

Complaints Policy

Equalities Statement

Over recent years, schools and academies have (in line with other institutions and public bodies) been working towards an improved understanding of the diverse nature of their communities. Much of the work is in response to new legislation that places an increased duty on schools, academies and other settings to tackle radicalisation and to establish a positive ethos of British Values. Legislation requires schools and academies both to eliminate direct or indirect discrimination, victimisation or harassment and to promote equalities for students, staff and others who use their facilities.

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as, socio-economic factors.

Document Management

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Next review date:	September 2020
Approved by:	Directors
Responsible for review:	Chief Operating Officer

Swale Academies Trust is dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that each school should work in partnership with parents/carers, each carrying out their particular responsibilities to help the students gain the most from their time at the Trust. This procedure pertains to each school, and all other elements of the Trust.

1. Statement of Policy

1.1 Each school must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as *'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'*. It defines a complaint as *'an expression of dissatisfaction, however made, about actions taken or lack of action'*. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

1.2 The aim of this policy is to ensure that any complaint, including a complaint against a member of staff, is handled by Swale Academies Trust sympathetically, efficiently and at the appropriate level, and resolved as soon as possible.

1.3 Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases a member of staff will receive the first approach. Staff should try to resolve issues on the spot, including apologising where necessary.

1.4 This policy has been approved by the CEO and the Trust's Board of Directors and provides guidelines for handling concerns and complaints. It takes account of Part 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010.

2. Procedures

2.1 Informal Procedures

Swale Academies Trust aims to meet its statutory obligations when responding to complaints from parents of pupils/students at our schools.

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

In many cases, a concern can be resolved quickly and will not reach the stage of becoming a formal complaint.

2.2 Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. The Complaints Procedure – please refer to Appendix 1

3.1 At each stage, clarification of exactly who will be involved, what will happen and how long it will take must be communicated. There may, on occasion, be the need for some flexibility - for example, there may be a need for further meetings between the complainant and the member of staff directly involved or further investigations may be required by the Executive Headteacher/Headteacher/Head of School.

3.1.1 The following stages are likely to be sufficient:

Informal

<p>Stage One Informal</p> <p>Expression of concern made to the school</p>	<p>If a parent/carer is concerned about anything to do with the education being provided at a Trust school they should, in the first instance, discuss the matter with the member of staff concerned. In our experience most matters of concern can be resolved positively in this way. All staff work very hard to ensure that each child is happy at school and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Most issues can be resolved quickly.</p> <p>Members of the school's Senior Leadership Team may be involved at this stage without the need for a formal complaint.</p>
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Formal

<p>Stage Two Complaint</p> <p>Complaint raised formally in writing to the Headteacher/Head of School</p>	<p>A formal complaint should be made in writing by completing the Complaint Form (Appendix 2) for the attention of the Executive Headteacher/Headteacher/Head of School via the school office. Receipt will be acknowledged within 5 school days. The Executive Headteacher/Headteacher/Head of School reserves the right to allocate the investigation to another member of the Senior Leadership Team where deemed appropriate. An appointment will be made to meet within 7 school days.</p> <p>All complaints are taken seriously and most complaints are normally resolved at this stage. The outcome of the investigation will be communicated within 15 school days. This will be in the form of a written response, with full explanation of the decision and the reason for it, as well as any action taken. If the complaint is about the Executive Headteacher/Headteacher/Head of School the matter should be referred to the Director of Primary/Director of Secondary via the Trust Governance Officer at Ashdown House.</p>
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<p>Stage Three Complaint Director of Primary/Director of Secondary</p> <p>Complaints very rarely reach this formal level but should you need to, you may make a formal complaint via the Trust Governance Officer to the Director of Primary / Director of Secondary</p>	<p>If the complaint is not resolved following the response from the Executive Headteacher/Headteacher/Head of School then the complaint should be made in writing within 10 school days of the decision at Stage 2 for the attention of the Director of Primary/Director of Secondary via the Trust Governance Officer at Ashdown House. Receipt will be acknowledged within 5 school days. The Director of Primary/Secondary reserves the right to appoint a member of the Trust’s Senior Executive Team to investigate the complaint at this stage. The outcome of the investigation will be communicated within 15 school days with a full explanation of the decision and the reason for it as well as any action taken.</p>
<p>Stage Four Final Complaints Stage Appeal Hearing of the Trust Complaints Panel</p> <p>Complaints at this stage should be made via the Trust Governance Officer for the attention of the Chief Executive Officer</p>	<p>Complaints at this stage should be written and received by the Chief Executive Officer (CEO) within 10 school days of the decision at Stage 3. The complaint should be addressed to the CEO via the Trust Governance Officer at Ashdown House and should set out why you remain unhappy and what you wish to see happen. This will be acknowledged within 5 school days. A Complaints Panel will be convened within 20 school days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Trust.</p>

3.1.2 A complainant can take a complaint to the next stage of they feel it is unresolved.

3.1.3 The role of the Trust Governance Officer is to ensure fair and impartial consideration of all complaints at stages 3 and 4 and to ensure that complainants are provided with well-considered responses to their concerns within the appropriate timescales. The Trust Governance Officer will maintain a record of all complaints referred and will ensure that all correspondence, statements and records of any such complaints are kept confidential.

3.1.4 At Stage 4 the complainant will be invited to the appeal hearing of the Complaints Panel and will be given at least 7 days’ notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

3.1.5 The Trust Complaints Panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;

- Recommend changes to the school's systems or procedures to ensure that similar problems do not recur.

3.1.6 Notification of the Panel's Decision: The Chair of the Panel will ensure, via the Trust Governance Officer, that the complainant is notified of the Panel's decision and any recommendations, in writing, within **20 school days**.

4. Resolving Complaints

4.1 At each stage in the procedure, the school will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could be handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again. Details of any disciplinary procedures that have taken place as a result of the complaint are not released;
- An undertaking to review school/Trust policies in light of the complaint;
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld;
- An explanation that, following investigation, the concern is not substantiated by the evidence;

4.1 An admission that the school/Trust could have handled things in a better way is not the same as an admission of negligence.

5. Serial, Persistent and Vexatious Complaints

5.1 Schools should not stop responding just because a complainant is difficult to deal with or asks complex questions. In most circumstances, it is the subject matter that does not warrant a response, not the correspondent.

5.2 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 investigating panel may inform them in writing that the procedure has been exhausted and that the matter is now closed.

5.3 The decision to stop responding to a complaint should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and of their options (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

5.4 The school's case is stronger if it agrees with one or more of the following statements:

- It has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- The complainant's communications are often or always abusive or aggressive;
- The complainant makes insulting personal comments about or threats towards staff.

6. Managing and Recording Complaints

6.1 **Recording Complaints** - A complaint may be made in person, by telephone, or in writing. The complaint form can be found at Appendix 2. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

6.2 A written record will be kept of all complaints made at Stages 2,3, and 4, detailing:

- whether they are resolved or proceeded on to the next stage; and
- action taken by the school as a result of those complaints (regardless of whether they are upheld);

6.3 The school office manager is responsible for the records. All correspondence, statements and records relating to individual complaints must be kept confidential but must be shown to Her Majesty's inspector (HMI) when they inspect.

6.4 **Local Governing Body Review** - The Local Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Local Governing Body must not name individuals.

