




## **POLICIES AND PROCEDURES**

### **Complaints Procedure**

**March 2019**

<b>Date ratified at Trust Board:</b>	27 March 2019
<b>Signature of Chair:</b>	

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## **Policy Principle:**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **1. The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Our Schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **2. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants must not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher) via the school office. Please mark formal letters of complaint as Private and Confidential. Complaints that involve or are about the Headteacher, should be addressed to the Chair of Governors, via the Clerk to Governors/school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help

in completing the form, please contact the school office. You can also ask third party organisations (e.g. Citizens Advice) to help you.

In accordance with Equality Law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### 3. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### 4. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### 5. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### 6. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Sheffield City Council</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).  <a href="https://www.safeguardingsheffieldchildren.org/sscb/safeguarding-information-and-resources/allegations-of-abuse-against-people-who-work-with-children">https://www.safeguardingsheffieldchildren.org/sscb/safeguarding-information-and-resources/allegations-of-abuse-against-people-who-work-with-children</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have a trust wide whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 7. Resolving complaints

At each stage in the procedure, the School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made

- an undertaking to review school policies in light of the complaint
- an apology.

## 8. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 9. Stage 1 of the Complaints Procedure

Dealing with concerns and complaints informally:

It is the aim of the Trust's procedure to resolve all complaints and concerns as early and as informally as possible.

We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

### Procedures

- 9.1 Informal complaints should be taken up directly with the appropriate member of staff, either verbally or in writing, who will clarify the nature of the concern or complaint and reassure them that the school will hear the concern or complaint and attempt to resolve it at the earliest stage.
- 9.2 Where the concern relates to the actions of the Headteacher, the complainant should be advised to contact the Chair of the School Local Governing Body.
- 9.3 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint.

## 10. Stage 2 of the Complaints Procedure

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

### Procedures

- 10.1 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.
- 10.2 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.  
*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*
- 10.3 During the investigation, the Headteacher (or investigator) will:
  - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- 10.4 At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 working days of the date of receipt of the complaint.
- 10.5 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

- 10.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.
- 10.7 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 10.8 If the complaint is about the Headteacher, the complaint will be investigated by the Chair of Governors who will complete all the actions at Stage 2. Complaints about the Headteacher must be made to the Clerk to Governors, via the school office.
- 10.9 Complaints about a member of the governing body must be made to the Clerk, via the school office.  
If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire governing body or
  - the majority of the governing body
- 10.10 Any complaints concerning the whole Governing Body, Stage 2 will be considered by an independent investigator appointed by the Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **11. Stage 3 of the Complaints Procedure**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body’s complaints panel. The panel will consist of 3 members, one of which must be independent of the management and running of the school. This is the final stage of the complaints procedure.

#### **Procedures**

- 11.1 The complainant indicate in writing to the Clerk to Governors in the School, within 5 days of the outcome of stage 2, the dissatisfaction and wish to proceed to Stage 3.
- 11.2 The Clerk to Governors should write to the complainant acknowledging receipt of the written request within 3 working days and inform the complainant that 3 independent panel members will investigate the complaint within 20 school working days of receipt of the request. The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Panel members charged with conducting the investigation.
- 11.3 The Chair and the CEO of the Mercia Learning Trust should be notified of the development of the complaint.
- 11.4 The Clerk will convene a panel of members of the school’s Local Governing Body, with one member being independent of the management and running of the school. All panel members will have no prior involvement with the complaint.
- 11.5 The Panel Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. The Chair of the panel should write and inform the complainant, Headteacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Headteacher. Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant’s right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting. The Chair should also invite the Headteacher to attend and prepare a written report for the Panel in response to the complaint.

- The Headteacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Headteacher's report, at least 5 school working days in advance of the meeting.
- 11.6 It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.
- 11.7 At Stage 3, the complainant and the Headteacher, together with any other staff who are involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:
- The complainant to explain the nature of their complaint(s)
  - The Headteacher to explain the school's response to the complaint
  - Panel members to have an opportunity to question both complainant and Headteacher
  - All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to the opportunity of questioning all witnesses
  - Parents and carers, Headteacher and staff to have the right of representation at the meeting if they so wish
- 11.8 The Chair should explain to the complainant and the Headteacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.
- The Panel will consider the complaint and all the evidence presented and:
- a) Reach a unanimous or at least a majority decision on the complaint
  - b) Decide upon the most appropriate course of action to be taken to resolve the complaint and
  - c) Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in future.
- 11.9 Recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Headteacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used. Where relevant, the person complained about will also be made aware of any recommendations taken by the Governing Body.
- 11.10 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records.

