



## Complaints Procedure

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Perins MAT

2019-20

Approved by The Perins MAT Trust Board December 2019

Signed ..... Chair of Trustees

Signed ..... Executive Headteacher

This document models the procedure set out by Hampshire County Council (January 2016) and HCC Best Practice Guidance on Handling Complaints.

## 1. Introduction

The Perins MAT is dedicated to providing the best possible education and support for all of its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the schools, so that any issues that arise can be dealt with as swiftly and effectively as possible.

### 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 a Perins MAT School about any provision of facilities or services that we provide. Unless a complaint is able to be dealt with under a separate statutory procedure (such as appeals relating to exclusions or admissions) the Perins MAT 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. All Perins MAT 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 Executive Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive 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, a Perins MAT 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 the class teacher/ tutor or a subject leader. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees or Local 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 Executive Headteacher) should be made in the first instance, to the Executive Headteacher or the Head teacher (SHJS)/ Senior Deputy Headteacher (Perins School) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Headteacher should be addressed to the Chair of Trustees, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual trustee/ governor or the whole governing body should be addressed to the Clerk to the Trustees via the school office. Please mark them as Private and Confidential.

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 Executive Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

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 time frame only 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.

The following procedure explains the steps that will be followed whenever an issue arises that has caused a concern. Any person, including members of the general public, may make a complaint about provision of facilities or services that our schools provide, unless separate statutory procedures apply.

As indicated above this procedure does not apply to complaints about:

- Admissions to the MAT schools
- Statutory assessments of Special Educational Needs & Disability (SEND)
- School re-organisation proposals

- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the MAT's premises or facilities

In these cases, there are other separate and statutory procedures.

The schools will not respond to anonymous complaints under this Procedure, however, the Executive Head teacher and / or Chair of Trustees will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

For more information on the MAT provision for protecting our pupils, please refer to our **Child Protection** policy which is available on the MAT schools' websites. This policy can be made available in large print or other accessible format, if required.

### Principles

- This Procedure is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare.
- We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- The aim of this Procedure is to facilitate the efficient resolution of concerns by providing a transparent and simple process for complainants, staff and local governors and trustees of the MAT.

The MAT's role is to:

- Resolve concerns through informal discussions at the earliest stage.
  - a) Provide named contacts and a timescale for a response to be made by the MAT.
  - b) Focus on resolving complaints rather than apportioning blame.
  - c) Promote confidentiality and discretion.
- Be forthright in dealing with unreasonable complainants.
- Seek to resolve complaints effectively through the prompt notification of concerns, a shared trust between the complainant and the MAT school, and a mutual respect for the privacy and confidentiality of information.
- Ensure that any complaints made to the MAT or one of the MAT schools will start to be dealt with as soon as they are lodged. (When we refer to working days, we mean Monday to Friday, during term time).

*This procedure describes a five stage process:*

**Stage 1:** *informal raising of a concern or difficulty notified verbally, or in writing to a member of staff.*

**Stage 2:** *a formal complaint in writing to the Head teacher (SHJS)/ Senior Deputy Headteacher (Perins School)*

**Stage 3:** *referral to the Executive Headteacher, The Perins MAT*

**Stage 4:** *a renewed complaint in writing to the Chair of Trustees*

**Stage 5:** *Complaints Panel*

If we cannot meet the timescales set out in our procedure, we will provide a clear explanation of the reason for this along with details of the alternative indicative timescales.

## **2. Management of Complaints:**

The Headteacher SHJS/ Deputy Headteacher (Perins School) will, in the first instance, be responsible for managing and coordinating this procedure. If they are unavailable or are the subject of the complaint, then their duties will be carried out by the Executive Headteacher or if appropriate a Senior Leadership Team member as delegated by the Executive Headteacher.

### **Their main responsibilities will be:**

- To be the first point of contact for the complainant whilst the matter remains unresolved, ensuring records are kept and maintained.
- To co-ordinate this Procedure across the MAT.
- To arrange assistance for parents who require this, for example, because of a disability.
- To maintain an on-going training programme for all MAT employees in relation to complaints.
- To monitor the keeping, confidentiality and storage of records in relation to complaints.
- To report regularly to the Executive Headteacher with respect to complaints.
- Complaints against the Executive Headteacher would first be dealt with by the Chair of Trustees.
- Complaints against the Chair of Trustees or Chair of the Local Governing Body or any other member of the governance team should be made in writing to the Clerk to the Trustees and it will be investigated by the Trust Board with the support of the Clerk.
- Stage 4 complaints to the Chair of Trustees, must be received by the Chair within 20 working days following the date of the letter provided by the Executive Headteacher at Stage 3.
- Complaints from parents of children with SEND will be dealt with in accordance with this policy, the SEND Information Report and the SEND Policy.

## **3. When an issue or concern first arises**

If you have a concern that you would like to take up with one of the MAT schools you should initially inform a member of staff either in person, over the telephone or in writing. You may wish to approach your child's form teacher/ class tutor, Student Services or Head of House first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to. (Flowchart Appendix 3 is a useful starting point).

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

The Chair of Trustees reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the Trust Board's involvement at that point.

### **3.1 Stage 1 - Initial informal meeting (Informal Complaint)**

- All general complaints about the MAT or one of the MAT schools should in the first instance be referred to the school or appropriate member of staff (class teacher/tutor, curriculum/subject leader, Year Leader, member of Student Services, Head of House or Senior Leadership Team). The attached flow chart (appendix 3) outlines who complainants should contact in the first instance depending upon the concern or issue they wish to discuss and raise.
- We expect that most complaints, where a parent/complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.
- We will acknowledge any written notification by telephone, e-mail or letter within five working days and will give details of the proposed action to resolve the complaint. Depending on the complaint, we will decide on the appropriate course of action.
- We will endeavour to resolve the complaint as soon as reasonably practicable and will communicate the steps to be taken to resolve the complaint within ten working days.
- You may be invited to attend an informal meeting to discuss your complaint. If invited to a meeting, you are welcome to bring a partner or friend along for support.
- If the resolution of a complaint is not satisfactorily dealt with at this Stage 1, the complainant has the right to proceed to Stage 2.

## **4. Formal Complaints**

### **4.1 Stage 2 – Formal Complaint heard by the Head teacher (SHJS)/ Senior Deputy Headteacher (Perins School)**

If you feel that your complaint has not been dealt with as you would like, you are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School). It is preferable for you to make your formal complaint in writing and we provide a proforma for you to complete which can be accessed on the school's website or by contacting the School Office.

The Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) will acknowledge receipt of your complaint within **5 school days** and will advise you that a full response will be provided within **20 school days** from receipt of the complaint.

The Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) may approach the Executive Headteacher to ask for an alternative senior member of staff to act as **Investigator** and / or may involve one or more of the Trustees or Local Governors. The appointed Investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) who will then notify you by telephone, e-mail or letter of the decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint.

The Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If your complaint is about a member of staff, the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) will talk to that employee and invoke the relevant procedure if required. It will not be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.

The Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) will respond to you in writing within **20 school days** of receiving your complaint outlining their full response to your concern, and any action that has or will be taken. If the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the response of the Headteacher (SHJS)/ Senior Deputy Headteacher's (Perins School).

#### **4.2 Stage 3 – Referral to the Executive Headteacher**

- If you are dissatisfied with the decision of the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) under **Stage 2**, your complaint may be renewed in writing to the Executive Headteacher. You should write to the Executive Headteacher within **five working days** of receiving the decision of the Headteacher (SHJS)/ Senior Deputy Headteacher (Perins School) setting out full details of the complaint.
- Upon receipt of the complaint, the Executive Headteacher will acknowledge the complaint within **five working days** indicating the action that is being taken and the likely timescale. The

Executive Headteacher will aim to offer a response in writing setting out his / her decision and the reasons for it within **ten working days** of receipt. More complex investigations will require a longer time (up to **twenty working days**). The complaint will be investigated following the equivalent procedures set down in Stage 2.

- If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to the Chair of Trustees within **five working days** of receiving the decision.

