

The Yare Education Trust
Complaints Policy and Procedure

December 2019



**THE
YARE EDUCATION
TRUST**

Complaints Policy and Procedure

At The Yare Education Trust we aim to provide a safe environment in which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers and members of the community may need to make a complaint or raise concerns.

The majority of issues raised are concerns rather than complaints. We are committed to taking concerns seriously and hope they can be resolved at an early stage. However, depending on the nature of the complaint, you may be asked to follow the Trust's formal complaints procedure.

If you have a complaint (other than for curriculum matters, admissions, special needs or exclusions), then the following procedure should be followed in order to resolve concerns as quickly as possible.

Aims

1. To encourage positive communication between school and the community.
2. To clarify procedures in the event of any complaint.
3. To ensure consistent standards in the handling of complaints.
4. To deal with complaints with confidentiality as far as is possible and as quickly as is possible.

Timescales for Making a Complaint

Complaints that are submitted three months or more after the issue will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Principal/ Headteacher/Chair of Governing Board/Clerk to the Governing Board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Stage 1 – Informal

Anyone with a concern should, in the first instance, make an appointment to speak to the relevant class teacher, Curriculum Leader or Head of House about the concern, depending on the nature of the concern. It is best to resolve issues at this point.

The first point of contact if a parent wishes to discuss concerns relating to Special Educational Needs should be the Special Educational Needs Coordinator. All concerns will be investigated, and the outcome reported back to parents within the agreed timeframe. Formal complaints can be made in accordance with this Policy.

Stage 2 - Informal

Anyone dissatisfied with the result of the discussions with the class teacher, Curriculum Leader or Head of House should ask for an appointment to meet with the Principal/Headteacher or a member of the Leadership Team. School staff will meet with the complainant as soon as possible and, in any event, within 10 school days of the request for a meeting.

If an appointment is requested with the Principal/Headteacher they may, at their discretion and dependent on the gravity of the complaint, advise that the matter be more appropriately delegated at this point to a member of the Leadership Team.

If a resolution to the issue is proving difficult to find, the Principal/Headteacher or a member of the Leadership Team can speak to a member of the Local Governing Board (LGB) about the issue who may be willing to offer informal intervention. However, there is no obligation on any Governor to become involved at this level.

It is hoped that most problems will have been resolved by now.

Stage 3 – Formal Complaint Letter to Principal/Headteacher

An issue that has not been resolved through the informal Stages 1 and 2 can become an official complaint.

Anyone wishing to move to Stage 3 must write a formal letter of complaint to the Principal/Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

The Principal/Headteacher may appoint an investigating officer to make enquiries on their behalf about the matter.

The Principal/Headteacher should consider the complaint and discuss a resolution with the complainant. The Principal/Headteacher should offer a resolution to the complainant in writing within 15 school days of receipt of the official complaint letter.

It is important to be aware that the decision the Principal/Headteacher has made as a result of the complaint does not become a new complaint about the Principal/Headteacher.

Therefore any subsequent referral to a Stage 4 Formal Local Governing Board Panel is to review the original complaint, and does not form a complaint against the Principal/Headteacher.

Complaints About the Principal/Headteacher or the Governors

Where a complaint is about the Principal/Headteacher, the complainant should notify the Clerk to the Governors. The Stage 1 process will then commence, but with the Chair of Governors as the individual responsible for the investigation, rather than the Principal/Headteacher.

Where a complaint concerns a Governor the complainant should contact the Clerk to the Governing Board. The Clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

Stage 4 – Formal Complaint Requesting a Local Governing Board’s Complaints Panel

If the complainant feels the complaint has not been resolved he/she should proceed to Stage 4, a Local Governing Board’s Complaints Panel.

If the concern or complaint is specifically about the Principal/Headteacher and has not been resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of the Local Governing Board.

The school will provide the Chair of the Local Governing Board's name and the complainant should complete the Formal Complaints Form (see Appendix 1) and send to the Chair of the Local Governing Board at the school address, marking the envelope 'urgent, private and confidential'. The Formal Complaints Form must be received within 10 school days of the last meeting with the Principal/Headteacher concerning the issue, setting out the complaint and showing why the matter is not resolved.

The Chair of the Local Governing Board should acknowledge the complainant's Formal Complaints Form in writing within five school days of receipt, and may consider contacting external agencies for advice.

Time Scales:

Receipt of complainant's form	Acknowledgement within five school days.
Receipt of complainant's form	Local Governing Board's Panel meeting within 20 school days (unless this goes into school holidays).
Written documentation sent to the Local Governing Board's Panel Members, complainant and Principal/Headteacher	Five school days before meeting.
Local Governing Board Panel decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Before the meeting:

The Chair of the Local Governing Board should appoint a Clerk to the Local Governing Board's Complaints Panel, acknowledge the complainant's form in writing within five school days of receipt and arrange for a Local Governing Board's Complaints Panel to meet within 20 school days of receipt to consider the complaint. The Local Governing Board Complaints Panel will comprise three Local Governors of the school who were not directly involved in the matters detailed in the complaint and at least one of the panel members is independent of the management and running of the school. If the form is received within 19 school days to the end of term it may not be possible to organise the Local Governing Board panel meeting before the end of term. In this case the matter should be dealt with within 15 school days of the school reopening.

