

# Trust Complaints Policy & Procedure

Review Date:	Summer Term 2024
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Next Review Date:	Summer Term 2026
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## 1. Introduction & Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our schools, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the Trust & school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

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

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"

- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## 3.2 Scope

The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Statutory assessments of special educational needs (SEN)
- Admissions
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- SCITT appeals related to assessment of trainees/apprentices being trained by SF SCITT

Complaints about services provided by other providers who use our School or Trust premises or facilities should be directed to the provider concerned.

## 4. Roles and responsibilities

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the Trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the CEO/Headteacher/ Director of ITT/TSH or complaints coordinator, which includes the facts and potential solutions

### **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- The CEO/Deputy CEO
- Finance & Business Director
- The Headteacher
- The Director of ITT/TSH
- A designated Trustee or Local Governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of the Local Governors, clerk and/or CEO and chair of trustees
- Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

### **4.4 Clerk to the Trust Board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### **4.5 Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **5. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## 5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The Trust will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Trust is not meeting Early Years Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the Trust is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Stages of complaint (not complaints about the CEO, Headteacher, a Local Governor/Trustee or the Local Governing/Trust Board – See section 7)

### 6.1 Stage 1: informal

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

The complainant should raise the complaint as soon as possible with the relevant member of staff, the Headteacher, Director of ITT/TSH or CEO as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Clerk to the Trustees, [clerk@sfet.org.uk](mailto:clerk@sfet.org.uk) or 01252 716155.

The Trust/School will acknowledge informal complaints within 5 school days, and investigate and provide a response within 15 school days.

The informal stage may involve a meeting between the complainant and the Headteacher, Director of ITT/TSH or CEO, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## 6.2 Stage 2: formal

Formal complaints can be raised using the Complaint Form (Appendix B):

- By letter or email
- In person
- By a third party acting on behalf of the complainant

The complainant should provide on the complaint form (appendix B) details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. The complaint form should be returned to the Clerk to the Trustees (appendix A).

If complainants need assistance raising a formal complaint, they can contact the Clerk to the Trustees, [clerk@sfet.org.uk](mailto:clerk@sfet.org.uk) or 01252 716155.

The Clerk 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.

In certain circumstances, The Headteacher/Director of ITT/TSH/CEO (or other person appointed by the Trust for this purpose) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting and should inform the Trust/School of the identity of their companion in advance.

In certain circumstances, the Trust may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Trust will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The investigator will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the Trust Board within 10 school days.

### How to escalate a complaint

Complaints can be escalated by contacting the clerk to the Trust Board by letter or email:

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the Trust board in writing within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 school days.

## 6.3 Stage 3: submit the complaint to the review panel

### Convening the panel

The review panel consists of 3 members of the Local Governing Body, Strategic Board and/or Trust Board who do not have direct knowledge of the complaint. One panel member will be independent of the management and running of the school and/or Trust. These individuals will have access to the existing record of the complaint's progress (see section 10). The panel will select a panel chair from among themselves.

If not enough impartial Local Governors/Trustees are available, we will seek panel members from other schools. We will make sure that the panel members we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 30 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

### **At the meeting**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the Trust representative will be given the chance to ask and reply to questions. Once the complainant and Trust representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the CEO/headteacher.

### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future

The Trust will inform those involved of the decision in writing within 10 school days.

## **7. Complaints against the CEO, Headteacher, Director of ITT/TSH a Local Governor/Trustee or the Local Governing/Trust Board**

### **7.1 Stage 1: informal**

Complaints made against the CEO, Headteacher, Director of ITT/TSH or any member of the Local Governing or Trust Board should be directed to the clerk to the Trust Board in the first instance (appendix A).

If the complaint is about the CEO, Headteacher, Director of ITT/TSH or 1 member of the Local Governing/Trust Board (including the chair or vice-chair), a suitably skilled and impartial Local Governor/Trustee will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire Trust Board or Local Governing Body
- The majority of the Trust Board or Local Governing Body

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire Local Governing Board or Trust Board or
- The majority of the Local Governing Board or Trust Board

A committee of independent Trustees/ Local Governors will hear the complaint. They will be sourced from other schools in the Trust and will carry out the steps at stage 3 (set out in section 6 above).

## **8. Referring complaints on completion of the Trust's procedure**

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)



If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

We will include this information in the outcome letter to complainants.

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the Trust's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on Trust or school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Trust or any schools within the Trust in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

#### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Trust or school sites.

## **9.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## **9.3 Complaint campaigns**

Where the Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Trust, the Trust may respond to these complaints by:

- Publishing a single response on the Trust or School website
- Sending a template response to all of the complainants

If complainants are not satisfied with the Trust's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record keeping and confidentiality**

The Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a Trust/School inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Retention of Information Policy

The details of the complaint, including the names of individuals involved, will not be shared with the whole Trust Board in case a review panel needs to be organised at a later point.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request and appoint an appropriately skilled panel is made by the Trust Board, who will not unreasonably withhold consent.

## **11. Learning lessons**

The Trust Board will review any underlying issues raised by complaints with the CEO, Headteacher, Senior Leadership Team or any appropriate staff member where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust or School can make to its procedures or practice to help prevent similar events in the future.

## **12. Monitoring arrangements**

The Trust Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Trust Board will track the number and nature of complaints, and review underlying issues as stated in section 11.

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices
- SCITT Appeals Policy

## **Appendix A – Trust Contact Details**

### **South Farnham Educational Trust**

Menin Way, Farnham, Surrey, GU9 8DY

01252 716155

### **Contact details for the CEO**

Mrs Claire Harnden: 01252 716155

[charnden@sfet.org.uk](mailto:charnden@sfet.org.uk)

### **Contact details for Chair of the Trust Board**

Mrs Alex Chester

01252 716155

[achester@sfet.org.uk](mailto:achester@sfet.org.uk)

### **Contact details for Clerk to the Trust Board**

Mrs Claire Buckton

01252 716155

[cbuckton@sfet.org.uk](mailto:cbuckton@sfet.org.uk)

## Appendix B – Complaint form

Please complete and return to the Clerk to the Trust Board [cbuckton@sfet.org.uk](mailto:cbuckton@sfet.org.uk) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>		
<b>Pupil's name &amp; Class (if relevant):</b>		
<b>Your relationship to the pupil (if relevant):</b>		
<b>Contact details – email and telephone number</b>		
<b>Please give details of your complaint (adding extra pages if necessary):</b>		
No.	Details of issue	What action has been taken to resolve the matter and by whom?
1		
2		
3		
etc		

**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:**

**Action taken:**

**Date:**