



**COMPLAINTS PROCEDURE FOR
SCHOOLS WITHIN
THE KEYS FEDERATION ACADEMY TRUST**

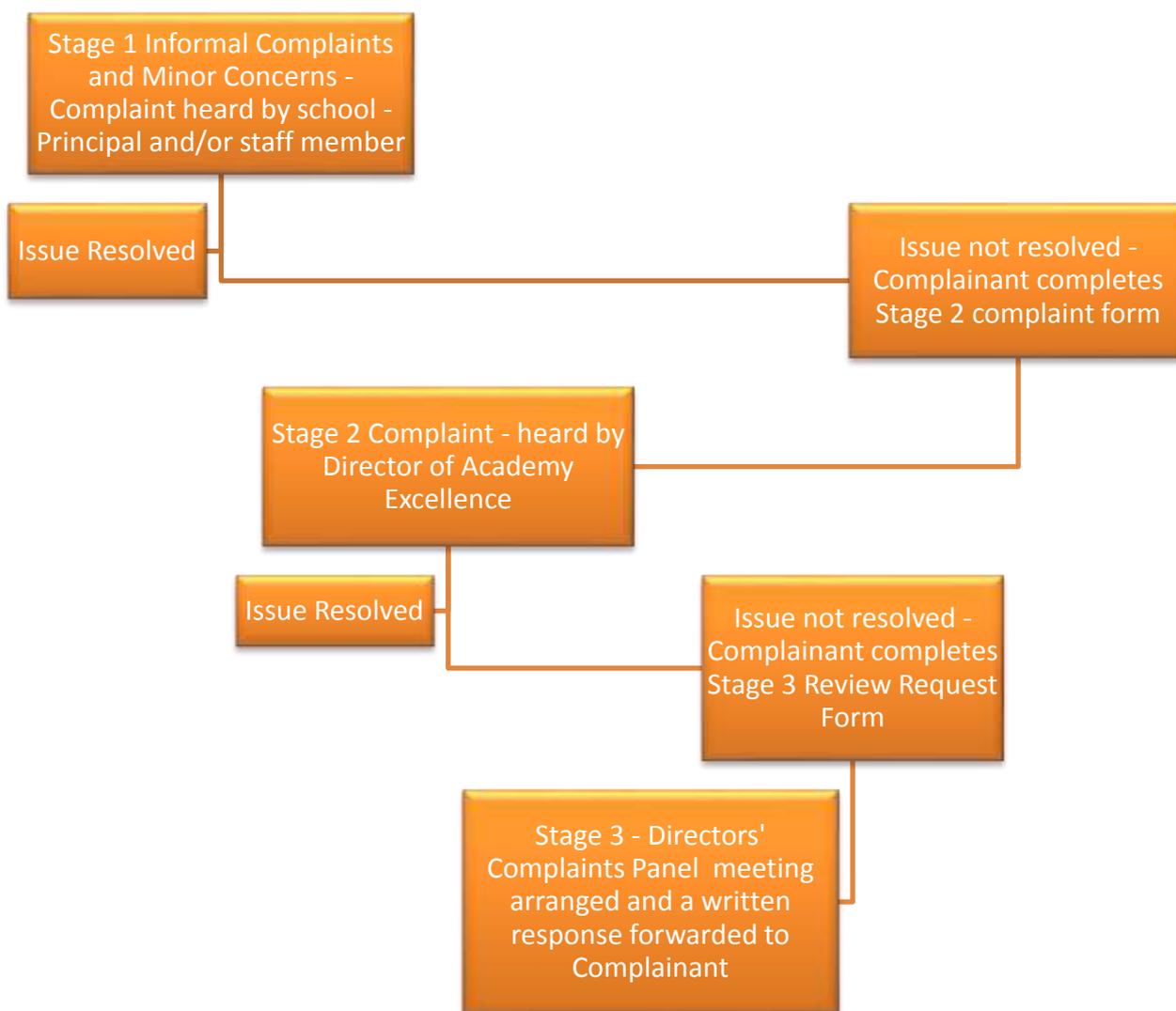
**St. Peter's C. of E. Primary School, Hindley
Hindley Green Community Primary School
St. John's C. of E. Primary School, Hindley Green
St. John's C. of E. Primary School, Abram**



September 2018

The Keys Federation Academy Trust

Flowchart for complaints procedure



The Keys Federation Academy Trust Complaints Procedure

1. Policy Statement

1.1 Aim

The aim of this policy is to ensure that any complaint, including a complaint against a member of staff, is handled by The Keys Federation appropriately, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is:

- Good for relationships;
- Good education practice;
- Good business practice.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

This policy can be made available in larger print or more accessible format if required.

1.2 Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014 which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

1.3 Who this policy applies to

Complainants may be anyone with an interest in the work of the Academy Trust and its schools, e.g. parents, carers, grandparents, neighbours of the school. However, it is expected that it will be mainly parents/carers who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term, but the procedure also applies in relation to any other type of complainant.

