



**SOUTH WEST ESSEX**  
COMMUNITY EDUCATION TRUST

**Name of Policy:** **COMPLAINTS**

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**Changes to Policy since last review**

<b>Relevant Section</b>	<b>Change made</b>	<b>Page Number</b>

**Consultation on this Policy**

There were no changes and no consultation required.

## **1. What is a complaint?**

- 1.1 A complaint is an expression of dissatisfaction whether made orally or in writing. This policy addresses general complaints and not complaints raised by employees against other employees.

## **2. How does the staged approach work?**

- 2.1 The staged approach is designed to ensure that every effort is made to deal with complaints informally at school level in partnership with the complainant. The formal stages should only be triggered in exceptional circumstances.

- a) Stage 1 is informal stage. In the case of a complaint by a parent the subject teacher will receive the first approach and the majority of issues should be resolved at this stage. In the case of a complaint by a member of the public, the school office should be the first point of contact. A decision will then be made as to which member of staff is best placed to deal with the complaint.
- b) Stages 2 and 3 are formal stages involving the Headteacher and Trustees.
- c) Stage 4 is only available for complaints regarding a Headteacher or Chief Executive Officer or Chief Operating Officer or should Stage 3 fail to conclude the matter. Stage 4 is heard by the Trust board overseen by the Chair of the board.

- 2.2 The policy is designed to manage all complaints but complaints vary in their nature and complexity. Therefore, the school will need to consider at which stage a complaint should be dealt with when it is initially raised and which member of staff is best placed to deal with it

## **3. Principles and Procedures**

- 3.1 Our principal aim is to deal with complaints:

- a) Openly
- b) Fairly
- c) Promptly
- d) Without prejudice

- 3.2 Our procedures for dealing with complaints will:

- a) Be set out on the schools' websites
- b) Be available in a hard copy from each Headteacher's PA
- c) Be simple to understand and follow
- d) Be focussed on outcomes
- e) Have established time limits for action
- f) Keep people informed at all stages
- g) Where necessary, respect people's desire for confidentiality
- h) Be carefully monitored and evaluated
- i) Provide information to school senior leadership teams and schools' procedures can be improved

## **4. An overview**

To review a simple flowchart, please see Appendix 1.

## **5. Role of the School Complaints Co-ordinator**

5.1 The Schools' Complaints Co-ordinator are:

- a) Mrs T Gale – Chadwell St Mary Primary School
- b) Mrs L Gilbank - Deneholm Primary School
- c) Miss S Fosh - Stifford Clays Primary School
- d) Mrs J Essery – Marshalls Park Academy
- e) Mr M Ovenden - William Edwards School

The Complaints Co-ordinator is responsible for the operation and management of the school's complaints procedure and will be able to provide further information upon request.

The Complaints Co-ordinator for the Trust is the Clerk to the Trustees, contact details available from the Chief Operating Officer.

## **6. Guidance on each stage of the procedure**

6.1 There are four stages to this procedure as set out in section 2. The vast majority of complaints would be settled in stage 1 and all are expected to be resolved by Stage 3.

6.2 Any person expressing continued dissatisfaction should be advised of the next stage of the procedure.

6.3 Stage 1: Discuss concerns with the relevant teacher

- a) Complainants are advised to speak to the teacher concerned so everyone has a clear picture of the situation from all points of view. Most problems can be resolved at this informal stage.
- b) If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complaint may be referred to another member of staff. This member of staff may not necessarily be more senior.
- c) The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.
- d) A brief record of any telephone calls, meetings and agreed actions should always be kept although it is not always necessary to provide the complainant with a written record at this stage. The Complaints Co-ordinator / Line-Manager should monitor these records.
- e) If either the complainant or staff member feels the matter needs to be taken further, the headteacher or a senior member of staff should be contacted.
- f) A response to any informal concerns raised at this stage will generally be responded to within 10 school days. If a longer period of time is required, this will be communicated to the complainant and a new timescale agreed.

6.4 Stage 2: Discuss concerns formally with the headteacher or a senior member of staff

- a) More serious concerns which remain unresolved at the end of Stage 1 should be

referred to the headteacher or a senior member of staff. He/she will then investigate the matter further. Any meetings that are held with the complainant in relation to the complaint should be arranged within 10 school days. However, more complex complaints may require an extension to this time limit which will be communicated to the complainant and a new timescale agreed.