#### **4.3 Stage 4- Complaint heard by the Chair of Trustees**

- If you are dissatisfied with the Executive Headteacher's decision under Stage 3, your complaint may be renewed in writing to the Chair of Trustees. You should write to the Chair within **five working days** of receiving the Executive Headteacher's decision setting out full details of the complaint, explaining fully your concern and the steps that have resulted in you taking this course of action.
- Upon receipt of the complaint, the Chair of Trustees will acknowledge the complaint within **five working days** indicating the action that is being taken and the likely timescale.
- The Chair of Trustees may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.
- The Chair of Trustees will explain that the Trust Board is responsible for the school's strategic framework and the Executive Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Board's policies. The Executive Headteacher is solely responsible for making day to day decisions.
- This stage offers an opportunity for achieving conciliation between all parties and discussions between the Chair of Trustees and the Executive Headteacher will be key to resolving the complaint and agreeing a way forward.
- The Department for Education (DfE) has clearly laid out which areas of responsibility are within the remit of the Executive Headteacher and which are within the remit of the Trust Board. The Chair of the Trustees is bound by this legislation and will decide what powers the Trust Board has to deal with the particular complaint. The Trust Board is only permitted to reconsider a decision made by the Executive Headteacher if the concern falls within its legislated authority. If the complaint falls within the remit of the Executive Headteacher as laid out in the DfE legislation, the Trust Board can only investigate the reasonableness of the decision. In reaching this decision, the Chair of Trustees will determine to what extent the issues relate to responsibilities that:

*(a) are delegated to the Executive Headteacher by the Trust Board; or  
(b) fall within the Trust Board's remit only; or  
(c) are within the Executive Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.*

- For delegated responsibilities and matters within the remit of the Trust Board, the Chair of Trustees may look at the whole issue afresh. If the matter relates to the Executive Headteacher's conduct, the Chair of Trustees will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services. For matters that are the Executive Headteacher's responsibility, the Chair of Trustees is empowered only to look at whether the Executive Headteacher's decision or action was reasonable in the light of the information available at the time.
- The Chair of Trustees will keep a record of all interactions with the complainant and any decisions made in reference to a complaint.
- If the Chair of Trustees has decided not to take any further action, they will explain what they have decided and how they reached the decision. If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to the Complaints Panel within **ten working days** of receiving the decision.
- The Chair of Trustees will aim to offer a response in writing setting out his/her decision and the reasons for it within **ten working days** of receipt. More complex investigations will require a longer time (up to **twenty working days**). The complaint will be investigated following the equivalent procedures set down in Stage 2 and 3.

#### **4.4 Stage 5 – Complaints Panel**

If you are dissatisfied with the outcome of your complaint, you should write to the Clerk to the Trustees within **10 school days** of the outcome of Stage 4, explaining your concern and the steps that have resulted in you taking this course of action.

The Clerk to the Trustees will acknowledge receipt of your request within **5 school days**. The **Complaints Panel** will usually be convened within **20 school days** of receiving the request for your complaint to be heard by the Complaints Panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the Complaints Panel will be to:

- a) ensure the complaint has been properly handled by the Executive Headteacher/ and Chair of Trustees*
- b) ensure that a sufficient comprehensive investigation was carried out*
- c) ensure that the correct procedure / policies were followed.*

The panel will also review whether the Executive Headteacher/ and Chair of Trustees acted reasonably.

The Clerk to the Trustees will arrange and facilitate the meeting of the Complaints Panel. You are entitled to an independent panel to hear your complaint and the Complaints Panel will consist of two Trustees, Members, or Local Governors who have no former knowledge or involvement in the matter being considered and an independent panel member who is not involved in the running of the MAT. The Chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints procedure. The Clerk to the Trustees will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days** in advance.

The constitution of the panel must ensure that they have a position sitting who is independent of The Perins MAT.

The Clerk to the Trustees will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The Executive Headteacher/ Chair of Trustees will also be requested to supply copies of their responses to the previous stages of the Procedure, and any further paperwork they consider the panel will require to consider the complaint fully. Copies of all paperwork will be distributed to all parties by the Clerk to the Trustees at least **3 school days** in advance of the meeting.

The complainant is welcome to be accompanied for support to the meeting and the Chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda. The Executive Headteacher/ Chair of Trustees (if attending) are also invited to bring a representative or member of staff for support.

No previously undisclosed evidence relating to the complaint should be introduced during the meeting.

The Panel's task is to establish the facts surrounding the complaints that have been made by considering: the documents provided by both parties and any representations made by you, the Headteacher SHJS/ Deputy Headteacher (Perins School), the Executive Headteacher or the Chair of Trustees. The Panel will not consider any new areas of complaint which have not been previously raised. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or any other issues to the Executive Headteacher or to the Trust Board as appropriate.

If, after establishing the facts, the Panel consider that the complaint is justified, they will uphold the complaint. If the Panel consider that the complaint is not upheld, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

The clerk will inform you (and the Executive Head teacher and / or Chair of Trust Board) in writing of the Panel's decision within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcome. The Panel may suggest you meet with the Executive Headteacher and / or Chair of Trustees again to agree a way forward.

The letter may set out recommendations which will be made to the Trust Board.