A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the Academy Trust or its school's work.

This procedure deals with specified day-to-day complaints against the management and/or operation of the Trust or its schools which fall outside the scope of the following procedures:

- Complaints which have an alternative statutory avenue of appeal or complaint, e.g. admissions, exclusions, SEN assessments;

- Serious complaints concerning staff members which must be dealt with by specific employment procedures, e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.

1.3 Frivolous or Vexatious Complaints

The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

Where the Chair of the Board of Directors judges a complaint to be frivolous or vexatious they will take appropriate action, including rejecting the complaint and/or restricting contact between the complainant and the Academy Trust or School. The Chair of the Board of Directors will write to the complainant and inform them of this decision, the reasons for it and what action will follow, if applicable.

Where a complainant tries to reopen the same issue, the Chair of the Board of Directors has the right to inform them in writing that the procedure has been exhausted and that the matter is now closed.

1.4 Unreasonable Complaints

The Keys Federation Academy Trust is 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 the Trust and the school(s), 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.

The Keys Federation Academy Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the Trust/School(s) hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 the complaint where the Trust'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 Trust/school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newsletters.

Complainants should limit the number of communications with the Trust/School(s) while a 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 Principal, DAE or Chair of Directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust/School(s) causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school(s).

Barring from the school premises – although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Keys Federation Academy Trust Schools will, therefore, act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the Trust/School will ask him/her to leave the premises. In serious cases, the Principal will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The Trust/School will give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent and will be either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of Board of Directors. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's own Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

1.5 Anonymous Complaints

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

1.6 Timescale for Complaints

Any matter raised more than 3 months after the event being complained of, will not be considered, except in exceptional circumstances.

1.7 Withdrawal of Complaints

Complaints may be withdrawn at any stage by the complainant by giving notice in writing.

1.8 Managing and Recording Complaints

The Academy Trust and its schools will keep a written record of all complaints (including whether resolved at the informal stage or proceeded to a panel hearing), the date on which they were received and their final outcome. Written records will be kept for at least three years. Brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.

All correspondence and statements and records of complaint will be kept confidential and viewed only by those involved in investigating the complaint or on the Complaints Panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information request or under the terms of GDPR, or where the material must be made available during a school inspection.

The Academy Trust will monitor the effectiveness of the Trust Complaints Procedure in ensuring that complaints are handled properly. The Academy Trust will monitor the level and nature of complaints and review the outcomes on a regular basis.

2. Procedures

The Keys Federation Academy Trust is clear about the difference between a concern and complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2.1 Stage 1 – Initial Complaints and Minor Concerns

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within **five school days** and investigate and provide a response within **ten school days**. The informal stage will involve a meeting between the complainant and the Principal. The written response will also inform the parent how to progress the matter to Stage 2 of the Complaints Procedure if they believe the matter has not been adequately resolved at the Informal Stage 1.

2.2 Stage 2 - Referral to Director of Academy Excellence for further investigation

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Director of Academy Excellence, via the school using the form attached as Appendix 1. The form should be submitted within **ten school days** of receiving the written response at Stage 1. A copy of the form should be retained by the parent.

The Director of Academy Excellence will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint within the following **five school days**.

Following discussion with the parent, the Director of Academy Excellence will investigate the complaint and a written response will be made within **ten school days** of the meeting. Where the parent refuses the offer of a meeting, the Director of Academy Excellence will inform the parent of the outcome of their investigation within **ten school days** of receipt of the written complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised date by which they will respond.

The written response will include full reasons for the conclusions reached by the Director of Academy Excellence and what action, if any, the school proposes to take to resolve the matter. The written response will also inform the parent how to progress the matter to Stage 3 of the Complaints Procedure if they believe the matter has not been adequately resolved at Stage 2. Should the parent not inform the Clerk to the Board of Directors of their intention to proceed to Stage 3, within **ten school days** of receipt of the written response at Stage 2, the complaint will be considered closed.

2.3 Stage 3 – Review by the Directors’ Complaints Panel

If the parent remains dissatisfied with the response, they should write to the Clerk of the Board of Directors, giving full details of the complaint and enclosing all relevant supporting documentation within **ten school days** of receipt of the decision under Stage 2, using the form attached at Appendix 2. A request for a review by the Directors will usually only be considered if parents have invoked Stage 1 and 2.

A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the procedure will be sent to the parent by the Clerk to the Board of Directors within **five school days**.

The letter will inform the parent that the complaint will be heard by the Directors’ Complaints Panel within **twenty school days** of receiving the complaint. The letter will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk within **five school days** of receipt of the acknowledgement letter. The right to call witnesses to the meeting and the right of the parent to be accompanied by a companion of their choice, will also be explained in the letter.