- b) A log of all contacts relating to the complaint should be kept.
- c) The Headteacher or senior colleague should communicate the outcome to the complainant either verbally or in writing. Any agreed actions should be put in writing. The outcome should generally be provided to the complainant within 10 school days of the meeting. Again, where the complaint is complex and more time is required to investigate the complaint, the Headteacher or senior colleague should agree the revised timescale with the complainant.
- d) If, as a result of the investigation, issues arise relating to staff discipline or capability, details should remain confidential to the headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action although these details are confidential and not shared with the complainant.

6.5 Stage Three: Make a formal complaint in writing to the Chair of Trustees (or a nominated Trustee) who will then convene a Complaints Panel.

- a) Trustees should only proceed with this formal stage of the Complaints Procedure if they have received a complaint in writing addressed to the Chair of Trustees and all previous stages have been exhausted.
- b) Acknowledgement of the written complaint should normally be sent within 5 school days.
- c) It is essential that this process is fair and objective. To avoid a conflict of interest, it is vital that the Trustees does not hear the complaint at this stage. Any Trustee who has been involved with the complaint at an earlier stage would be unable to give objective consideration to the issue.
- d) It is for the Trustees to agree upon the procedures for the Complaint Panel meeting. However, the Trustees will usually convene a small panel of 2 Trustees and a person who is independent of the management and running of the school and who have not previously been involved in the complaint. The panel will usually meet within 15 school days of receiving the complaint.
- e) The Chair of the panel (or the clerk to Trustees acting on behalf of the Chair) should notify the headteacher and the complainant of the proposed date of the panel meeting and invite both to attend. The complainant may bring a friend or representative. Both parties must be treated equally and any information prepared for the panel hearing must be circulated to all parties. In all other respects, the panel will determine the procedure to be followed.
- f) If the complaint relates to a staff disciplinary or capability matter about which the headteacher has already taken action, the Trustees should focus on how the original complaint was managed to avoid prejudicing any ongoing disciplinary or capability procedures.
- g) The headteacher and complainant should be informed of the Panel's decision in writing within 10 school days from conclusion of the panel hearing.

6.6 The remit of the complaints panel is to:

- 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 to ensure that problems of a similar nature do not re-occur.

6.7 Most complaints are expected to be resolved at the end of this stage. If the matter is not resolved, the complainant may write to the Chair of Trustees. The letter must be addressed to the Chair via the Clerk to the Trustees, see 5.1.

#### 6.8 Stage 4: Trust Board Consideration

- a) The purpose of this stage is to consider matters where Stages 1-3 have failed to resolve the matter raised by the complainant, where that is possible.
- b) This stage is the first stage for complaints regarding the Headteacher, Chief Executive Officer or Chief Operating Officer.
- c) The same practice applied to Stages 1-3 should be applied.

6.9 However, if the complainant is not happy with the way in which the complaint was processed they can complain to the Education Funding Agency who act on behalf of the Department for Education. A form may be completed and is available at <https://www.education.gov.uk/form/school-complaints-form>.

### 7. **Vexatious Complaints**

7.1 Very rarely, the school may take a decision to close a complaint where the parent is still dissatisfied despite the significant level of scrutiny provided by these procedures. We will do all we can to assist in the resolution of a complaint but sometimes it is simply not possible to meet all of the parent's wishes and it may be a case of "agreeing to disagree". If a parent persists in making representations to the school which are wholly or substantially similar to a complaint which has exhausted the internal procedures or where complaints or representations are made which are false or where the intention is to disrupt the smooth running of the school (in the reasonable opinion of the school), then the school reserves the right to take no further action in respect of that complaint or concern.

### 8. **General & Monitoring**

8.1 All complaints and correspondence/hearings under the complaints policy are treated as confidential and will only be disclosed when required to do so by law.

8.2 The Trust board will review on a regular basis the operation of the complaints policy, the number of complaints received and the stage at which these complaints were resolved.

**Appendix 1: Flow chart summarising the 4 stage process**

