



Mid-Trent Multi Academy Trust

**COLWICH CHURCH OF ENGLAND PRIMARY SCHOOL
ST PETER'S CHURCH OF ENGLAND PRIMARY SCHOOL
ST ANDREW'S CHURCH OF ENGLAND PRIMARY SCHOOL**

COMPLAINTS POLICY

Policy Reviewed and Adopted by Board of Trustees: 17.07.18 – Board of Trustees

Signed by Chair of Trustees

Date of Next Review: July 2020

Responsible Officer: Accounting Officer

COMPLAINTS POLICY

Colwich Church of England Primary School, St Peter's Church of England Primary School and St Andrew's Church of England Primary School each works hard to provide an excellent education for all pupils and their families. However, it is recognised that there may be times when parents and carers have issues about an aspect of their child's education. As Church of England schools it is aimed for good relations with families and school communities to be developed. This policy is intended to guide all parties through any concerns or complaints. Each school will endeavour to treat all concerns seriously and will try to resolve these sensitively and quickly. A concern becomes a complaint when a person feels that one of the schools in the Mid-Trent Multi Academy Trust (hereafter called 'The Trust') has acted incorrectly with regard to a significant decision or action or has failed to take action.

Purpose

All schools have a statutory duty to have a Complaints policy. This policy sets out the processes and timescales a complainant can expect should they wish to make a complaint. A resolution is always desired and the procedures set out in this policy are to protect the complainant, each school and the Trust.

This Complaints policy explains what should be done if:

- There is a complaint against a member of staff;
- There is a complaint against school policies, practices or procedures;
- There is a complaint against the Trust as a body.

Stage 1 – Initial concern

From time to time issues may arise that parents or carers wish to express concerns about. Any problem or concern should be raised with the class teacher or member of staff responsible as soon as possible. This can be done verbally, by letter, by phone or written as an email.

If it is felt the concern is more serious, or about a member of staff, then an appointment to discuss the concern with the headteacher or a member of the school's leadership team should be made. Every effort to resolve any concerns or problems promptly will be made at this initial stage.

Stage 2 – Formal Complaint (in writing)

A concern will become a formal complaint when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The complainant should then put their complaint in writing. All details of a complaint will be kept confidential unless it is necessary for them to be shared with people who may contribute to a resolution.

If the complaint is against a member of staff, the headteacher will talk to the staff member about whom the complaint has been made. If necessary, the headteacher will interview witnesses and take statements from those involved. The headteacher will keep reasonable written records of meetings, telephone conversations and other documentation. The headteacher will investigate fully and communicate findings and/or resolutions to the complainant verbally or in writing depending on the nature of the issue. Once all the relevant facts have been established, the headteacher will produce a written response to the complainant. The written response will include a full explanation of the decision and the reasons for it. Where appropriate this will include any action taken by the school to resolve the complaint.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures such as safeguarding or disciplinary matters. Where this is the case the complainant will be advised and informed of the procedures that are to be followed. It should be noted, however, that the school will not necessarily be able to provide the complainant with the details of the outcome of those procedures for reasons of data protection or otherwise, depending on the circumstances.

If the complaint is against the headteacher then the complaint will go straight to stage 3.

Stage 3 - Multi Academy Trust Complaints Committee

If the complainant feels that the headteacher has not responded fully to their concern, or the complaint is against the headteacher, then the next stage is to present the complaint to the Trust Chair of Trustees. Complaints at this stage must be made in writing and addressed to the chair of the Trust Board no later than 10 school days following receipt of a stage 2 response. The Chair of Trustees or a nominated trustee, will form a complaints committee, comprising a minimum three trustees, none of whom should have been involved in any way with the complaint. Trustees should remain in office until the complaint has been resolved.

To ensure impartiality, the trustees' complaints committee will include at least one member who is independent of the management and running of the school from which the complaint originated. The headteacher of the school from which the complaint originated and Chair of the Trust Board will not be members of this committee, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint.

The Chair of the trustees' complaints committee will write to the complainant to acknowledge receipt of the complaint and to inform them that a hearing shall be called within 20 school days.

The Chair of the trustees' complaints committee will invite all parties involved in the complaint to a hearing to consider the complaint from each person's point of view. All concerned will be given at

least 5 days' notice of the hearing. Complainants can be accompanied by another adult but will need to ask permission from the Chair of the trustees' complaints committee if this is the case.

At the hearing the trustees' complaints committee will listen to the statements of the complainant, the headteacher and any other person involved with the complaint. The committee may ask questions to help them understand the nature and severity of the complaint.

At this point 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 or recommend changes to the systems or procedures of the school to ensure that problems of a similar nature do not happen again.

Points to consider

Making a complaint can be an emotional experience. It is important that hearings are conducted in an atmosphere that is welcoming and open.

