



**FEVERSHAM**  
EDUCATION TRUST

# Feversham Education Trust

*TRANSFORMING LIVES, TRANSFORMING COMMUNITIES*

## COMPLAINTS POLICY

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## **Introduction**

At Feversham Education Trust we have a strong commitment towards working in positive partnership with the whole school community.

We have an ethos of respecting the rights of all members of the school and wider community, the school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible.

Usually concerns that are raised can be resolved very quickly through the school's day to day communication. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

This policy applies to all complaints made against the Trust and its establishments about any provision of facilities or services provided with the following exceptions, for which there are separate procedures:

- Admission to schools;
- Statutory assessments of Special Educational Needs (SEN);
- Proposal for school re-organisations;
- Child Protection investigations;
- Allegations of abuse;
- Concerns and disciplinary issues regarding members of staff are dealt with under the school's Grievance Procedure and concerns about staff conduct and capability are also subject to separate investigative procedures;
- Complaints about services provided by other providers who may use the school premises or facilities should be made to the provider concerned and dealt with in accordance with their policy and procedure;
- Exclusions;
- Whistleblowing.

All complaints and expressions of concern, whether raised informally or formally, will be treated confidentially and correspondence, statements and records will remain confidential except where disclosure is required in the course of the school's inspection, or where any other legal obligation prevails.

Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.

Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide.

If at any stage of the process, the complainant takes legal action in relation to the matters under consideration, the complaints process will automatically cease and all further correspondence will be with the school's legal representatives.

## **Aims**

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- To ensure all complaints are investigated in a fair, transparent and timely manner.
- To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
- To gather information which helps us to improve what we do.

## **Policy Ownership**

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework.

The Trust has delegated day-to-day responsibility for operating the policy to the Trust Central Team, Local Governing Body and Principal of each Trust school.

The Local Governing Body and Senior Leadership Team at each Trust school has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **Complaints Procedure**

There are 3 stages to the Trusts' complaints procedure:

- Stage 1 – Dealing with concerns and complaints informally
- Stage 2 – Referral to the Head of Establishment for formal investigation
- Stage 3 – Panel Hearing

It is anticipated that the vast majority of concerns or complaints should be resolved as early and informally as possible. However, should a complaint escalate to a referral to the Head of Establishment, s/he may delegate the investigation to a member of the Senior Leadership Team if appropriate. The final decision will however rest with the Head of Establishment.

In exceptional circumstances the Head of Establishment or Chief Executive may commission an independent investigator to undertake an investigation on behalf of the school.

### Stage 1 - Informal

The Trust expects that before seeking to use formal procedures, the complainant:

- will have raised the issue with the relevant staff member within the Establishment; and
- will have made reasonable attempts to seek an informal resolution.

The complainant may raise his/her complaint in person, by telephone or in writing. The complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she see a resolution to be achieved.

There may be some occasions where the complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the relevant member of staff for monitoring purposes.

There may be some complaints which require further enquiries, with accounts being taken from other parties involved. The member of staff dealing with the complaint at Stage 1 will make a record of the issues raised, and will carry out those enquiries. The enquiries shall be concluded within five working days from the date the complaint was made.

Once the enquiries have been concluded, the member of staff dealing with the complaint will contact the complainant and provide:

- a summary of his/her understanding of the complaint raised;
- a summary of the information which he/she has discovered as part of his/her Stage 1 enquiries (if required to be undertaken);
- provide the Trust's response to the complaint and an explanation as to how the response has been reached;
- confirm whether any action is to be taken; and,
- confirm that the matter will be logged and that a record will be retained to ensure that steps can be taken to avoid the issues arising again.

### Stage 2 – Formal

If the complainant is not satisfied that the matter has been resolved at Stage 1, he/she can progress his/her complaint to the formal procedure under Stage 2. To do so, the complainant must put the complaint in writing using the Trust's Complaints Form (Appendix 1) unless the complainant has a disability which prevents this, in which case the complainant may contact the Establishment for assistance. The complaint should be addressed to the Head of Establishment. If the complaint concerns the Head of Establishment the form should be addressed to the Chair of the Local Governing Body of the Establishment and will be dealt with at Local Governing Body level.

The complaints form will be acknowledged in writing within three working days and will be passed to a nominated senior member of staff or local governor (where the complaint concerns the Head of Establishment) ("the Investigating Officer") as appropriate for investigation.

An investigation of the complaint will be carried out by the nominated Investigating Officer who will report to the Head of Establishment/Chair of Local Governing Body. During the Stage 2 Investigation, the complainant is required to keep the details of the complaint private and confidential. This is to enable a just and fair investigation to be undertaken. Any steps taken by the complainant which do not preserve the confidentiality of the complaint may undermine the efficiency and effectiveness of the Stage 2 investigation.

The investigation should aim to be concluded within 15 working days (in the case of a school, this will be 15 school days) of the complaint being received. An extension of this deadline should only be considered where there is a genuine delay in the availability of information required to consider the

investigation and clear attempts to obtain the information in a timely manner can be demonstrated. If an extension to the investigation is required this should be communicated along with the revised deadline, in writing, to the complainant.

The Head of Establishment/Chair of Local Governing Body will discuss the findings of the investigation with the complainant in a meeting. Whenever reasonably possible, the meeting will take place within 20 working days (in the case of a school, this will be 20 school days) of the complaint being received. If there has been a delay in the investigation this should be within 5 days of the revised deadline that was communicated to the complainant.

The complainant will be entitled to be accompanied at the Stage 2 meeting by one of the following:

- a relative;
- a friend; or,
- a representative.

The Head of Establishment/Chair of Local Governing Body will then put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 10 working days (in the case of a school, this will be 10 school days) of the discussion with the complainant as described in the paragraph above.

A copy of the Complaint Form and the written response will be submitted to the Governance Team of the Trust's Central Governance Team by the Head of Establishment/Chair of Local Governing Body. A record of the Stage 2 complaint, along with any documentation prepared during the Stage 2 investigation, and the Stage 2 meeting minutes, will be retained by the Trust for six years.

### Stage 3 – Panel Hearing

If the complainant is not satisfied with the outcome of the first and second stage, the complainant may request that the complaint be considered by the Complaint Appeals Panel of the Establishment which will comprise of two members of the Establishment's Local Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the Establishment.

The selection of the independent member will be supported by the Trust's Central Governance Team.

A request to use the third stage must be in writing, addressed to the Clerk to the Local Governing Body/Trust within 10 working days (in the case of a school, this will be 10 school days) of the Stage Two response being sent to the complainant and must set out clearly the reasons why the complainant is dissatisfied with the response.

Within three school days of a written request for the complaint to be considered at Stage 3, the Clerk will acknowledge the request in writing and arrange for a meeting of the Complaint Appeals Panel to take place within 15 working days (in the case of a school, this will be 15 school days). ("the Panel Meeting").

All parties will be provided with a minimum of 5 working days' notice of the date of the Complaints Appeals Panel (in the case of a school, this will be 5 school days).

The following are entitled to attend the Panel Meeting, submit written representations and address the Panel:

- the complainant/s and/or one companion, which can be a relative, friend or representative;
- the Head of Establishment and/or one representative; and
- any other interested person whom the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

The complainant and the Establishment will be entitled to submit any relevant documentation for the Panel's consideration. The documentation must be submitted to the Clerk three clear school days before the date of the Panel Meeting and the complainant and the Establishment must provide copies to each other of any documents submitted for the Panel's consideration three clear school days before the Panel Meeting.

The complainant and the Establishment will also be entitled to call any witnesses which each may reasonably require in order to support the submissions to the Panel. Details of the witnesses must be provided to the Clerk and other party three clear school days before the Panel Meeting.

The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party's documents or witnesses where there has been non-compliance with the notification requirements outlined in the two paragraphs above.

At the Panel Meeting, the Chair of the Panel will explain how the Panel Meeting will be structured. The Panel will invite the complainant to outline the complaint, to refer the Panel to any of the documents submitted and to call on any witnesses he/she has identified. The complainant will be entitled to put questions to his/her witnesses. The Establishment will also have the right to put questions to the complainant's witnesses once the complainant has concluded his/her questions.

The Establishment will be invited to make its submissions once the complainant has concluded his/her submissions to the Panel. The Panel will invite the Establishment to outline its response to the complaint, to refer the Panel to any of the documents submitted and to call on any witnesses it has identified. The Establishment will be entitled to put questions to its witnesses. The complainant will also have the right to put questions to the Establishment's witnesses once the Establishment has concluded its questions.

When the Panel has heard the complainant and the Establishment's submissions, it will be entitled to adjourn to consider its decision. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days (in the case of a school, this will be 10 school days), and the Clerk to the Governing Body will notify all concerned.



The Panel findings and recommendations will be:

- sent in writing to the complainant within the 'Completion of Procedure' letter (template at Appendix 2);
- sent, where relevant, to the person complained about; and
- available for inspection on the Establishment's premises. A written record will be kept of all complaints by the Establishment and by the Trust's Central Governance Team for six years.

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 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

### **Unreasonably Persistent or Vexatious Complaints**

The policy sets out to define what is an unreasonably persistent and vexatious complaint and how the school may respond to them.

Unreasonable complaints include what is sometimes referred to as vexatious complaints. A vexatious complainant is recognised in law as someone who raises a complaint without grounds in order to cause annoyance. The frequency or nature of the complainants' contacts, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint. The Establishment will ensure that the complaint is being, or has been, investigated in accordance with this Complaints Policy. If there are concerns that a complaint may fall within the category of being unreasonably persistent and/or vexatious the Head of Establishment will seek guidance and advice from the Trust's Central Governance Team.

If a complainant is found to be unreasonably persistent and/or vexatious the Trust's Central Governance Team will write to the complainant advising them of the decision and the reasons for this. The letter should state that all future correspondence from them with regards to complaints should be directed to them who will consider whether it raises any substantive new issue(s). The complainant will be advised that if no substantive new issue is raised, any future complaints will not receive a response. They will also be advised of their right to complain about the decision to the Education and Skills Funding Agency (ESFA). There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious. If future complaints do raise substantive new issues, it will be investigated in accordance with the Complaints Policy

### **Accountability**

The Head of Establishment holds delegated responsibility for discharging the sound application of all establishment policies. The Head of Establishment should inform the Trust Central Team and their Governing Body of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

**Monitoring, Evaluation and Review**

The Trust will review this policy every two years in consultation with each Trust school.

The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust school.

The policy will be promoted and implemented throughout all Trust schools.



**What action, if any, have you already taken to try and resolve your complaint?**

**To whom did you speak to and what was the response? (An informal resolution should have been sought)**

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

**Are you attaching any paperwork? If so please give details.**

**Signature:**

**Date:**

**For official use only**

Date acknowledgement sent

Complaint referred to

Acknowledgement sent by

Complaint referred on  
(date)

## **Appendix 2: Template Completion of Procedures Letter**

<\* Please add required detail/ deletion options as appropriate. Do NOT delete any non\* parts within the letter as it is a statutory template. Seek guidance from the Governance Team of the Central Office if required>

### **<Establishment Letter Head>**

Dear <\*Name of complainant>

### **Completion of Procedures Letter**

This letter confirms that the internal procedures of this establishment in relation to your complaint regarding <\*please describe> have been completed.

The issues that you raised in your complaint were <\*please summarise>.

The issues that were considered in relation to complaint were: <\*brief summary of the complaint >.

The final decision of the Establishment is <\*detail> because <\*reasons>.

The <\*procedure/ policy / regulation> applied were: <\*details >.

*\*Establishment to delete one of the following paragraphs as applicable:*

#### *\*Either:*

Complainants who are dissatisfied about the handling of their complaint for a Trust school may contact the Education and Skills Funding Agency (ESFA) using their [online school complaints form \(www.gov.uk/complain-about-school\)](http://www.gov.uk/complain-about-school). Further information about submitting a complaint to the ESFA can be found on its website.

#### *\* Or, in the case of SCITT:*

Under the Higher Education Act 2004, the Establishment subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome, you may be able to apply for a review of your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within three months of the date of this letter, that is, it must be received by the OIA on or before <insert date - e.g. if the Completion of Procedures Letter is dated 7 January, this date should be 7 April>.

The OIA's leaflet, 'An Introduction to the OIA for Students', can be downloaded from [http://www.oiahe.org.uk/media/34396/oia\\_intro\\_leaflet.pdf](http://www.oiahe.org.uk/media/34396/oia_intro_leaflet.pdf) and a link to the OIA Complaint Form is available on page 8. Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.** Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the <\*ESFA / OIA> will normally only review issues that have been dealt with through the Establishment's internal procedures.

Yours sincerely

<Authorised signatory>