The Principal/Headteacher should be given a copy of the complainant's form and written documentation should be requested from the school. The Clerk should send both the complainant's form and the school documentation to the Local Governing Board Complaints Panel members, complainant and Principal/Headteacher (and anyone else involved in the meeting) at least five school days before the date of the meeting.

The complainant and Principal/Headteacher will be invited to attend the Local Governing Board Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Principal/Headteacher (or their representative) should provide all the relevant information they wish and the Local Governing Board Complaints Panel members should clarify any points. After the complainant and the Principal/Headteacher (or their representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the Clerk. The Local Governing Board Complaints Panel members will consider the complaint and the school's response and come to a decision regarding the issue(s). Whilst it is hoped that such a situation does not occur, for the purposes of clarity, in the event of a 'split decision' the Chair has the casting vote.

After the meeting:

The Local Governing Board Complaints Panel will write to all concerned (complainant and where relevant the person complained about) within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Local Governing Board Complaints Panel is final.

If a complainant is not satisfied that the complaint has been properly dealt with (procedure) by the school, they may contact the Trustees of The Yare Education Trust, who will review the Local Governing Board Complaints Panel Decision. Only if there are exceptional circumstances, such as undue delay or failure to follow the complaints procedures above correctly, would the Trustees rerun Stage 4 of the Complaints procedure above, with Trustees replacing the Local Governing Board representatives.

If a complainant is still not satisfied that the complaint has been properly dealt with by the school or the Trust, they may contact Education Funding Agency (EFA). This acts on behalf of the Secretary of State for Education. Complaints about how the school or Trust has handled the original complaint should be sent via the EFA's online [School Complaints Form](#) or by post to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Note that the EFA will check whether the complaint has been dealt with properly by the school and the Trust. It will consider complaints about schools/academies that fall into any of the following three areas:

1. where there is undue delay or the school/academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where a school/academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's or a Multi Academy Trust's decision about a complaint. However, if an academy did not deal with a complaint properly the EFA will request the complaint is looked at again and that procedures meet the requirements set out in the Regulations.

If the Trust's complaints procedure does not meet the Regulations, the EFA will ask the Trust to put this right. The EFA may seek to enforce the decision under the terms of the

funding agreement on behalf of the Secretary of State, if appropriate.

**Advice on the Procedure to Be Adopted
By A Governors' Sub-Committee
Hearing a Complaint**

The meeting is not a Court.

The complainant and any person being complained about should not be present at the same time.

The following procedure/agenda is therefore recommended:

Chair of Panel welcomes Parent(s) and explains order of the meeting viz:

1. Parent(s) to present complaint
2. Governors to have the opportunity to ask questions of Parent(s) and seek clarification of any points
3. Parent(s) to have the opportunity to add points and make any further comments
4. Parent leaves meeting
5. Governors to ask Principal/Headteacher and other key persons involved to join meeting
6. Governors to ask Principal/Headteacher or other key persons to comment on the complaint
7. Governors to ask questions and seek clarification of any points
8. Principal/Headteacher or other key persons to be given opportunity to add points and make further comments
9. Principal/Headteacher and other persons to leave meeting
10. Governors to consider and agree response to complaint.

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- The Panel will question everyone involved until they are satisfied that they have all the information they need. Parents can take along a relative, friend or another adult if desired. If parents do this, they must explain who the person is to the Panel.
 - Normally, children cannot attend. If the Panel thinks a child has to be interviewed, they need to obtain permission of the parents and must be sensitive to the needs of the child by letting a known and trusted adult go along with the child.
 - Only Panel members are allowed to question.
 - The Panel must be fair and take any action they wish to ensure fairness
 - Advisers or officers called to the Panel to answer factual questions are not allowed to take part in the decision and the Panel must tell parents who they are and why they are there.
 - Sometimes the Panel may realise that they need further information that is not available straight away. They can then agree to halt the meeting and meet again at another time. This time must be convenient to all parties. Everybody must try to deal with the complaints as quickly as possible.

Notes

Once a Local Governing Board Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened by the Local Governing Board or by the Trustees. If a request is received in this respect, the Chair of Trustees should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Vexatious Complaints: This procedure is intended to limit the number of complaints that become protracted and ensure that all complaints are dealt with efficiently and speedily. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Board and/or the Chair of Trustees is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Relevant Legislation

[Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of students.

Confidentiality

While it is a stated aim for confidentiality to be maintained, no individual receiving a complaint can promise total confidentiality. It is vital in protecting all parties, that a complaint should be shared with the appropriate line manager but without placing the matter in the public domain.

Withdrawal of Complaints

A complaint may be withdrawn at any time. If possible, you should write to the person who was last dealing with the matter. You will then be sent a written acknowledgment of the withdrawal of the complaint.

Should your complaint relate to curriculum issues, admission, exclusions, special educational needs, the school will provide details of these processes.

THE YARE EDUCATION TRUST FORMAL COMPLAINTS FORM

Name	
Name of pupil/student, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone (daytime)	
Contact telephone (mobile)	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Dated: