



# Transform Trust Complaints Procedure March 2019

## Introduction

This procedure applies to all schools within Transform Trust. The Trustees may approve a transitional procedure for recently converted schools in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

It is a legal requirement for all academies to have a complaints procedure. This must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 (<http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to our schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Our schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as '*Private and Confidential*'.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as '*Private and Confidential*'.

Complaints about the Chair of Governors or the whole governing body should be addressed to the Clerk, Transform Trust Board of Trustees, at Transform Trust via the school office or the Clerk to Governors. Please mark them as '*Private and Confidential*'.

If your complaint is about the work of the Trust the complaint should be addressed to the Chief Executive Officer at Transform Trust. Contact email: [pa.ceo@transformtrust.co.uk](mailto:pa.ceo@transformtrust.co.uk).

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Anonymous Complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint should be followed up.

## Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

## Complaints Received Outside of Term Time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by our school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with: <a href="mailto:special.needs@nottinghamcity.gov.uk">special.needs@nottinghamcity.gov.uk</a> (telephone: 0115 876 4300)</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding: <a href="mailto:lado@nottinghamcity.gov.uk">lado@nottinghamcity.gov.uk</a> (telephone: 0115 876 2303)</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. A copy of our Behaviour Policy is on our school's website.</i></p>
<ul style="list-style-type: none"> <li>Confidential Reporting (Whistleblowing)</li> </ul>	<p>We have a whistleblowing policy for all our employees, including temporary staff and contractors – a copy can be found on our school's website.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Trust's grievance procedures.</p>

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against any of our schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving Complaints

At each stage in the procedure, our school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1 - Formal

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This must be done in writing.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. Anyone undertaking an investigation will be experienced or have received the appropriate training.*

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation. All correspondence, statements and records relating to the complaint are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions our schools will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the School Clerk (for the Headteacher), via the school office and Trust Clerk (for the governing body), via the Trust.

If the complaint is:

- jointly about the Chair and Vice Chair or;
- the entire governing body or;
- the majority of the governing body.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

## Stage 2 - Panel

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with Panel members. This will include impartial members from the school's governing body and at least one Panel member will be entirely independent of the management and running of the school. Alternatively, the Chief Executive Officer will appoint a Complaints Panel of at least three people who are not directly involved in the matters detailed in the complaint – at least one of which will be entirely independent of the management and running of the school.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three Panel members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than two Governors from the school, the Clerk will source any additional, independent Governors through another school from within the Trust, in order to make up the committee.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

The complainant will be invited to attend the meeting, and they may be accompanied if they wish. This can be a relative or friend. We do not permit either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting. All correspondence, statements and records relating to the complaint are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education & Skills Funding Agency if they are dissatisfied with the way their complaint has been handled by the school. If the complaint is:

- jointly about the Chair and Vice Chair or;
- the entire governing body or;
- the majority of the governing body.

Stage 2 will be heard by a committee of independent, co-opted Governors; or a Complaints Panel appointed by the Trust's Chief Executive Officer.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### Next Steps

If the complainant believes the school or Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education & Skills Funding Agency ([https://form.education.gov.uk/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen](https://form.education.gov.uk/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen))

### Role of the Education & Skills Funding Agency

The Education & Skills Funding Agency will check to ensure that our complaints procedure complies with our funding agreement. Where a complaint is sent to the Education & Skills Funding Agency they will check that the complaint has been dealt with properly by the school. They will consider complaints that fall into any of the following three areas:

- a. Where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint.
- b. Where the school is in breach of its funding agreement with the Secretary of State.
- c. Where the school has failed to comply with any other legal obligation.

The Education & Skills Funding Agency will not overturn a decision about a complaint. However, if they find that the school did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the regulations.

If the school's complaints procedure does not meet the regulations, we will ask the school to put this right. They may also seek to enforce their decision under the terms of the funding agreement on behalf of the Secretary of State.

## Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your Name:</b>
<b>Pupil's Name (if relevant):</b>
<b>Your relationship to the Pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

## Vexatious Complaints and Unacceptable Behaviour by the Complainant

Where the school considers that a complainant is demonstrating unreasonably persistent complainant's behaviour, for example making unduly frequent and/or repeated complaints, or the behaviour of the complainant is unacceptable in any meetings held under these procedures, the school will take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the school, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information.
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- a. conduct interviews with an open mind and be prepared to persist in the questioning;
- b. keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- c. ensure that any papers produced during the investigation are kept securely pending any appeal;
- d. be mindful of the timescales to respond;
- e. prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

(This could be the headteacher/designated complaints governor or other staff member providing administrative support).

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, headteacher, Chair of Governors, Clerk and Trust (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:
  - sharing third party information;
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the committee's decision.

### **Complaints Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child person;
- the remit of the committee is explained to the complainant;

- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Complaints Committee (Panel) Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so:  
No Governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting.  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child does not feel intimidated.

The Committee (Panel) should respect the views of the child/young person and give them equal consideration to those of adults.

If the child is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the Committee should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the Committee considers is not in the child's best interests. The welfare of the child is paramount.

## Complaints Procedure Flowchart

### ● Informal Stage

- Informal concerns raised with the class teacher or other appropriate member of staff
- Member of staff responds to the complainant
- Where the complainant requests a meeting, a meeting will be held with 10 working days
- A record of the complaint and the outcome recorded by the school and copy sent to the complainant where appropriate



### ● Stage One - Formal

- Complaint form completed and sent to the school if they remain unhappy
- Within 5 working days the school will acknowledge the complaint
- Initial investigation conducted with 20 working days
- within 10 working days the school will investigate and respond in writing
- Outcome provided in writing with 5 working days of the meeting



### ● Stage Two - Panel

- Complainant writes to the Governing Body if they remain unhappy (or writes to the Trust).  
Within 5 working days the complaint will be acknowledged
- Within 10 working days the date and time of a panel hearing will be notified to the complainant
- Within 5 working days the Panel outcome will be communicated to the complainant in writing stating that there is no further right to complain under this or other academy procedure



### ● ESFA

- The complainant may refer their complaint the Education & Skills Funding Agency if they remain unhappy