

# Concerns and Complaints Policy

## Document Control

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## **Elliot Foundation Academies Trust Values**

### **1. Put children first**

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

### **2. Be safe**

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

### **3. Be kind & respect all**

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

### **4. Be open**

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

### **5. Forgive**

- a. We all make mistakes
- b. Admit them, learn from them and move on

### **6. Make a difference**

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

## Related Policies, Statutory Guidance & Documents

- TEFAT Serial and Unreasonable Complaints Policy
- [Education \(Independent School Standards\) Regulations 2014](#)
- [DfE Best Practice Guidance for Academies](#)
- [Equality Act 2010](#)
- [Freedom of Information Act 2000](#)
- [Data Protection Act \(DPA\) 2018](#)
- [Guide: General Data Protection Regulations \(GDPR\)](#)

### 1. Policy statement and objectives

- 1.1. This policy aims to support schools to resolve concerns and complaints; to put things right that may have gone wrong and to achieve reconciliation between the school and the complainant.
- 1.2. This policy and the procedures for its implementation aim to clarify the way in which concerns and complaints are managed. It aims to do so in a way which is clear and concise. The policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints across the Trust.
- 1.3. Academies are required to have a complaint procedure which meets certain requirements set by the Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils. This policy is published on the Trust website, each school website and is available from each School Office on request.
- 1.4. This policy is based upon Part 7 of the above standards and as such only applies to concerns and complaints from parents / carers of pupils at a Trust school, regarding their child.
- 1.5. As a public body the Trust will handle concerns and complaints from people who are not parents / carers of children at the school respectfully and expediently. The Trust is not obliged however to follow this policy in doing so.
- 1.6. This policy does not cover every type of complaint and the issues noted below have their own separate procedures:
  - Matters that are the responsibility of the Local Authority such as pupil admissions and home to school transport
  - Statutory assessment of Special Educational Needs

- Matters likely to require a Child Protection Investigation (handled under our Child Protection and Safeguarding policy and in line with statutory guidance)
  - Exclusion of pupils from school
  - The National Curriculum and related matters, including Religious Education
  - Whistleblowing (handled under our Whistleblowing Policy for all employees, including temporary staff and contractors)
  - Staff grievances (handled under our Grievance Policy)
  - Staff conduct ( handled under internal disciplinary procedures, if appropriate)
- 1.7. Complaints about the services provided by other providers who may use school premises or facilities. Such providers should have their own complaints procedure to deal with this.
- 1.8. Concerns and complaints against TEFAT Head Office staff should be made to the CEO with the issues heard by the CEO and then a panel hearing, if applicable. Concerns or complaints against the CEO should be made to the Chair of the Trust Board with the issues heard by the Chair of the Trust Board and then a panel hearing, if applicable.
- 1.9. Concerns and complaints against individual Community Council members should be made to the Chair of the Community Council with the issues heard by the Chair and then a panel hearing if applicable. If the concern or complaint relates to the Chair of the Community Council or the entire Community Council then the issues will be heard by the Trust Head of Legal and Governance and then a panel hearing, if applicable.
- 1.10. Complaint Campaigns are identified as an organised approach to a school which results in large volumes of complaints all based on the same subject and often including complainants unconnected with the school. In such circumstances the Principal, following discussion with the Trust Head of Legal and Governance, may elect to send a template response to all complainants and / or to publish a single response on the school website. Any necessary or reasonable decision to deviate from the published complaints procedure in such circumstances must be documented.

## 2. Principles

- 2.1. The Trust accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. The Trust takes concerns and complaints seriously and strives to deal with them swiftly and thoroughly to ensure resolution.
- 2.2. A concern is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- 2.3. A complaint is defined as 'an expression of dissatisfaction about actions taken or a lack of action'.
- 2.4. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally and without the need to use the formal stages of the complaints procedures.
- 2.5. Concerns and complaints will be dealt with by the member of staff best suited to deal with the matter.
- 2.6. If the concern or complaint is about an individual member of staff they have a right to know the substance and source of any allegation made against them.
- 2.7. Normally schools will not investigate anonymous concerns or complaints. However the Principal, if appropriate, will determine whether the issue raised warrants an investigation.