## **12. Next Steps**

### **Appeal to the Directors of the Mercia Learning Trust**

All complaints reaching Stage 4 will have done so because the complainant has not been satisfied with the response provided by their appeal to the Local Governing Body Complaints Panel.

Directors who have no prior knowledge of or any involvement in the complaint must handle any appeal. There will be at least three Directors involved.

If the complaint is regarding the CEO of the Mercia Learning Trust, this should be addressed to the Chair and Vice Chair of the Mercia Learning Trust.



Appeals should normally be made in writing. In exceptional circumstances, the Mercia Learning Trust Board may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily.

## **Procedures**

- 12.1 Upon receipt of a written request by a complainant for the complaint to proceed to the Mercia Learning Trust Board, the procedures outlined below should be followed:
  1. The Chair and CEO of the Mercia Learning Trust should write to the complainant acknowledging receipt of the written request.
  2. The acknowledgment should inform the complainant that the Chair and CEO of The Mercia Learning Trust will investigate the complaint within 20 school working days of receipt of the request. The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint, not previously considered during the complaints process.
- 12.2 The Chair and CEO of the Mercia Learning Trust may invite members of staff or others who have been directly involved in matters or issues raised by the complainant to respond in writing or, at his/her discretion to speak with them in person.
- 12.3 The aim of this final stage of the complaints process shall be to resolve the complaint and achieve reconciliation between the relevant school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 12.4 At Stage 4, the complainant and the relevant Headteacher, together with any other staff who are involved with the complaint may be interviewed separately (where necessary) in order that the Chair and CEO of the Mercia Learning Trust can form a clear and independent view of the complaint. All previous documentation pursuant to the complaint will be considered.
- 12.5 The Chair and CEO of the Mercia Learning Trust should explain to the complainant and the Headteacher that they will consider their decision and a written response will be sent to both parties within 15 school working days.
- 12.6 Recommendations made by the Chair and CEO of the Mercia Learning Trust should be reported to the Chair of the relevant Local Governing Body at an appropriate time and a written statement/response outlining the decision should be sent to the Headteacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'appropriate action has or will be taken' should be used.
- 12.7 The Chair and CEO of the Mercia Learning Trust should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from a pupil or staff member's personal records.

## **13. Referral to the Ombudsman**

**Parents and carers in Sheffield can go to the Local Government Ombudsman (LGO) if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of a school.**

- 13.1 Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the school has had a proper opportunity to consider it and respond.
- 13.2 Further information can be obtained by contacting the LGO Advice Team on **0300 061 0614**, by e-mail to [advice@lgo.org.uk](mailto:advice@lgo.org.uk) or by visiting their website at [www.lgo.org.uk/schools](http://www.lgo.org.uk/schools). Advisers will pass the complaint to a specialist team who will evaluate it and speak to the complainant before deciding how to proceed.
- 13.3 At any stage, the LGO can decide whether or not to pursue a complaint. If the decision has been made **not** to pursue a complaint, the complainant will be written to with an explanation of the reasons. If the complaint **is** to be pursued, the Ombudsman will write to the complainant and advise them as to how it will be investigated. The aim is to reach a decision as quickly as possible, especially when time is an important factor. Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision has been made. If recommendations are made, the governing body must consider the decision and respond. If dissatisfied with the response from the governing body, the LGO can require an 'adverse findings notice' to be published in the local press.
- 13.4 The LGO's prime focus in dealing with complaints about schools is the needs and best interests of the child and the continuing relationship with the school.
- 13.5 The LGO is **not** empowered to consider or investigate disciplinary matters involving an individual teacher or matters that affect all or most of the pupils at a school.

#### **14. Managing serial and unreasonable complaints**

Mercia Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain, as outlined by the procedure above. Under the complaints procedure outlined, we will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Mercia Learning Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 the School.

**Appendix 1 Complaint Form**

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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:**

**Date:**

# Flowchart

## Summary of Stages of Complaints Procedure

**Stage One:**  
Informal

**Stage 2:**  
Headteacher/Chair of Governing Body Investigation

**Stage 3:**  
Governing Body Appeal Panel

Beyond the Mercia Learning Trust

