



## COMPLAINTS POLICY AND PROCEDURE

It was adopted by the trust on:	25 February 2019
Review date	September 2020



## **AVAILABILITY OF THE COMPLAINTS POLICY AND PROCEDURE**

This policy and procedure is available on request. While pupils may themselves raise concerns and complaints under this policy and procedure, the school will involve parents should this occur. Copies are available from the school office and/or may be downloaded from the school's website.

## **COMPLAINTS POLICY AND PROCEDURE**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to any of the schools in the trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

It is the policy of the Unity Schools Partnership ("the Trust"), to treat all complaints very seriously, with proper dispatch, and where errors have been made to learn from them. Should the occasion arise, the Trust will act fairly but firmly where its provision or the conduct of its staff has been less than satisfactory.

Complaints are a valuable indicator of performance and are to be responded to in a sympathetic and consistent manner. It is vital that the complainant is kept informed of progress by the nominated person to avoid confusion and/or conflicting messages.

The complainant may withdraw the complaint at any time. Findings are to be recorded and appropriate action taken to reduce the likelihood of similar complaints in the future. In all cases, correspondence and/or records of any discussions must be documented and a copy retained for a minimum of 10 years for future reference or query.

We would not normally investigate anonymous complaints. However, the headteacher or chair of governors or director of education, if appropriate, will determine whether the complaint warrants an investigation.

Complaints must be raised within three months of the incident, or where a series of associated incidents have occurred, within the three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

It is important to note, we will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **RESOLVING COMPLAINTS**

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur

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- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any change will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **PERSISTENT OR SERIAL COMPLAINTS**

There may be rare occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be rare occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be rare occasions when a complaint is made about a matter which is clearly so trivial that it would be a poor use of the School's resources to deal with it under the formal stages of the procedure. In all of these cases, the School reserves the right to regard the complaint as persistent or serial and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint (see appendix 2 for specific details). This procedure may also be used to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Where it is decided that a complaint is persistent or serial and will not be investigated, we will write to the Complainant within 5 school days of the complaint being received to notify them of the decision. If the Complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to the Chair of Governors to ask for the decision to be reviewed. The Chair of Governors will review the decision not to investigate the complaint after considering all documentation relating to the complaint, together with the letter from the School to the Complainant. The Chair of Governors will not investigate the complaint itself during the review. In exceptional circumstances, the Chair of Governors can delegate the authority for the review to the Vice-Chair of Governors. Following due consideration (including taking advice from the Director of Education or Chief Executive), the Chair of Governors will confirm the outcome of their review to the Complainant in writing within 10 school days after the receipt of the letter from the Complainant seeking a review.

In the event that the Chair of Governor's review indicates that the decision not to investigate the concern or complaint should be quashed, it will be referred to the appropriate staff member to be dealt with under the procedure in this Complaints Policy in the usual way. In the event that the Chair of Governor's review indicates that the decision not to investigate the concern or complaint should be upheld, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure identified under the fourth stage of the formal procedure.

### **STAGE ONE - INFORMAL RESOLUTION**

An issue or concern might be raised with any member of staff within the school. If approached directly or by telephone the individual staff member should listen carefully to the



complainant and show empathy and understanding but must be careful not to react or jump to conclusions.

The staff member should confirm whether the complainant is content for the individual to deal with the matter informally, or whether they wish the matter to be treated as a formal complaint. It is essential that the staff member attempts to identify the significant issues and the outcome that is being sought.

The school expects that before seeking to use this formal policy the complainant:

- a) will have raised the matter with the pupil's Class Teacher / Form Tutor (as applicable), if the matter relates to a pupil;
- b) will have made reasonable attempts to seek an informal resolution.

The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

The school will attempt to resolve the matter as quickly as possible, and unless there is a reason that will be explained to the complainant, within 5 school days. The school will inform the complainant of action taken (within the bounds of confidentiality). If the issue cannot be resolved informally, then it must be treated as a formal complaint, and the steps described in the Formal Complaint Process must be followed within 10 school days of being informed of the outcome of the informal stage.

## **STAGE 2 – FORMAL PROCEDURE**

All complaints must be treated as 'Confidential' but copies of all correspondence, statements and records must be made available for inspection by authorised bodies, e.g. Department for Education (DfE).

If a serious allegation has been made or external agencies are to be involved with a complaint relating to child or member of staff it is possible that an external investigation will take place. The appropriate Director and the Chief Executive must be informed. It may also be necessary to notify the Police. Assistance should be given to external investigators.

Advice must be taken before any action is taken that might be deemed to hinder, interfere with or prejudice an external investigation. If external agencies have been involved at any stage, no report is to be made to the complainant unless and until those agencies have confirmed in writing that they intend to take no further action against any individual. The complainant should though be informed that the relevant agency is investigating and that they will be informed of the outcome.

Complaints about staff will be dealt with under the school's internal disciplinary procedure, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

### **First stage of the Formal Procedure**

1. The Complainant must put the complaint in writing unless the complainant has a disability which prevents this, in which case the complainant may contact the school office for

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assistance. The complaint should be addressed to the Headteacher at the school's address (under confidential cover.) The Complainant may wish to use the school's Complaints form (see Appendix 1), but this is not a requirement.

2. The Headteacher will acknowledge receipt of the complaint in writing.
3. An investigation of the complaint will be carried out by a member of the school's Leadership team as appropriate, who will report to the Headteacher.
4. The Headteacher will discuss the matter with the complainant. This may be during a meeting or on the telephone. Whenever reasonably possible such discussion will take place within 15 school days of the complaint being received.
5. The Headteacher will then put his or her findings in writing and indicate what steps if any should be taken to resolve the matter. Whenever reasonably possible this will be done within 15 school days of the discussion with the complainant at 4 above.

Where a complaint relates to the Headteacher, the Chair of Governors will ask a trust director of education to arrange for a suitable person to take over this role. Otherwise, the procedure for the First Stage will remain the same.

### **Second Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first stage, she/he may request that the complaint be considered by the Chair of the Governing Body. Such a request should be in writing addressed to the Clerk to the Governors within 10 school days of being informed of the outcome of the first stage.
2. The Chair will conduct a review of the matter to date.
3. The Chair will report his/her findings to the Headteacher and the Parent within 15 school days of receipt of the written request to use the Second Stage.

### **Third Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first and second stages, the complainant may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise two members of the Board of Governors who have not previously been involved in the complaint, and one person independent of the management and running of the school.
2. A request to use the third stage must be in writing, addressed to the Clerk to the Governors at the school, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
3. The Clerk will invite the School to put in writing its response to the complainant's reasons. The School will do this within 15 school days and at the end of that period (whether or not the School has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body (see appendix 3 for procedure for meeting).

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That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the School's response time. At any meeting, the complainant will be entitled to be accompanied by a supporter.

4. The following are entitled to attend the Panel meeting, submit written representations and address the Panel:
  - (a) The parent/s and/or one representative;
  - (b) The Headteacher of the School and/or one representative; and
  - (c) Any other interested person whom 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.
5. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about;
  - (ii) available for inspection on the School premises by the Trust's Central Leadership team and the Headteacher.

The Panel's response from considering the complaint and all the evidence presented will :

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

6. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.
7. A written record will be kept of all complaints, and of whether they are resolved at the first stage or proceed to a panel hearing
8. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
9. If the complaint is:

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- Jointly about the Chair or Vice Chair or
  - the entire governing body or
  - the majority of the governing body
- Stage 2 will be heard by a committee of independent, co-opted governors.

#### **Fourth Stage of the Formal Procedure – Complaints to other agencies**

The Governing Body's decision will usually be final. However, if you are still dissatisfied you may contact one of the following agencies:

Department for Education - If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

By telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

Education Skills and Funding Agency (ESFA) - The ESFA can support schools (Academies or Free Schools) to achieve a compliant procedure but it is the responsibility of Trusts to make sure that their complaints procedure is fully compliant. Their responsibility is to ensure schools comply with their funding agreements. If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the school. They will consider complaints about schools that fall into any of the following three areas:

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

They will not overturn a school's decision about a complaint. However, if they find a school did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the school's complaints procedure does not meet the Regulations, they will ask the school to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

#### **MONITORING AND EVALUATION:**

This Policy will be reviewed in accordance with the annual cycle of whole school improvement planning. This review will be led by the Chief Executive. Monitoring of the impact of this Policy will be linked to the established processes of self-evaluation. As appropriate, this policy and procedures will be reviewed in consultation with unions. The school will keep records of all complaints that pass beyond Stage 1. Such records will be shared with the Trustees/Governors as appropriate.

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<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

Department for Education - If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

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## APPENDIX 2

### **Managing serial and unreasonable complaints:**

Unity Schools Partnership and our Trust Schools are 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.

All Trust Schools define 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

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- 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, email or text), 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. They must also seek advice from the Director of Education or Chief Executive.

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.



## **APPENDIX 3**

### **Procedure for Hearing:**

#### **Introduction**

The Chair of the Committee will introduce the parties and explain the procedures the purpose of the meeting and confidentiality.

#### **Case for the Complainant**

The Complainant may make an oral statement.

The Complainant may call witnesses to supplement their written submission

The Respondent may ask questions of the Complainant and any witnesses.

The panel members may ask questions.

#### **The Case for the Respondent (Headteacher)**

The Respondent may make an oral statement.

The Respondent may call witnesses and ask them questions.

The Complainant may ask questions of the Respondent and any witnesses.

The panel members may ask questions.

#### **The Independent Investigator / Complaints co-ordinator / Chair of Governors (if in attendance)**

The Independent Investigator / complaints co-ordinator / Chair of Governors may make an oral statement.

The Complainant may ask questions.

The Respondent may ask questions.

The panel members may ask questions.

#### **Final Statements**

The Complainant and the Respondent to make final statements if they so wish.

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### **Consideration of the Case**

#### **All parties to the meeting will then withdraw.**

The Committee, advised by the Clerk, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done with all parties present.

Once the panel are satisfied they have all the information necessary to make a decision the parties may leave.

The complainant should be informed that the panel's decision is final and that they will be advised of further recourse in the letter that they will receive within 5 days of the meeting.

### **Notification of the Committee's decision**

The Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision in writing, including the reasons for the decision. This will usually be within 5 school days unless there are exceptional circumstances which prevent this, in which case the complainant will be notified of this and the reason for the delay.

*Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous*

*Both parties are asked to notify the Clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration. Witnesses are only required to attend for the part of the hearing in which they give their evidence.*