### 3. Process for raising a concern or complaint

<b>Stage 1</b>	Concern heard by a member of staff (informal)	<p>It is to be hoped that most concerns can be expressed and resolved on an informal basis and at the earliest opportunity. This will most likely be through discussion (s) with the most appropriate member of staff; class teacher or member of the senior leadership team.</p> <p>A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of an individual, as long as they have appropriate consent to do so.</p> <p>The person responding to the concern will provide an informal response within 5 school days of the receipt of the concern. A written response will, if appropriate and proportionate in relation to the concern raised, be provided.</p> <p>Concerns or complaints made outside of term time will be acknowledged as being received on the first school day after the holiday period.</p>
<b>Stage 2</b>	Complaint heard by the Principal (complaint which is put in writing)	<p>If the complainant feels that their concern has not been resolved under Stage 1, the next step is to make a formal complaint. Complaints should be submitted in writing (unless there is sufficient reason to request a reasonable adjustment) within 10 school days of the final informal discussion.</p> <p>During this stage the Principal will deal with the complaint. The Principal will acknowledge receipt of the complaint in writing and will consider the most appropriate method to resolve the issues.</p> <p>All complaints and allegations will be investigated thoroughly and a conclusion reached as to whether the issue raised has any merit.</p> <p>The Principal will respond to the complaint in writing via a letter or an email within 10 school days. The response will confirm the outcome of the investigation and the school's position on the issue raised.</p>
<b>Stage 3</b>	Complaint heard by the Complaints Panel	<p>If the complainant is still not satisfied they should email the Trust Head of Legal and Governance (<a href="mailto:katie.stobbart@elliottfoundation.co.uk">katie.stobbart@elliottfoundation.co.uk</a>) explaining the reason why they remain dissatisfied with previous attempts to resolve the complaint.</p>

		<p>Complainants should not call the Trust Head Office at this time but instead contact the Trust in writing, either via letter or email.</p> <p>The request must be received within 10 school days of the date the Stage 2 letter / email was received from the Principal.</p> <p>A Complaints Panel will be convened within 15 school days of receipt of the letter / email requesting that the matter be escalated to Stage 3.</p>
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- 3.1. The complaint must be raised within three months of the incident or where associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this timeframe will be considered on a case by case basis.

#### 4. Stage 3 Complaints Panel

- 4.1. The Complaints Panel will consist of at least three members who have had no prior connection with the complaint and one will be a panel member independent of the management and running of the school; this is to ensure that the panel has the benefit of an external source of scrutiny and challenge. The independent panel member may be a Community Council member from another Trust school as long as they have no conflict of interest or prior knowledge of the complaint.
- 4.2. The complainant will, with reasonable notice, be informed of the time, date and venue for the hearing by the clerk to the panel. The venue chosen will be accessible to all parties and allow for the hearing to be held in private. The complainant can, if they so wish, be accompanied by a relative or friend when attending the panel.
- 4.3. The clerk to the panel will provide a point of contact for the complainant and the complaints panel and ensure everyone involved is aware of their legal rights, duties and relevant legislation. The clerk will collate any relevant material (Stage 1 and 2 paperwork, supporting statements/ documents), prepare an agenda and disseminate to all parties no less than 5 school days ahead of the meeting.
- 4.4. With reference to audio or video evidence the Complaints Panel will not accept recordings of meetings/conversations that were obtained covertly and without evidence of consent explicitly agreed in writing. Parents do not have a right to record meetings with staff and the Trust prohibits the recording (audio or video) of meetings with any member of staff or individual connected to the school. This applies to in-person or virtual meetings or telephone conversations. If it becomes apparent a parent is recording a discussion, the staff member can inform the parent they do not consent to the recording and ask them to stop. If the recording continues then the



member of staff can bring the discussion to a close. This position on recordings is taken to protect privacy and confidentiality, and ensure sensitive information is not shared more widely without consent.

- 4.5. The Complaints Panel will also not review any new issues at this stage or allow evidence unrelated to the initial complaint to be included. New issues must be raised in line with this policy and dealt with under Stage 1 of the complaints process.
- 4.6. The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e.) upheld, partially upheld, not upheld, unable to substantiate. The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint or to resolve the complaint. Where appropriate, the panel will make recommendations to change processes/procedures to ensure problems of a similar nature do not recur in the future.
- 4.7. The Chair of the panel will provide the complainant with the decision, the reason for their decision and if there are any recommendations in writing within 5 school days.
- 4.8. The Complaints Panel will not tolerate abusive language or behaviour at any time, and reserve the right to postpone the process should it feel that the welfare of staff, pupils or panel members is at significant risk.
- 4.9. Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter and will not be disclosed to the complainant.

## **5. Retention and disclosure of records**

- 5.1. Concerns and complaints will be dealt with having due regard for confidentiality and the security of any records in line with current data protection policy and guidance.
- 5.2. TEFAT, as a multi-academy trust, is the data controller. Therefore, where statutory regulations do not apply, decides the amount of time records are kept. However, under the GDPR, data will not be kept longer than is necessary.

## **6. Requirements for complaints procedures**

- 6.1. The clerk to the panel is responsible for ensuring an accurate record of the meeting, circulating the minutes and notifying all parties of the outcome of the panel in writing.
- 6.2. The clerk will provide a copy of the findings and recommendations to the complainant and, where appropriate, the person complained about.

- 6.3. The procedure must provide for a written record to be kept of all complaints that are made (including the procedures followed), where the parent is not satisfied with the response to the initial complaint.
- 6.4. The procedure must also provide for a written record on whether they are resolved following a formal procedure, proceed to a panel hearing or/and any action taken by the school as a result of those complaints (regardless of whether they are upheld).
- 6.5. Ensure that records of all complaints, findings and recommendations are kept confidential except in the instance where there is an inspection on the school premises by the Principal and / or officers of the Trust as appropriate.
- 6.6. Ensure that records of all complaints (and corresponding statements/evidence) and records relating to individual complaints are kept confidential, except where the Secretary of State, Trust officer or an inspecting body under section 109 of the 2008 act requests access.
- 6.7. Ask that if a complainant wants to withdraw their complaint they confirm this in writing.

## **7. Handling complaints fairly**

- 7.1. Persons who have a conflict of interest should not take part in the complaints process. If there is any reasonable doubt as to a person's ability to act impartially they should withdraw from considering the complaint.
- 7.2. Complainants are entitled to be treated fairly and to be offered a chance to state their case either in person or in writing at each stage of the process.
- 7.3. If however following reasonable attempts to accommodate complainants with dates for panel hearings and they refuse or are unable to attend it may be necessary to convene meetings or panel hearings in their absence and to reach a conclusion in the interest of drawing the complaint to a close.
- 7.4. The implementation and adherence to this policy should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Trust will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Any further attempt to reopen the issue will be dealt with under the Serial and Unreasonable Complaints Policy.

## 8. Escalation following a Stage 3 Complaints Panel

- 8.1. Should a complainant remain dissatisfied following a Stage 3 outcome letter they will be advised of their right to escalate their complaint to the Education Skills and Funding Agency (ESFA).
- 8.2. The ESFA will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about Trusts that fall into any of the following three areas:
  - Where there is undue delay or the Trust did not comply with its own complaints procedure when considering a complaint
  - Where the Trust is in breach of its funding agreement with the Secretary of State
  - Where a Trust has failed to comply with any other legal obligation
- 8.3. The ESFA will not overturn a school's decision about a complaint. However, if they find a school did not follow the complaint procedure properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Trust complaints procedure does not meet the Regulations, they will ask the Trust 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.