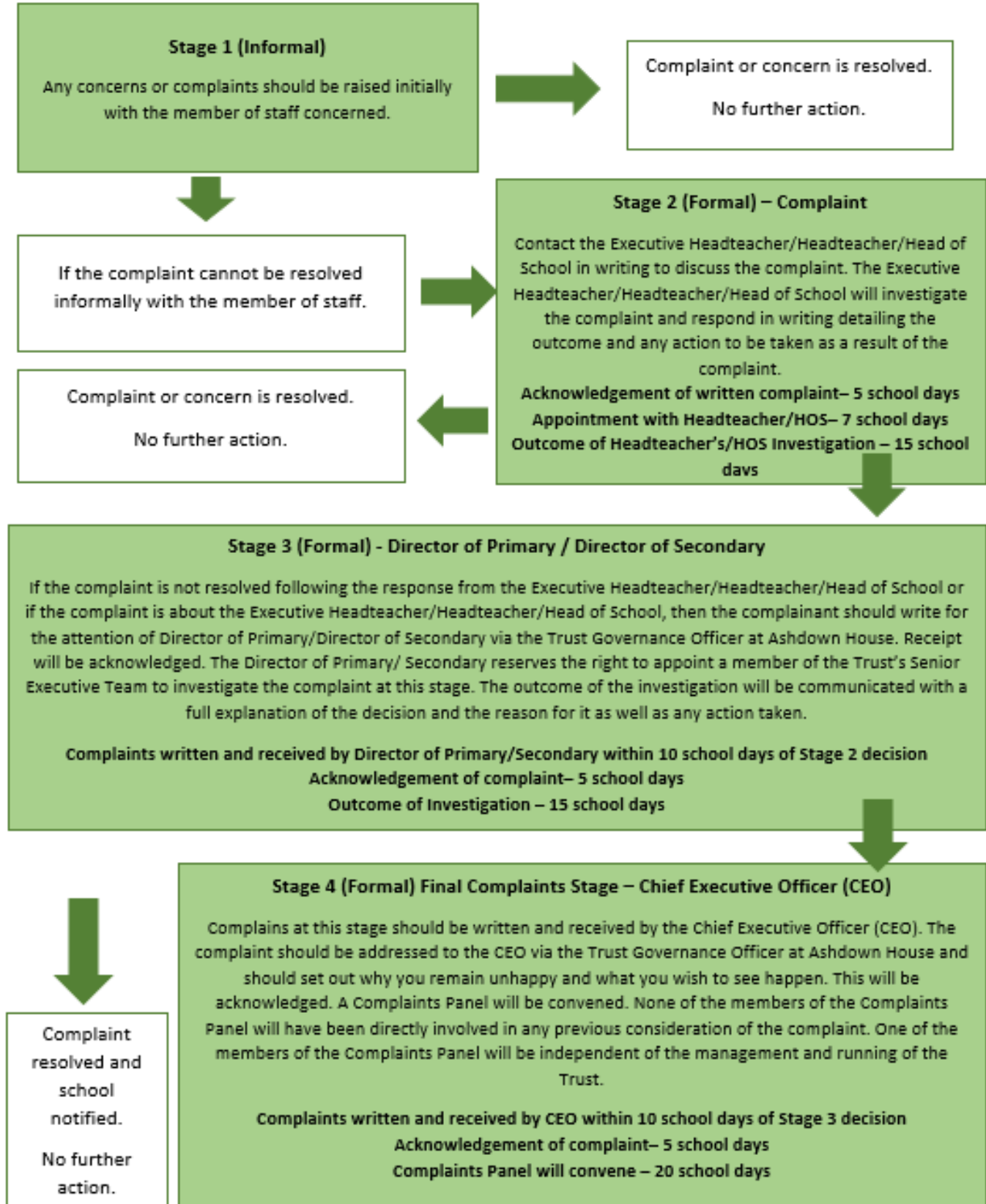
6.5 The process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the school and the Local Governing Body can be a useful tool in evaluating a school's performance.

Formal Complaints (at Stages 3 and 4)

If a parent/carer wishes to make a formal complaint they should submit this in writing to:

**Trust Governance Officer,
Swale Academies Trust,
Ashdown House, Johnson Road,
Sittingbourne,
Kent,
ME10 1JS**

Appendix 1 Complaints Procedure



Appendix 2

Complaint Form

Please complete and return to the Executive Headteacher/Headteacher/Head of School (Stage 2) who will acknowledge receipt and explain what action will be taken.

Date:	Pupil's name:
Name and relationship to the child:	
Contact address:	Telephone:
Email:	

Please give the details of your complaint:

What action, if any, have you already taken to try to resolve your complaint? (who did you speak to and what was their response?)

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

Are you attaching any paper work? If so, please give details.

Signature:

Date:

Official Use

Date acknowledgement sent/who sent it: