

South Bank Multi Academy Trust

Complaints Policy

Approved by Trustees:	January 2022
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1 WHAT SHOULD THIS POLICY ACHIEVE?

- 1.1 South Bank Multi Academy Trust (SBMAT) aims to meet its statutory obligations when responding to complaints from parents of pupils and others.
- 1.2 This policy will ensure that when a parent or other adult makes a complaint, each school deals with it in a professional and timely manner and comes to a speedy resolution wherever possible. The policy will also ensure that the school records and monitors complaints for its own self-improvement. The school will support complainants with information and be fair to those complained about.

2. SCOPE

- 2.1 This policy does **not** cover complaint procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

- 2.2 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

3 WHAT ARE THE PRINCIPLES INVOLVED?

- We believe that parents and other adults should be able to resolve any difficulties with the individual school easily.

- The majority of difficulties can be resolved quickly and informally if the school has clear and speedy procedures which are easy to understand and widely available.
- We will treat complaints with discretion. Complaints will **not** result in less favourable treatment of children by the school; parents will be reassured that this is key principle of the complaints process.
- We will ensure all complainants receive accurate information, and that all persons complained against are treated fairly and have their rights upheld.
- If the school is at fault, we will make appropriate redress to the complainant.
- We will ensure staff understand the principles and procedures, so that they can ensure any concern or complaint is treated with the appropriate seriousness and directed to the correct person.
- We will keep a record of complaints received and monitor the record.
- Where a complaint reaches stage 3, the school will have a duty to inform the Trust Principal who will record the complaint and monitor the outcome.

4 RECORD KEEPING

- 4.1 The school will record the progress of all complaints, including:
- information about actions taken at all stages,
 - if the complaint was resolved at the formal stage or proceeded to a panel hearing,
 - the action taken by the school as a result of the complaint,
 - the final outcome.
- 4.2 The records will include copies of letters, emails and notes relating to meetings and phone calls.
- 4.3 All material will be treated as confidential and will be viewed only by those involved in investigating the complaint or the review 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 (FOI) request or under the terms of data protection legislation, or where the material must be made available during a school inspection.
- 4.4 A full written record will be maintained centrally at the school of all concerns, difficulties and complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stage 2 to Stage 5.

5 WHAT ARE OUR PROCEDURES UNDER THIS POLICY?

- 5.1 The vast majority of complaints can be resolved informally - what we refer to as Stage 1.
- 5.2 Should this not be possible, a complaint can be moved to Stage 2 which involves a formal investigation.
- 5.3 If the complainant is not satisfied with the response at Stage 2, they can request a review by the Local Governing Board (LGB) what we refer to as Stage 3.

- 5.4 If the complaint is still not resolved satisfactorily by Stage 3, they may raise the complaint to Trust level.
- 5.5 If the complainant is still not satisfied, they may further complain to the Education & Skills Funding Agency.
- 5.6 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams, this may impact the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, the complainant will be informed of a proposed new timescale.
- 5.7 If a complainant commences legal action against the Trust in relation to their complaint, the Trust will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

6 STAGE 1 PROCEDURE - INFORMAL

- 6.1 If a parent (or other adult) has a concern, they should raise it directly with an appropriate member of staff. That member of staff may be able to deal with the concern directly, or they may need to refer it to a more appropriate person. In any event, they will clarify the nature of the concern and reassure the complainant that the school wishes to hear about the problem.
- 6.2 If a complainant is unsure who is the appropriate member of staff, or the concern is with a specific individual, they should contact the school reception and ask to speak to the school business/finance manager or a member of the senior leadership team (SLT), who will be able to advise.
- 6.3 If the concern is with the Headteacher, the complainant should contact the Chair of Governors via the Clerk to the Governors. Contact details for the Clerk are:
sophie.triffitt@york.gov.uk
- 6.4 The member of staff contacted **may be able to:**
 - offer an explanation of how the situation arose leading to the concern;
 - offer a resolution of the concern;
 - help the complainant to identify what resolution they are looking for;
 - accept the concern and pass it on to another member of staff more suited to dealing with it. In this case, the complainant will be given a time within which that person will contact them with help.
- 6.5 The member of staff dealing with a concern **must:**
 - attempt to resolve the complaint directly with the complainant either verbally or in writing and make sure the complainant is clear about any action agreed, putting it in writing if necessary;
 - check that the complainant is satisfied with the outcome;
 - if the complainant is not satisfied, ask them if they wish to take their complaint to Stage 2 and send them a copy of the complaints policy.

- 6.6 There is no fixed timescale for informal resolution of a complaint, but the member of staff should attempt resolution generally within 10 working days of receiving the complaint.
- 6.7 If resolution appears unlikely, either party can progress to Stage 2. The complainant and the member of staff should pass their records of the concern to the relevant senior leader.

7 STAGE 2 PROCEDURE – FORMAL

- 7.1 At this stage, it is clear the concern is a definite complaint.
- 7.2 The complainant should put their complaint in writing. If the complainant would prefer to complete a form instead of writing a letter, they can complete the complaint form contained in Appendix 1 of this policy.
- 7.3 The complaint must be handed to and logged by the member of SLT dealing with the complaint. If the Headteacher is not dealing with the complaint they must be informed.
- 7.4 If a complaint is against the action of a Headteacher, the complaint must be referred to the Chair of Governors who will act as an investigator or appoint an investigator independent of the Headteacher e.g. another school Governor or another Governor from within the Trust (see section 6 above).
- 7.5 The Headteacher must then appoint an appropriate person as the investigator.
- 7.6 The investigator must contact the complainant, acknowledging receipt of their complaint within 2 working days. It may be appropriate to request a meeting to clarify any issues arising.
- 7.7 The investigator must respond to the complainant within 10 working days of the complaint being received with the outcome of the investigation. The response can be verbal initially, but must be followed up in writing.
- 7.8 If it is not possible to conclude the investigation within 10 working days, the investigator must notify the complainant in writing within the same timeframe (10 working days), to give reasons for the delay and state the expected date of conclusion of the investigation.
- 7.9 If the complainant is still not satisfied, they have recourse to a formal review by the LGB. They must apply for this within 20 working days. The letter of response must make this clear to the complainant.

8 STAGE 3 PROCEDURE - REVIEW BY GOVERNING BODY

- 8.1 **Complaints only rarely reach this formal level, but it is important that Local Governing Bodies are prepared to deal with them when necessary.** At this stage, the school should inform the Chair of the Trust and seek the advice of the Trust Principal. This can provide a useful "outside view" on the issues.
- 8.2 It is important that this review not only be independent and impartial but that it is seen to be so. Therefore, individual complaints should not be considered by the full Governing Body as serious conflicts of interest can arise. For example, in

exceptional circumstances, a complaint may result in disciplinary action against a member of staff and Governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Governors might have previous knowledge of the problem that led to the complaint and would be unable to give fair, unbiased consideration to the issue.

8.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the school's SLT response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

8.4 For a complaint to proceed to Stage 3, the complainant must submit a request in writing to the Chair of Governors. This should be sent to the Clerk to the Governing Body: sophie.triffitt@york.gov.uk. The procedures outlined below should then be followed:

- The Clerk to the Governing Body should acknowledge the receipt of the complaint in writing within 5 working days and notify the Chair of Governors and the Trust Principal.
- The acknowledgement must inform the complainant that the complaint is to be heard by a Governing Body Panel within 30 working days of receiving the complaint and with at least 20 working days' notice.
- The acknowledgement must also explain that the complainant has the right to submit any further documents relevant to the complaint up to 10 working days before the date of the hearing.
- The Clerk to the Governing Body should convene a Governors' Complaints Panel. The panel should consist of three members, who are not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school (but may be a Governor of another school within the Trust). It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that Governors are available to carry out their task within the set time. The Clerk will also invite the Trust Principal to observe the panel to ensure the process is fair. If the Trust Principal is unavailable, the Chair of the Trust will identify a Trustee to attend in their place.
- The Clerk to the Governing Body will write to the complainant giving at least 20 working days' notice of the date of the hearing and informing them of the standard procedure of the Panel, and of their right to submit further documents via the Clerk up to 10 working days before the Panel.

8.5 The Panel composition should be as follows:

- it should consist of three LGB members within the Trust;
- at least one member should be independent of the management and running of the school (but may be a Governor of another school within the Trust);

- no panel member should have had any prior involvement with the complaint;
- there should be no Headteacher on the Panel;
- if the Chair of the Governing Body has not previously been involved, s/he should chair the Panel; otherwise this would ideally be the Vice-Chair.

Governors should consider the advantages of having a parent (who is also a governor) on the Panel. Governors should also be sensitive to issues of race, gender and religious affiliation.

- 8.6 The Chair of the Panel will ensure that the complaint is heard by the Panel within 30 working days of receiving the request to the Chair to review the complaint. All relevant correspondence regarding the complaint should be given to each Panel member at least 5 working days before the hearing. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for circulation to Panel members.
- 8.7 The Chair of the Panel will write to all parties (the complainant, Headteacher, members of the Panel and any relevant witnesses) at least 5 working days before the meeting, informing them of the date, time and place. The notification to the complainant should also inform him/her of his/her right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
- 8.8 The Chair of the Panel should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. The Headteacher must inform the Chair in advance of any staff invited to attend the Panel hearing and ask them to confirm the name and designation of anyone they wish to bring with them. Any relevant documents, including the Headteacher's report, should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- 8.9 The attendance of staff, other than the Headteacher, is subject to the discretion of the Chair of the Panel.
- 8.10 It is the responsibility of the Chair of the Panel to ensure that minutes are taken of the meeting. The Chair of the Panel may also call on the Trust Principal or assigned Trustee to provide advice to the Panel during the meeting. Any advice offered must be about procedures and not about the substantive matter of the complaint.
- 8.11 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that his or her complaint has at least been taken seriously.
- 8.12 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is

therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

- 8.13 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 8.14 The order of the meeting should be:
- the complainant to explain their complaint;
 - the Headteacher to explain the school's response;
 - the Headteacher to question the complainant about the complaint;
 - the complainant to question the Headteacher and/or other members of staff about the school's response;
 - Panel members to have an opportunity to question both the complainant and the Headteacher;
 - any party to have the right to call witnesses (subject to the approval of the Chair);
 - all parties have the right to question all the witnesses;
 - final statements by both the complainant and the Headteacher.
- 8.15 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher and other members of staff will then leave. The Trust Principal or Trustee witness will review but will not participate in the subsequent discussions unless called upon to do so by the Chair, or if there is a breach of protocol they wish to raise with the Panel.
- 8.16 The Panel will then consider the complaint and all the evidence presented and put together its findings and recommendations on the case. The Panel will:
- (a) reach a unanimous, or at least a majority, decision on the complaint and
 - (b) decide upon the appropriate action to be taken to resolve the complaint and
 - (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 8.17 The role of any Trustee present is to ensure the procedures are followed and the complaint is dealt with appropriately.
- 8.18 A written statement outlining the decision of the Panel must be sent to the complainant, and where relevant the individual who is the subject of the complaint, the Headteacher and the Trust Principal. A copy of the letter will also be made available on the school's premises for inspection by the Trust and Headteacher. The letter to the complainant should explain that if they are not satisfied with the response whether a further appeal can be made and, if so, to whom.
- 8.19 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records and the Central Services Team (CST) records are updated with the resulting copy letter. These records should be kept separately from any involved pupil's personal records.

9 STAGE 4 PROCEDURE TRUST BOARD RESOLUTION

- 9.1 In the extremely rare case that the complainant wishes to make an appeal beyond the local resolution they have 10 working days to write to the Chair of the Trust.

Mr I Wiggins
Woodthorpe Primary School
Summerfield Road
York
YO24 2RU

- 9.2 A panel drawn from the Trust Board, informed by the Trust Principal, and minuted by the Clerk to the Trust Board will then review the evidence as outlined in point 8.18.

- 9.3 They will write back to the complainant and the Chair and Headteacher concerned stating if the decision of the Panel is upheld or not within 10 working days, and offer any relevant re-communications to improve future practice.

11. COMPLAINTS ABOUT THE TRUST

- 11.1 If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the clerk of the Trust sophie.triffitt@york.gov.uk who will direct the complaint to the appropriate person.
- Complaints about the Trust will be sent to the Trust Principal to investigate.
 - Complaints about the Trust Principal will be sent to the Chair of Trustees who will instruct a Trustee to investigate
- 11.2 The complaint will be investigated using the procedure and timeframes as set out in stage 2.
- 11.3 If the complainant is not satisfied with the outcome they may request formal review by the Board of Trustees.
- 11.4 For a complaint to proceed to a Trustee review, the complainant must submit a request in writing to the Chair of Trustees. This should be sent to the Clerk of the Trust Board sophie.triffitt@york.gov.uk. The procedures and timeframes as outlined in stage 3 will be followed with a panel of Trustees convened to review the complaint.

12 STAGE 5 PROCEDURE BEYOND TRUST BOARD RESOLUTION

- 12.1 Complaints about the Trust or a Trust school can be taken to the Education & Skills Funding Agency (ESFA). Guidance from the ESFA can be obtained from:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Appendix 1: Complaint Form

Please complete and return to the school's Senior Leadership Team

Your name:	Address:
Pupil's name:	
Pupil's DOB:	
Relationship to pupil:	
Telephone number:	
Mobile number:	
Email address:	
Preferred method of contact:	Postcode:
Full details of complaint:	

What action have you taken to try and resolve your complaint - for example, who did you speak to and what was the response?

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

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

Signature:	Date:
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For Official Use:	
Date Acknowledgment sent:	
Name of Person Complaint Referred to:	
Signature:	

Appendix 2: 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/Trust 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/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- 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.

CLERK TO THE GOVERNING BODY / BOARD OF TRUSTEES

The Clerk is the contact point for the complainant and the panel 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 and send it to the parties in advance of the meeting within an agreed timescale

PANEL CHAIR

The panel'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/young person
- the remit of the panel 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/Trust 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 panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

PANEL MEMBER

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor/Trustee may sit on the panel 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/Trust 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/young person and present during all or part of the meeting
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
The panel should respect the views of the child/young person and give them equal consideration to those of adults.
If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.