



# COMPLAINTS POLICY & PROCEDURE

**Version No:** 1.0

**Date to be reviewed:** September 2021

**Policy status:** Approved

**Last Updated:** September 2020

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## 1. Introduction

This policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with a school/academy by parents/carers of pupils/students as a matter of concern but which has not been capable of resolution informally and which the complainant or the school/academy considers should be dealt with on a formal basis.

### Stage 1 – Informal Resolution

The Trust will publish guidance on how matters of concern should be raised on an informal basis. Generally, it is expected that where the matter relates to a pupil/student, it will have been raised with the relevant school/academy staff member before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a complainant may take it to the formal stage.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the Trust's School's Behaviour Code adopted from time to time. The Chair of the Challenge & Community Committee (C&CC) shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent/carer may elevate it to the formal stage.

### Stage 2 – Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team

The complainant must put the complaint in writing, addressed to the Principal/Head of School, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school/academy has not met reasonable expectations. A complaint will be acknowledged by the school/academy within 48 hours.

An investigation will be carried out by a member of the Senior Leadership Team of the school/academy; which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 21 school days of the written complaint being received.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 21 school days of any meeting with the complainant; if no meeting is arranged it will be within 21 school days of the written complaint being received.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

Where a complaint is in relation to a Principal or Head of School, the complaint needs to be directed to the Chief Executive Officer (CEO). If the complaint is in relation to the CEO, the complaint should be made to the Chairman of the Board of Trustees.

### **Stage 3 – Panel Hearing**

The Complaints Panel of the Trust will consider all complaints not resolved at Stage 2.

The Complaints Panel must comprise at least three people, which will include one person who is independent of the Trust and any of its schools/academies.

The Complaints Panel may also include one or more persons from the following categories\*:

- (i) A member of the C&CC of the school/academy where the complaint originated from;
- (ii) A member of a C&CC from another school/academy within the Trust;
- (iii) A member of the Board of Trustees;
- (iv) A senior member of school/academy staff and/or a senior member of the Trust Central Team.

\*The panel members cannot have been involved in informal resolution or the subject of the complaint.

None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.

The Clerk will invite the school/academy to put in writing its response to the complainant's reasons. The school/academy will provide this within 21 school days. At the end of that period (whether or not the school/academy has responded), the Clerk will convene a meeting of the Complaints Panel. 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/academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 21 school days of the end of the school/academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to expand on them but may not introduce reasons that were not previously put in writing. The school/academy will have the opportunity to present its views and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

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; and
- (ii) available for inspection on the school/academy premises by the Trust, the Principal/Head of School.

The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.



## **2. Timescales**

The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident. The Trust 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.

When complaints are made out of term-time, the Trust will consider them to have been received on the next school day. If at any point the Trust cannot meet the timescales it has set out in this policy, it will:

- (i) Set new time limits with the complainant.
- (ii) Send the complainant details of the new deadline and explain the delay.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

## **3. Serial or persistent complainants**

If, at any level, a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the CEO may write to the complainant to inform him/her that the procedure has been exhausted and the matter is closed, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

## **4. Complaint against a member of a Challenge & Community Committee/Chair of a Challenge & Community Committee (C&CC)**

Where a complaint is brought against a member of the C&CC, the Chair of the C&CC will investigate the complaint (or appoint another member of the C&CC to do so) in the same way as in the first stage of the formal process at Stage 2.

If the complaint is against the Chair of the C&CC, then the CEO or a member of the Board of Trustees will investigate as outlined in Stage 2.

If the complaint is against a member of the Board of Trustees, then the Chairman of the Board of Trustees, (or in the case of a complaint against the Chairman, the CEO will investigate the complaint or appoint another member of the Board to do so) in the same way as in the first stage of the formal process at Stage 2.

In exceptional circumstances, the Chairman of the Board of Trustees may at his or her absolute discretion determine that a complaint against a Principal/Head of School or member of the C&CC should be dealt with at Board level and if so determined, the Chairman of the Board of Trustees will oversee Stage 2.

## **5. Complaints Relating to Fulfilment of the EYFS Requirements**

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 days.
- The Principal/Head of School will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.

- Where the complainant remains dissatisfied, the Principal/Head of School will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school/academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at: <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

The Trust will notify parents and carers if we become aware that the school/academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **6. Complaints from parents/carers of children with special educational needs concerning the provision made at the school (SEND Policy).**

The normal arrangements for the treatment of complaints at Turner Schools are used for complaints about provision made for special educational needs. We encourage parents to discuss their concerns in the first instance with the class teacher, then SENDCo or SLT (Senior Leadership Team), Principal/Head of School, to resolve the issue before making the complaint formal to the Chair of the C&CC.

If the complaint is not resolved after it has been considered by the C&CC, then a disagreement resolution service or mediation service can be contracted. If it remains unresolved after this, the complainant can appeal to the First-tier Tribunal (Special Educational Needs and Disability), if the case refers to disability discrimination, or to the Secretary of State for all other cases.

There are some circumstances, usually for children who have an Education, Health & Care Plan where there is a statutory right for parents to appeal against a decision of the Local Authority. Complaints which fall within this category cannot be investigated by the school/academy.

## **7. Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2 or whether it proceeded to a Stage 3 panel hearing. The action taken by the school/academy or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded. All correspondence, statements and records relating to individual complaints dealt with under the formal procedure will be kept confidential and retained for a minimum of 6 years following the completion of the complaints process.

## **8. Data Protection**

The General Data Protection Regulation (GDPR) introduced in May 2018 provided individuals with the legal right to complain to the Information Commissioner (ICO) if they “consider that the processing of personal information relating to him/her infringes...” GDPR. The ICO expects organisations to resolve complaints directly with individuals without the need for individuals to engage them.

Any complaints received which relate to the processing of personal information processed by the Trust, or third party ‘processors’ acting on our behalf, should be referred to the Trust’s Data Protection Officer (DPO) for advice and guidance.

Similarly, any formal complaints received from the ICO (known as Requests for Assessment) must be referred to the Trust's DPO immediately because the ICO applies relatively short time limits by which organisations must respond to the points raised with them.

All colleagues involved in managing complaints must remember that individuals have the right to access personal information we hold about them, including complaints information, unless one of the narrow exemptions available in the law apply. Therefore, personal information held in relation to complaints should be factual, accurate and necessary for the purpose of investigating and responding to the complaint, any coding, shorthand, acronyms etc must be explained.

If the complainant feels that the Trust has not dealt with the request appropriately, they can use the Trust's appeal process and request an internal review. Requests for reviews should be made in writing and addressed to: The Data Protection Officer, Turner Schools, Academy Lane, Folkestone, Kent CT19 5FP or via email: [dpo@turnerschools.com](mailto:dpo@turnerschools.com).

If, after the internal review process, the complainant remains unsatisfied, they have the right to ask the Information Commissioner for a decision. The Information Commissioner can be contacted via [www.ico.org.uk](http://www.ico.org.uk) or by telephone: 0303 123 1113.

## **9. Confidentiality**

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 Education and Skills Act 2008 requests access to them.

## **10. Education and Skills Funding Agency (ESFA)**

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge within the time stated in the policy) the matter is closed.

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

- Whether there was undue delay, or the 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 Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not 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/government/publications/complain-about-an-academy/complain-about-an-academy>