write to you within 20 days of the receipt of the original letter. They may also invite you to a meeting to discuss the matter if this is appropriate. You may be accompanied to such a meeting by a parent advocate, for example.

If you remain dissatisfied, and the Chair of Governors is satisfied that your complaint has been through all the appropriate prior procedures, he will then convene a meeting of the Complaints Review Committee (CRC) within 20 working days from receipt of your letter to the Chair. Your complaint will then be heard by a panel of three governors who will have no prior involvement in the case and will therefore be able to make a fresh, unbiased assessment. You will be invited to attend the committee meeting accompanied if you wish, and to put your side of the matter. The Headteacher will also attend to give their account. More information on how these meetings are conducted is contained in the school's complaints procedure and a copy will be provided upon request. You will receive a written response with the CRC panel findings within 10 working days of CRC meeting.

Is there any further action I can take?

Complaints about school problems are usually settled within the school but in exceptional cases it may be necessary to refer the matter to an outside body such as the ESFA or the Secretary of State for Education and Skills. Information regarding complaining to the Secretary of State is contained in Annex 6.

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Annex 6

Complaints to the Department of Education/Secretary of State about Academies

The Secretary of State will consider complaints similar to those made about maintained schools and may include where:

- There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed. For example, there is no independent member involved at the final stage of the complaint.
- There is a breach of the funding agreement. For example, there is no religious education or requirements for provision of information are not being met.
- A statutory duty has not been met, unless another organisation is better placed to investigate. For example, child protection matters would be for the local authority; exam malpractice would be for Ofqual.

The Secretary of State is not required to intervene in every case that is brought to his attention but he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

The Secretary of State cannot intervene just because he would have made a different decision to that of the school and will only do so where he is of the view that there is some practical value or worth or purpose to be served in doing so.

The Secretary of State may consider other options to intervention to help you to resolve a complaint if appropriate, for example it may be possible to resolve the issue by agreement.

Sending your complaint

When making a complaint you should provide copies of any documentation you have about the complaint. This will help to investigate your case.

You can send your complaint by post, or by email. The complaints form can be used to make a complaint about a maintained school, academy, Free School, university technical school or studio school. If you don't know what type of school you are complaining about, then please provide the full name and address of the school to help us identify its type.

If we believe that your complaint should be dealt with by another organisation or department, we will ask your permission to send your complaint to the relevant body. Complaints relating to academies will be handled by the Education and Skills Funding Agency (ESFA) as part of the Department. Complaints that concern a child with special educational needs (SEN) will be handled by the specialist SEN team.

How to contact ESFA:

Via an online [enquiry form](#) and tick the box that says complaint:

ESFA – Academies Complaint and Customer Insight Unit

Cheylesmore House



Quinton Road

Coventry

CV1 2WT

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This Policy was reviewed by the Board of Trustees on a 2 yearly cycle and must be signed by the Chair of Trustees and CEO.

Policy Reviewed:	November 2018
Next Review:	November 2020
Signature of Chair of Trustees: 	Signature of CEO: 

Please ensure you complete the Equality Impact Assessment below

Equality Impact Assessment Form

1. Title of policy, project or practice being reviewed or planned

Concerns and Complaints Policy

2. Outline the aims, objective and purpose of the change including any positive impacts on equalities groups.

N/A

3. Which groups of people (if any) are most likely to be affected by the planned changes, positively or negatively?

N/A

4. Does, or could these changes have an adverse effect on members of an equalities group? Identifying a negative impact is not a problem, as it gives you an opportunity to remove the barrier, find a way around it, or offer an alternative.

Protected Characteristics / Group	Yes (brief explanation)	No
Age (staff only)		X
Disability		X
Gender		X
Gender reassignment		X
Marriage / civil partnership		X
Pregnancy / maternity		X
Race / ethnicity		X
Religion / belief		X
Sexual orientation		X

5 Is there a way to modify the decision to remove or mitigate the negative impact on protected groups while still achieving this aim? How can you maximise positive outcomes and foster good relationships?

N/A

6 Outline the decision made and actions planned.

This Policy will be monitored and subject to ~~annual~~ biennial review by the Board of Trustees in order to ensure Equalities Legislation is adhered to.