The Panel's decision is the final stage in this Complaints Procedure.

Please see **Appendix 1** for more details of a Complaints Panel

### **Next Steps**

If a complainant believes The Perins MAT 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 and Skills Funding Agency (ESFA). ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Perins MAT. They will however, consider whether The Perins MAT has adhered to education legislation and any statutory policies connected with the complaint.

ESFA can investigate the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure.
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

The ESFA can be contacted through the following link

<https://www.gov.uk/government/publications/complain-about-an-academy> or by telephone on 0370 000 2288 (ask for the ESFA Academies Central Unit).

## **5. Unreasonable Complaints**

The Perins MAT is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain, with all complaints processed in accordance with this Procedure.

We will not normally limit the contact complainants have with the school. Operating from a position of mutual respect, 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 Perins MAT uses the same definition of “unreasonably persistent complainants” as that generally used by Government and other Public Sector organisations, namely:

*“Those who, because of the frequency or nature of their contact with an authority, hinder the School’s consideration of their or other people’s complaints.”*

We will inform you when we consider your complaint and your associated behaviour to be unreasonable. Such decisions will not be taken lightly. Where an individual’s behaviour is causing a significant level of disruption, we may implement a tailored communications strategy and/or seek advice from external advisors.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. We will act to ensure that it remains a safe place for students, staff and other members of the community. This will not affect your right to escalate your complaint as set out in this Procedure.

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 MAT’s 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 comments 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 a complaint where the MAT’s Complaint Procedure has been fully and properly implemented and completed including referral to ESFA
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff or Trustees 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 or 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 newspapers

Complainants should limit the numbers of communications with a school 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 Executive Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher (SHJS)/ Deputy Headteacher (Perins) will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Perins MAT or one of its schools 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 barring an individual from The Perins MAT or one of its schools.

## **6. Trust Board review and monitoring of complaints**

The Executive Headteacher will report annually to the Trust Board on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The Trust Board will review and evaluate all formal complaints (Stage 2 onwards) to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

## **7. Staff Complaints**

Staff who have a concern about a colleague or volunteer in The Perins MAT should refer to the Whistleblowing Policy which is available in the Staff Handbook or on the websites.

The procedure for dealing with any other staff complaint or employment grievance is set out in the school's staff discipline, conduct and grievance policies which are available in the Staff Handbook.

## **8. Complaints Policy Review**

The Trust Board of the Perins MAT will review this Procedure every 2 years or sooner if there are any legislative changes. The Trust Board will also review this Procedure following a complaint panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.

**Date last reviewed:** November 2019

**Date for next review:** November 2020

This Policy was approved by the Trust Board on 5<sup>th</sup> December 2019

## Appendix 1

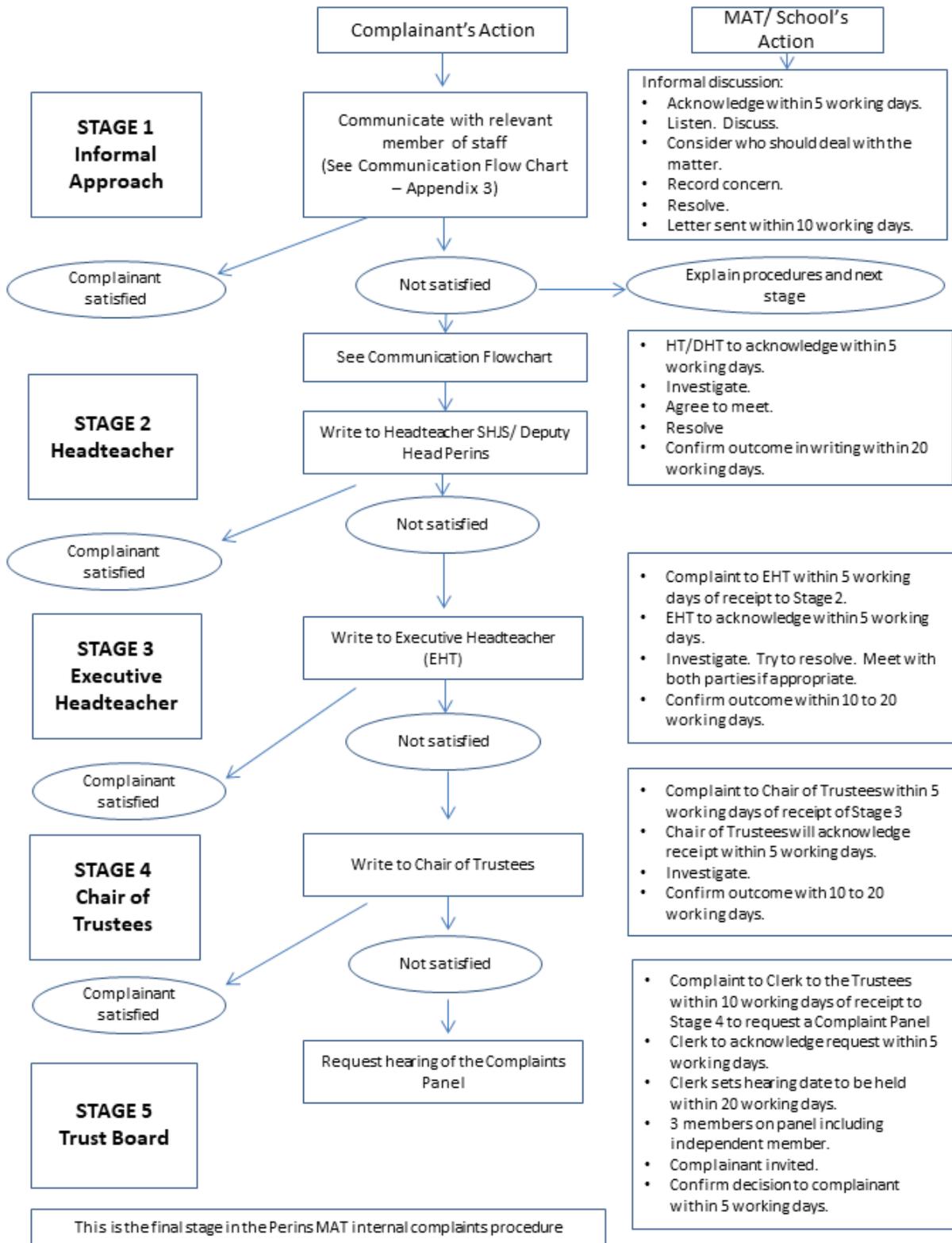
### The Complaints Panel

- **The Panel** will be formed of 2 MAT Trustees, Members or Local Governors who have not been involved in any earlier part of the complaints process and who have no detailed prior knowledge of the nature of the complaint and one independent member who is independent of the governance, management and running of the school. The panel will not consider any new areas of the complaint which have not previously been raised as part of the complaints procedure.
- **Notification:** To request a Complaints Panel please write to the Clerk to the Trustees within **ten working days** of the decision complained of. Your request will usually only be considered if you have completed the procedures at Stages 1, 2, 3, and 4. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk to the Trustees. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the possession of the MAT or one of its schools and wish the Panel to see. The Clerk to the Trustees will acknowledge your request in writing within **five working days**. If you require assistance with your request, for example, because of a disability, please contact the Clerk who will be happy to make appropriate arrangements.
- **Convening the Panel:** The Clerk to the Trustees will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not sit during half terms or school holidays, unless there are exceptional circumstances.
- **Notice of Hearing:** Every effort will be made to enable the Panel meeting to take place within **twenty working days** of the receipt of your request. As soon as reasonably practical and in any event, at least **ten working days** before the meeting, the Clerk to Trustees will send you written notification of the date, time and place of the meeting.
- **Attendance:** You will be invited to attend the meeting and may be accompanied by one other person such as a relative, partner, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk at least **five working days** before the meeting. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Trust Board at least **ten clear working days** prior to the meeting.
- **Chair:** The meeting will be chaired by one member of the Panel (chosen from within this group) and will be conducted in an informal manner.
- **Hearing:** All statements made at the meeting will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. Formal minutes of the meeting will be taken by the Clerk to the Trustees or an LA registered Clerk, who will take no

part in proceedings apart from reminding the Chair of the Panel of procedural protocol as necessary.

- **Evidence:** The Chair of the Panel will conduct the meeting in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The meeting is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- **Conduct:** All those attending the meeting are expected to show courtesy, restraint and good manners or, after due warning, the meeting may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the meeting is conducted must say so before the proceedings go any further and his/her comment will be minuted.
- **Adjournment:** The Chair may, at his/her discretion, adjourn the meeting for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- **Decision:** After due consideration of the matters discussed at the meeting, the Panel shall reach a decision unless an agreed position is reached and the complaint withdrawn. You will be notified of the Panel's decision, findings and any recommendations in writing by email or letter, within **five working days** of the meeting. If you do not wish to receive the decision by email, a copy will be posted to you. The decisions, findings and any recommendations will be available for inspection on the school premises by the Chair of Trustees, Executive Headteacher and the Headteacher (SHJS)/ Deputy Headteacher (Perins). Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Trustees, Executive Headteacher, the Headteacher (SHJS)/ Deputy Headteacher (Perins).
- **Private proceeding:** A Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- **Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1/2/3/4 or proceed to a Stage 5/ Complaints Panel. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.  
Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI 2010/1997), that is where access is requested by the Secretary of State or where disclosure is required in the course of the Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

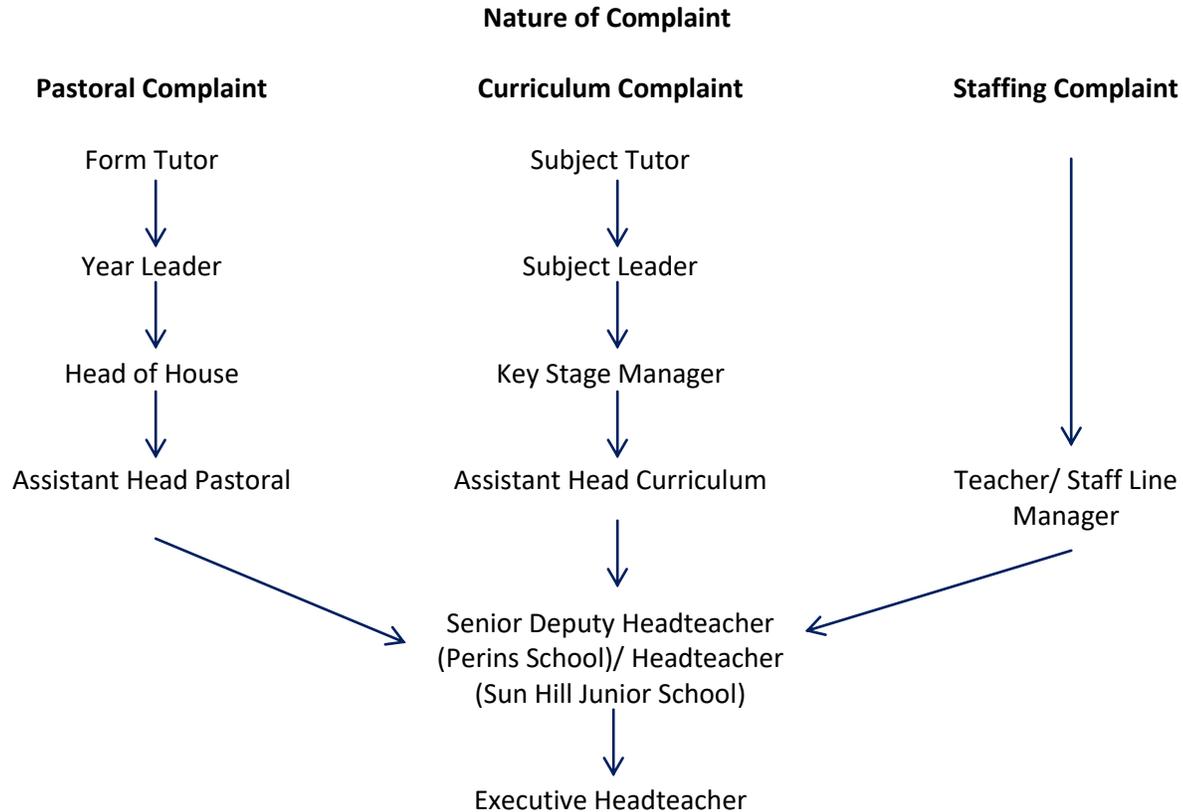
## STAGED APPROACH TO HANDLING COMPLAINTS



## Appendix 3

### Communication/ Complaint Procedure Recommended procedure for parents/ carers

#### Stage 1



#### Stage 2

Headteacher (Sun Hill Junior School) or Deputy Head (Perins School) – if not contacted under Stage 1, and unable to resolve informally

#### Stage 3

Executive Headteacher – if not contacted under Stages 1 or 2 and unable to resolve issue

#### Stage 4

Chair of Trustees

#### Stage 5

Complaints Panel

## Appendix 4



### Complaint Form

Please complete and return to the Headteacher/ Deputy 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>Day time 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>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

**Further Action:**