SUMMARY OF COMPLAINTS PROCEDURE

Stage 1 – concern

- A concern or issue is raised.
- Attempts are made by the school to resolve the issue or concern informally.
- If the complainant feels their concerns haven't been resolved the concern should progress to Stage 2 – a formal complaint.

Stage 2 – formal complaint

- The complainant puts their complaint in writing.
- The complainant will be provided with a copy of the Complaints policy.
- The headteacher makes a record of the complainant's concerns and acknowledges this in writing to the complainant.
- An investigation is carried out. It is hoped that at this stage a resolution is found.
- The headteacher will produce a written outcome from the investigation and share this with the complainant. This should not take more than 15 school days. If for unforeseen circumstances this time-scale cannot be adhered to then the complainant will be notified in writing with the reasons for this.
- The complainant receives their written response from the headteacher and must decide whether the school has taken all reasonable steps to address their concern or issue.
- If a complainant wishes to take the issue further they must write to the Chair of the Trust Board within 10 school days of receiving their stage 2 response.

Stage 3

- The Chair of the Trust Board receives a written complaint.
- The Chair of the Trust Board forms a complaints committee consisting of three trustees not including the Chair of the Trust Board. No members of the committee should have been involved in any way with the complaint. At least one trustee must be independent of the management and running of the school from which the complaint originated. Trustees must remain in post until the complaint has been resolved.
- The Chair of the Trust complaints committee will invite all concerned to attend a hearing giving at least 5 days' notice.
- The hearing will take place within 20 school days of receiving the written complaint.
- A written response will be issued to the complainant and headteacher within 20 school days of the meeting.
- The complainant receives their written response from the Chair of the Trust complaints committee and must decide whether the school has taken all reasonable steps to address their concern or issue. Again, all efforts will be made to resolve the concern or issue.
- This response will state whether the complainant has a right to appeal.

If the complainant still remains dissatisfied and feels the school or the trust has acted unreasonably, or that they have failed to discharge a statutory duty, the complainant may wish to refer their complaint to the Secretary of State for Education.

This can be done through the EFA's online complaints form which can be accessed via

https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&formname=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

or by post to :

EFA Complaints
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

Persistent or Vexatious Complaints

A complainant may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all concerns and meet all a complainant's wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If a complainant continues to make representations to the school or continues correspondence into the same issues, the school's Local Governing Body and/or the Mid-Trent MAT reserves the right to inform a complainant, in writing, that the appropriate procedures have all been followed; that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example with regard to timescales, nor are they people unhappy with the outcome of a complaint and are, therefore, seeking to challenge it.

Occasionally, however, there may be situations where the headteacher and/or Local Governing Body and/or the Trust have done all they can to resolve matters and it is, therefore, appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

The school's Local Governing Body and/or the Trust, therefore reserve the right to close complaints from those who demonstrate any of the following behaviours:

- Frequently complaining about a variety of different matters, or the same issue through a number of different channels, in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- Seeking unrealistic outcomes relative to the issue being raised and stating that their intention is to persist until that outcome is achieved;
- Insisting upon pursuing valid complaints in an unreasonable manner;
- Persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- Challenging an historic decision/action which cannot be changed;
- Contacting the school or Trust frequently in a lengthy and/or complicated way;
- Behaving aggressively and provocatively towards the school or Trust and/or individual members of staff;
- Changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- Refusing to co-operate with the investigation process;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaint and seeking to have them replaced by someone more senior or with a person named by the complainant;
- Refusing to accept information provided for no justifiable reason;
- Making statements the complainant knows are not true or persuading others to do so;
- Supplying manufactured 'evidence' or other information the complainant knows is incorrect;

- Raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- Lodging a number of complaints in batches over a period of time resulting in related complaints being at differing stages of the complaints procedure;
- Pressing for further investigation of matters that have already been addressed;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Using obscene, racist, offensive or threatening language in written or verbal communications;
- Using threatening, aggressive or abusive behaviour in direct personal contacts with staff;
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- Persistently sending communications which demand responses, or making telephone calls seeking interviews with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file for six years as will notes of telephone calls and any further personal calls referring to the matter.

Policy Review

This policy will be reviewed every two years by members of each school's Local Governing Body and by the Trust Board.

Date policy recommended by Colwich Primary School LGB Policies Committee: July 2018

Date of Latest Policy Review by the Mid-Trent MAT Trust Board: 17.7.18

Date of Next Review: Summer Term 2020

Signed (Headteacher of Colwich CE Primary School)

Signed (Local Governor of Colwich Primary School)

Signed (Mid-Trent MAT Chair of Trustees).....

Complaints Form

Appendix

<p>Please complete and return to who will acknowledge receipt and explain what action will be taken</p>	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	

What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: