

# Complaints Policy

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## Monitoring and review

Staff responsible	:	Trustees; Headteachers; Local Governors;
Committee responsible	:	Board of Trustees
Links	:	Staff Handbook; HR; Code of Conduct
Date approved	:	March 2018
Review date*	:	March 2020

\*Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown above and re-circulated.

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**The Boleyn Trust Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust.**

## Rationale

The Boleyn Trust wants to deal with issues, concerns and complaints that you have as promptly and effectively as we can. If you have any concerns we encourage you in the first instance, to go directly to the person who is most appropriate to respond to your concern - this will usually be the class teacher, a senior member of staff, or the Headteacher.

Schools are required by law to have a complaints procedure that aims to ensure that concerns and complaints are handled in a fair and non-adversarial manner.

This procedure is intended to deal with concerns or complaints relating to the actions of staff and the application of school procedures where they affect individual pupils and students except in matters relating to:

- a permanent exclusion,
- a particular child protection issue
- a special needs statementing issue and admission issue

all of which are dealt with under separate procedures. Details of these procedures are available at school.

## Policy Statement

The school encourages anyone wishing to raise a concern to make every effort to resolve the concern informally - please help us by following these steps.

### **Please note:**

- Any concern or complaint should be brought to the attention of the school at the earliest opportunity; any matter raised more than 3 months after the event will only be considered in exceptional circumstances.
- An anonymous complaint will not be dealt with unless there are exceptional circumstances.

### **Informal Stage One: Raising your concern**

It is expected that in most cases the class teacher, or a senior member of staff will be able to resolve your concerns without the need to go any further. You can help them to resolve your concerns by arranging to meet him or her at a convenient time, discussing your concerns in a positive atmosphere and allowing them any time that they require to investigate the matter further themselves.

Where the first approach is made to a Local Governor or Trustee, they will refer the person raising a concern to the school procedure, and advise you to contact the school directly. Local Governors or Trustees will not act unilaterally on an individual concern or complaint or be involved at the early stages of an issue in case they are needed to sit on a panel at a later stage of the procedure.

The school will respect the views of a person raising a concern or complaint who indicates that he/she would have difficulty discussing the issue with a particular member of staff. In these cases, the line manager can refer the parents or member of public to another staff member. The ability to consider the concern or complaint objectively and impartially is crucial.

If the issue concerns the Headteacher, then you should write to the Chair of the Local Governing Body in the first instance who will deal with the query.

If, having raised your concern with the above staff you are still dissatisfied, or if they are the subject of your concern, then you should move on to step two, contacting the Headteacher/ Deputy Headteacher.

### **Informal Stage Two: Issue referred to the Headteacher**

The Headteacher may ask you to put your concerns in writing but will usually be able to deal with your concerns face-to-face. The Headteacher will attempt to resolve your concerns using any reasonable means that she/ he feels are appropriate: this may involve meeting with you to discuss the matter further, or delegating another senior member of staff to investigate.

The Headteacher / Deputy Headteacher should be allowed reasonable time to investigate the concern or complaint and gather any information that she / he requires. On this basis, you should expect to receive feedback no later than 10 school days after giving them the details.

If, having raised your concern with the Headteacher you are still dissatisfied then you should move on to the Formal Complaints Procedure.

### **Formal Complaints Procedure: Complaint referred to the Chair of the Local Governing Body**

If you are still dissatisfied with the way the issue has been handled, then you should put your complaint in writing to the Chair of the Local Governing Body of that particular setting. Please refer to each schools website for contact details.

If you are still dissatisfied with the way the issue has been handled, then you should put your complaint in writing to the Chair of the Board of Trustees, c/o Boleyn Trust, Tollgate Primary School, Barclay Road, London E13 8SA or email: [info@boleyntrust.org](mailto:info@boleyntrust.org).

The Chair of the Board of Trustees will decide on an appropriate course of action, depending on the issue. This could be meeting with the Chair in the first instance or meeting a group of Trustees constituting a Complaints Panel.

### **Complaints Panel**

Individual complaints will not be heard by the whole Board of Trustees at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Board will nominate a minimum of three members with delegated powers to hear complaints at this stage.

### **The Remit of Complaints Panel**

The panel can:

- a) dismiss the complaint in whole or in part;
- b) uphold the complaint in whole or in part;
- c) decide on the appropriate action to be taken to resolve the complaint;
- d) recommend changes to the school's systems, recommend disciplinary action, or procedures to ensure that issues of a similar nature do not recur.

All Trustees sitting on a complaints panel will work within the following guidelines:

- a) It is important that the appeal hearing is independent and impartial. No Trustee may sit on the panel if they have a prior involvement in the complaint or in the circumstances surrounding it. The panel will be sensitive to the issues of equality as outlined in the equality policy.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as considerate as possible.
- d) Extra care needs to be taken when the complainant is a student. Trustees will consider the welfare of the student in its arrangements of the hearing. The panel needs to be aware of the views of the student and give them equal consideration to those of adults.
- e) The Trustees sitting on the panel need to be fully conversant of the complaints procedure.

### **Roles and Responsibilities**

The role of the Headteacher

- a) Ensure that correct school procedure is used to respond to concerns or complaints about staff raised within school within informal stage 1.
- b) Ensure that appropriate action is taken as a result of a concern or complaint about a member of staff in school within informal stage 1.

- c) Ensure that concerns or complaints referred to the Headteacher in informal stage 2 are logged, and that appropriate action is taken.
- d) Ensure that concerns or complaints are responded to within a reasonable timeframe.
- e) Ensure that anyone raising a concern is aware of the formal procedure for complaints if they are dissatisfied with the action to date.

#### The Role of the Clerk

Only group of Trustees considering complaints will be supported by a clerk. He/she will be the contact point for the complainant and will:

- a) set the date, time and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b) collate any written material and send it to the parties in advance of the hearing;
- c) meet and welcome the parties as they arrive at the hearing;
- d) record the proceedings;
- e) notify all parties of the panel's decision.

#### The Role of the Chair

The Chair of the Panel has a key role, ensuring that:

- a) the hearing and decision-making process are chaired effectively
- b) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- c) the issues are addressed;
- d) key findings of fact are made;
- e) parents and others who may not be used to speaking at such a hearing are put at ease;
- f) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- g) the panel is open minded and acting independently;
- h) no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- i) written material is seen by all parties by the date specified by the clerk. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

#### Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within five working days.

#### School Complaints Procedure Checklist for a Panel Hearing

The panel needs to take the following points into account:

- a) Witnesses are only required to attend for the part of the meeting in which they give evidence. (Witnesses may include the member of staff against whom the complaint was made)
- b) After introductions, the complainant is invited to explain their complaint, and use their witnesses to support their case, in turn. The Headteacher may question both the complainant and use their witnesses to support their case, in turn
- c) The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- d) The complainant may question both the Headteacher and the witnesses after each has spoken The Panel may ask questions at any point
- e) The complainant is then invited to sum up their complaint
- f) The Headteacher is then invited to sum up the school's response to the complaint The Chair explains that both parties will hear from the panel within a set time scale
- g) The Headteacher and complainant leave together while the panel decides on any actions to be taken

#### Persistent or Vexatious Complaints

Most concerns can be resolved in a reasonable manner. The school aims to uphold standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint.

We aim to support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the School, including governors and parents and aim to deal fairly, honestly and properly with persistent complainants and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

If a complainant behaves in an unreasonable manner such as; actions which are obsessive, persistent, harassing, prolific and repetitious, with excessive e-mail, telephone or social media use such as Facebook, about a concern or complaint then we may view this as vexatious.

We will not tolerate unreasonable behaviour which is aggressive and causes ongoing distress to school staff and has a significant adverse effect on the school community. If there is evidence of any such aggression the School may:

- ban the individual from entering or contacting the school site; with immediate effect (via letter or by blocking an email or/and phone calls and request that Social Media sites remove vexatious comments;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

The Chair of Governors and the Headteacher may well close a complaint if it is deemed 'vexatious'. This may happen if it is clear there is insufficient evidence to pursue the case but a complainant is persistently raising the issue. Equally this may happen if a complaint has been investigated and no justification for the complaint found.

### **Education Skills and Funding Agency**

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. At this point the complainant could take their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- b) where the academy is in breach of its funding agreement with the Secretary of State.
- c) where an academy has failed to comply with any other legal obligation.

The ESFA will not overturn any decision about a complaint. However, if it concludes that the school did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement. Their remit is to review due process, so there is no onus on them to re-open an investigation: they may only decide to do so if they judge that there has not been due process.