



## Complaints Policy

Policy Version			
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19 April	Version 1.0	N/A	Emily Haddock
17 <sup>th</sup> March 2017	Version 1.1	Update in light of LGB & Trust review/approval	Jayne Carmichael
29 <sup>th</sup> September 2017	Version 1.2	Annual update of parent complaint numbers for 2016/2017	Jayne Carmichael

This policy will be reviewed every 12 months or in light of a change to local and Government legislation.

## The Dunham Trust's Vision, Aims and Ethos

### **Together we will**

Challenge the ordinary  
Promote individuality  
Be advocates for change

Across our schools we encourage cross-collaboration and the sharing of best practice. We believe that we are able to help our schools and their young people to aspire to, and achieve, success. We are committed to ensuring that every child and young person has a pathway to succeed and that:

- gives the best possible start in life
- equips them with creativity, spirit and confidence
- enables individuals to appreciate life and equip for further learning
- supports the child in becoming a responsible citizen and contribute to the local community
- celebrates the individual

The Dunham Trust aims to contribute positively to the self-improving school-led system in education across this locality. We believe in true collaboration; working in partnership, investing in people and building capacity for long term, sustainable success. There is both the expectation and opportunity for collaboration across individual Trust schools.

### **The five schools in The Dunham Trust are:**

Acre Hall Primary School  
Barton Clough Primary School  
Elmridge Primary School  
The Orchards Special School  
Lime Tree Primary Academy

The Dunham Trust is a growing Trust with very clear educational aims and expectations. One of The Trust's primary aims is to transform the schools within The Trust into sustainable learning communities. We want to create a community of good and outstanding schools with the highest aspirations. The skills and expertise that exist within The Trust will ensure that our academies and young people aspire to, and achieve, success. We achieve this through a well-structured School Improvement Programme which is supported by The Trust's two Teaching Schools.



## Guidance

The complaints procedure at The Dunham Trust has three stages, to be covered in a period of 28 days excluding school holidays and weekends between the complaint being made and the final resolution. The DfE does not distinguish between a 'concern' and a 'complaint'. Any matter about which a parent of a pupil is unhappy and seeks action by the school is considered as a complaint and will be addressed in accordance with this policy. In this respect, it is anticipated that the large majority of complaints will be resolved at the informal stage.

The school will keep records of complaints which are resolved at the informal stage for management purposes, for example to enable patterns or trends to be monitored. A formal written and/or electronic record is kept of complaints made to the school which reach the formal stage. Details will be recorded of;

- whether the complaint was resolved following the formal stage or proceeded to a panel hearing;
- action taken by the school as a result of the complaint, (regardless of whether the complaint was upheld).

Records are kept for at least three years. The school will provide Ofsted, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint.

### **Stage 1 - Informal complaint (Resolution within 5 working days)**

All complaints may be made on an informal basis initially; verbally or in writing. Sections A-F deal with any informal complaints. In many instances issues will be dealt with straight away. Where further information is required every effort will be made to make an initial response within 24 hours of the issue being raised.

#### **A. Complaints by parents about a member of staff**

- i. Direct discussion with parents and Head of School
- ii. Direct discussion with member of staff followed by conversation between member of staff and parents and aggrieved parties
- iii. Action on points raised agreed
- iv. Review situation

#### **B. Complaints by parents about another child**

- i. Class teacher involved immediately.
- ii. If necessary, playground supervisors involved and class teacher to observe in the playground.
- iii. All teachers are informed at staff meetings for classroom awareness.
- iv. "Complaining" parents telephoned; procedures explained; offered opportunity to talk further and asked to telephone immediately with any further/future concerns.
- v. Conflict noted on children's records and SMT ensure where possible that class teacher/tutor mitigates conflicts.
- vi. In instances of bullying the procedure is outlined in our anti-bullying policy
- vii. Where necessary steps will be taken in accordance in the school Behaviour and Exclusions policy

### **C. Complaints by a child about a child**

- i. All parties are separately seen by staff, as a fact collecting exercise.
- ii. Staff are informed in staff meetings.
- iii. Parents are informed
- iv. In instances of bullying the procedure is outlined in our anti-bullying policy
- v. Where necessary, steps will be taken in accordance with the school Behaviour and Exclusions policies

### **D. Complaint by a member of staff about a colleague** - This is usually made to the Head of School

- i. Informally, the Head of School discusses matter with member of staff and offers to intervene tactfully. Usually the member of staff chooses to speak to the other staff member him/herself. SMT ensure that situations likely to cause friction/ aggravation between staff concerned are avoided.
- ii. In appraisal; Procedures as above, though the complaint is noted. In order to maintain a happy community, all staff are asked by the Head of School in appraisal, if they have any concerns
- iii. If the complaint is about the Head of School the complaint should be made to the Executive Principal or Governors.

### **E. Complaints by residents**

- i. Whoever takes the call, listens sympathetically and collects as much information as possible.
- ii. Subsequent action varies according to information.

### **F. Complaints by former pupils** - This policy does not apply to complaints made by former pupils unless the complaint was first raised whilst the pupil was still registered at the school.

## **Stage 2 - Formal Complaint (Resolution within 10 working days)**

Where the complainant(s) are not satisfied with the response of the school, through the procedures outlined above they may register a formal complaint. This should be done in writing to the head, including,

- The nature of the complaint
- The reasons for their dissatisfaction with the school's response

The Head of School will meet with the complainant as soon as is practical, to discuss the matter and, if possible, to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival. It may be necessary to carry out further investigations. The head will keep written records of all complaints, and of meetings held in relation to them.

Once the head is satisfied that all the relevant facts have been established, a response to the complaint will be made and the complainant will be informed in writing, within ten school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint

is justified, and reasons; the response may include actions which the school intends to take or a decision. A complainant who is not satisfied should proceed to the next stage.

### **Stage 3 - Independent Resolution - Panel Hearing (Resolution within 15 working days)**

If Stage 2 has not resolved the complaint to the satisfaction of the parent or carer, he/she should write within ten (10) school days to the Head of School, requesting a hearing before the complaints panel. The Head of School will acknowledge the letter of complaint within five (5) school days.

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. 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 issue to the Head of School.

A panel of three, consisting of two members of the governing body and a third independent member will be convened to hear the complaint, within fifteen (15) school days. This independent member will not be associated in any way with the school or The Dunham Trust and will be a person of with professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from Complaints". None of these members will have been involved in the matters detailed in the complaint

It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The school will appoint a clerk to the panel from governors services. Members of the panel will have access to all relevant documentation and will be able to ask the school and the parent or carer for any other relevant information or documentation. It is intended that the process should not be legalistic. Parents may be accompanied at this meeting by another family member, friend or representative without prejudice to any future hearings. If possible, the panel will resolve the parent's or carer's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The finding may include

recommendations or actions which the panel requires the school to take. The finding of the panel will be final. A copy of the finding will be sent to the complainant, Head of School and any, where relevant, person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 15 school working days of the panel

### **Appeal to the Education Funding Agency**

If the complainant is still not happy by this stage, an appeal can be made to the Education Funding Agency (EFA) who will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the School has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
- Allegations that the School has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and if necessary, take further action in connection with the issue.

The EFA will not usually investigate complaints until the School's own complaints procedure, including any hearing, has been exhausted. The EFA may decide to investigate before the School's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the School and the School has had a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the School.

The EFA will not usually investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- Statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- Matters that are the subject of legal action.

The EFA will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Further detail concerning the procedure the EFA will undertake in dealing with complaints can be obtained from EFA.

### **Dissatisfaction with the EFA handling of the complaint.**

If a complainant is dissatisfied with the way in which the EFA has dealt with their complaint against a School, the complainant may notify the EFA of this. As an Executive Agency of the Department for Education (DfE) complaints about the EFA will be handled in accordance with the DfE's complaints process. Further details of this can be obtained from the DfE.

## **Vexatious complaints**

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a pupil's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising a range of unrelated issues on a repeated basis then the school reserves the right not to respond. If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Head of School or chair of governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Education Funding Agency on behalf of the Secretary of State for Education as detailed in the section above.

## **Monitoring complaints**

Each school will monitor complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

Schools are required to publish the number of complaints registered under the formal procedure during:

(2015-2016)

Acre Hall: 0

Elmridge Primary School: 1

The Orchards: Not applicable

(2016-2017)

Acre Hall: 2

Elmridge Primary School: 0

The Orchards: 0