The Clerk to the Board of Directors will send a copy of the letter of acknowledgement of the complaint to the Director of Academy Excellence and will request that a copy of the written response made at Stage 2, and any other documents for consideration at the hearing, be submitted within **five school days** of receipt of the letter. The right to call witnesses will also be explained.

The Clerk to the Board of Directors, in liaison with the Chair of the Board of Directors, will convene a panel of the Trust board consisting of at least three people who have not been involved in previous consideration of the complaint. At least one of the members of the panel must be independent of the management and running of the Academy Trust and the schools.

The Clerk to the Board of Directors will then convene a Directors’ Complaints Panel meeting, having consulted with all parties on convenient times. However, the Complaints Panel reserves the right to convene at their convenience rather than that of the complainant. The date, time and venue for the meeting will be confirmed at least **five school days** in advance.

All relevant documents provided by both parties will be forwarded by the Clerk to:

- the complainant;
- the Director of Academy Excellence;
- and each panel member.

These will be provided **at least five school days** prior to the meeting.

The aim of the hearing is for the panel to review the decision reached at Stage 2.

The Panel will not consider any new complaints that have not been raised as part of the initial complaint.

The Chair of the Directors' Complaints Panel will ensure that the meeting is properly managed and minuted. Although the meeting will follow the structure outlined below, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease, given potential sensitivities and anxieties.

Order of meeting

1. The Chair welcomes the parent and his/her companion and introduces the Panel.
2. The Chair explains the purpose of the meeting, the procedure, and asks for confirmation that all written evidence has been made available to all parties.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The Panel may question the parent/companion and any witnesses.
5. The parent and companion leave the meeting.
6. The Chair welcomes the Director of Academy Excellence who addressed the complaint at Stage 2.
7. The Chair explains the purpose of the meeting, the procedure, and asks for confirmation that all written evidence has been made available to all parties.
8. The Director of Academy Excellence presents a response to the complaint, including describing the action taken to address the complaint at Stages 1 and 2 of the procedure and calling witnesses, if appropriate.
9. The Panel may question the Director of Academy Excellence.
10. The Director of Academy Excellence leaves the meeting.
11. The parent, together with his/her companion, is invited back into the room to make a final statement, then leaves the meeting.
12. The Director of Academy Excellence is invited back into the room to make a final statement, then leaves the meeting.
13. The Panel will then consider the information that has been presented. The Clerk will remain for this part of the meeting in order to clarify anything if necessary, but the Directors' deliberations will not be minuted.
14. The Panel will consider the complaint and must reach a majority decision. The Panel will also decide what action (if any) to take to resolve the complaint and, if appropriate, recommend to the Board of Directors changes to ensure similar complaints are not made in future.
15. When a decision has been made, the Chair first recalls the parent, then the Director of Academy Excellence and each is informed of the outcome and any recommended action to be taken.

In exceptional circumstances the panel may decide at any stage to adjourn the hearing pending further investigation.

After due consideration of all facts the Panel considers relevant, the Panel will reach a decision and may:

- 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 if the complaint is upheld;
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

Failure by the parent to attend the hearing without reasonable cause will result in the hearing going ahead and a decision being made in their absence. The decision to proceed with the hearing without the presence of the parent will be at the discretion of the Directors' Complaints Panel.

A written decision will be sent to the parent and the Director of Academy Excellence by the Chair of the Directors Complaints Panel within **ten school days** of the hearing.

2.4 Referring complaints on completion of the school/Trust's procedure

If the complainant is unsatisfied with the outcome of the school/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 school/Trust. The ESFA will not overturn a school/Trust decision about a complaint. However, it will look into:

- whether there was undue delay, or the school/Trust did not comply with its own Complaints Procedure.
- whether the school/trust was in breach of its funding agreement with the secretary of state.
- whether the school/Trust failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school/Trust's Complaints Procedure is found to not meet regulations, the school/Trust will be asked to correct its procedure accordingly.

The address for such correspondence is: Education Funding Agency, Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

3. Policy circulation

This policy will be included on the Academy Trust's website and will be made available to the public.

This policy was presented to and approved by Directors during the Autumn Term 2018 will be reviewed annually.

Signed

B. Anthon

Chair of Directors



THE KEYS FEDERATION ACADEMY TRUST

Complaint Form for Stage 2

Please complete this form and return it, via the school office, addressed to the Director of Academy Excellence of The Keys Federation Academy Trust.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's Name (if relevant to your complaint):

School attended and class:

Your address:

Contact details:

Daytime telephone no:

Evening telephone no:

Email address:

Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated.

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

Complaints Form for Stage 2 continued...

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signed Date

School use:

Date form received:

Received by:

Date acknowledgement sent:

Sent by:

Complaint referred to:

Date:

Complaints Form for Stage 3 continued...

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

Signed Date

School use:

Date form received:

Date acknowledgement sent:

Complaint referred to:

Received by:

Sent by:

Date: