



East Midlands
Education Trust

Complaints Policy

Autumn 2022

Review Date:	Autumn 2022	Reviewed & adopted by:	Trustees
Next Review Due:	Autumn 2025	Updated by:	HR Trustees
Mid-Reviews (<i>statutory</i>):	17 April 2023 [para. 5.14 and 5.15] 5 February 2024 [Appendix A]		
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1 Introduction

- 1.1 This policy applies to **all complaints** by parents or carers of pupils currently attending the school made against the school (except in relation to admissions, exclusions and child protection allegations which have their own processes), which have been raised with the school as a matter of concern but which have not been capable of informal resolution and which the complainant or the school consider should be dealt with on a formal basis.
- 1.2 Complaints by people other than parents (excluding employees) will be dealt with at the discretion of the head teacher and in a manner determined by the head teacher. There is no recourse to governors for such complaints. Appendix A should be used by governors or trustees who wish to make a complaint.
- 1.3 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’. This policy does not apply in these instances and the school should provide relevant reassurances instead.
 - A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

2 How to raise a concern or make a complaint

- 2.1 The school expects that before seeking to use this formal policy the complainant:
- a) has raised the matter with the pupil’s class teacher, head teacher, tutor, head of year, pastoral or other relevant staff, if the matter relates to a pupil;
 - b) has made reasonable attempts to seek an informal resolution.

The Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

- 2.2 All complaints about members of staff, including the head teacher, will be considered within the context of the school and Trust published policies. No individual member of staff, the head teacher or governor can uphold a complaint which runs contrary to these published policies. If an individual member of staff or governor wishes to uphold a complaint which runs contrary to published policies then the recommendation must be referred to the relevant body for consideration and, if upheld, possible policy change.
- 2.3 **Anonymous complaints**
We will not normally investigate anonymous complaints. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

2.4 **Vexatious complaints**

Where the school considers that a complainant is carrying out unreasonable behaviour, e.g. making unduly frequent and/or repeated complaints, the school is entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the school, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

2.5 **Timescales**

A complaint must be raised 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 timeframe if exceptional circumstances apply.

2.6 **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 a holiday period.

2.7 **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, they may do so either verbally or in writing and the school should keep a note of when the withdrawal was received.

3 **First stage of the Formal Procedure**

3.1 The Complainant must put the complaint in writing using the trust's complaints form (attached at Appendix B) unless the complainant has a disability that prevents this, in which case the complainant may contact the School Office for assistance. The complaint should be addressed to the Chair of the Local Governing Body, c/o the school.

3.2 The Chair or their representative will acknowledge receipt of the complaint by letter/email.

3.3 An investigation of the complaint will be carried out by a senior member of staff or another nominated person. This will be the investigating officer.

3.4 If it is felt appropriate or necessary, the investigating officer will discuss the matter with the complainant. This may be during a meeting or on the telephone. Whenever reasonably possible such discussions will take place within 15 school days of the complaint being received.

3.5 The investigating officer will then put their findings in writing and indicate what steps, if any, should be taken to resolve the matter. Whenever reasonably possible this will be done within 15 school days of the discussion with the complainant at point 3.4 above, but no later than 30 school days of receipt of the formal complaint.

4 Second Stage of the Formal Procedure

- 4.1 If the complainant is not satisfied with the outcome of the first stage, the complainant may request that the complaint be reviewed. Such a request should be in writing addressed to the Chair of Governors and should be received by the school no later than five working days after the conclusion of stage one. This will formally start stage two of the complaint. The complainant should state why they are not satisfied with the outcome of stage one and what further remedies they are looking for.
- 4.2 There may be occasions when a head teacher decides the stage two review is not appropriate and, if the parent remains dissatisfied with the outcome of stage one, the head teacher can decide to move the complaint straight to stage three instead.
- 4.3 The head teacher will appoint a senior member of the leadership team to undertake this second stage review or undertake the review themselves.
- 4.4 The investigating officer will then put their findings in writing and indicate what steps, if any, should be taken to resolve the matter. This will be done within 15 school days of the start of stage two. But if it is felt appropriate or necessary to either discuss the matter with the complainant and/or undertake an additional investigation, this will all be concluded within 30 school days of the start of stage two.
- 4.5 The senior member of staff will report their findings to the parent indicating what additional steps should be taken to help resolve the issue or reaffirm the findings from stage one.

5 Third Stage of the Formal Procedure

- 5.1 If the complainant is not satisfied with the outcome of the first and second stages, the complainant may request that the complaint be considered by the Complaints Panel of the Local Governing Body which will comprise two members of the Local Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the school.
- 5.2 A request to use the third stage must be in writing, addressed to the Chair of Governors at the school, within 10 school days of the response being sent to the complainant and must set out the reasons why the complainant is dissatisfied with the response.
- 5.3 The Chair or their representative will invite the school to put in writing its response to the complainant's reasons. The school will do this within 15 school days and at the end of that period (whether or not the school has responded) the Chair or their representative will convene a meeting of the Complaints Panel of the Local Governing Body. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the panel. Whenever possible, the meeting will be held within 30 school days of receipt of the written request for this third stage.
- 5.4 At any meeting, the complainant will be entitled to be accompanied if they wish.

- 5.5 The complainant must submit any further written material to the Chair no less than 7 school days prior to the third stage meeting, to allow for distribution to all parties. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 5.6 The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 5.7 The meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.
- 5.8 The following are entitled to attend the Panel meeting, submit written representations and address the Panel:
- The parent/s and/or one companion;
 - The head teacher of the school and/or one companion; and
 - Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
- 5.9 The chair of the panel will decide in advance if all parties are to be present at the same time or, given the nature of the complaint, if it is best that evidence from each party is heard separately. The chair will also decide, having consulted with the complainant, whether the panel meeting will be held in person or virtually.
- 5.10 The panel may make findings and recommendations and a copy of those findings and recommendations will be
- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
 - (ii) available for inspection on the school premises by the school's Trust and the head teacher
- 5.11 The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days of the meeting, and will notify all concerned.
- 5.12 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part
- 5.13 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

- 5.14 In accordance with our retention schedule, a written record will be kept of the complaint which has been dealt with under this policy. Such a record should indicate if the complaint was resolved, at which stage in the process, and any actions taken by the school regardless of the complaint being resolved or not.
- 5.15 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 5.16 If the complainant is not satisfied with the outcome of this final stage, then they have the right to complain about the school to the Secretary of State. These are handled on their behalf by the Education Skills Funding Agency (ESFA) and the procedure for complaining and the grounds for doing so, are outlined in their document entitled 'Procedure for dealing with complaints about academies' a copy of which can be found on the DfE website at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or obtained from the school via the Clerk to governors.

Appendix A

1 Complaint by a governor

- 1.1 This formal process applies to all complaints by current serving governors or trustees and which is made against a fellow governor(s) or trustee(s), or a corporate officer(s). This process is only invoked if the complainant has raised their complaint with the trust and it has not been possible to arrive at an informal resolution. The use of this policy against an employee (whether they be a governor or a trustee) does not constitute disciplinary action.
- 1.2 Complaints by people other than governors or trustees (excluding employees) will be dealt with at the discretion of the Chief Executive and in a manner determined by the Chief Executive. There is no recourse to trustees for such complaints. Employees who are either governors or trustees are first and foremost employees and should they wish to raise a complaint it should be done in their capacity as an employee using the appropriate HR policies and procedures.
- 1.3 The difference between a concern and a complaint
- 1.3.1 A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. This policy does not apply in these instances and the trust should provide relevant reassurances instead.
- 1.3.2 A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

2 How to raise a concern or make a complaint

- 2.1 The trust expects that before seeking to use this formal policy the complainant has made reasonable attempts to seek an informal resolution. Such a resolution could be brokered by seeking the assistance of a third party such as the relevant governing body, a senior corporate officer, or a trustee.

The Chair of trustees shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

- 2.2 All complaints about members of staff, including the Chief Executive, will be considered within the context of the Trust published policies. No individual member of staff, the Chief Executive or trustee can uphold a complaint which runs contrary to these published policies. If an individual member of staff or trustee wishes to uphold a complaint which runs contrary to published policies then the recommendation must be referred to the relevant body for consideration and, if upheld, possible policy change.

All complaints about fellow governors or trustees will be considered within the context of EMET's published code of conduct for governors and trustees. The actions of the complainant themselves will also be considered within these same parameters.

2.3 **Anonymous complaints**

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

2.4 **Vexatious complaints**

Where the trust considers that a complainant is carrying out unreasonable behaviour, e.g. making unduly frequent and/or repeated complaints, the trust is entitled to take such action as it thinks appropriate to manage such behaviour. Where such action is being considered by the trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

2.5 **Timescales**

A complaint must be raised 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 only consider complaints made outside of this timeframe if exceptional circumstances apply.

2.6 **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 a holiday period.

2.7 **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, they may do so either verbally or in writing and the trust should keep a note of when the withdrawal was received.

3.0 **First stage**

3.1 The Complainant must put the complaint in writing using the trust's complaints form (Appendix B) unless the complainant has a disability that prevents this, in which case the complainant may contact the trust Office for assistance. The complaint should be addressed to the Chair of the trustees, c/o the trust HQ.

3.2 The Chair or their representative will acknowledge receipt of the complaint by letter/email.

3.3 A review of the complaint will be carried out by a nominated person, who will be the resolutions officer, with no prior involvement in the complaint. The resolutions officer will normally be nominated by the chair of trustees. If the complaint is about the chair of trustees then the vice-chair of trustees will nominate the resolutions officer.

3.4 If it is felt appropriate or necessary, the resolutions officer will discuss the matter with the complainant. This may be during a meeting or on the telephone. Whenever reasonably possible such discussions will take place within 15 school days of the complaint being received.

- 3.5 The resolutions officer will determine if there are any other persons that they need to speak with as part of their investigations. In which case the complainant will be kept informed.
- 3.6 The resolutions officer will then put their findings in writing to the complainant and indicate what steps, if any, should be taken to resolve the matter. Whenever reasonably possible this will be done within 15 school days of the discussion with the complainant at point 3.4 above, but no later than 30 school days of receipt of the formal complaint. The Chair (or vice-chair if appropriate) will be copied in to this correspondence.

4 Second Stage

- 4.1 If the complainant is not satisfied with the outcome of the first stage, the complainant may request that the complaint be formally reviewed. Such a request should be in writing addressed to the Chair of trustees (or if the complaint is about the chair to the vice-chair) and should be received by the trust no later than five working days after the conclusion of stage one. This will formally start stage two of the complaint. The complainant should state why they are not satisfied with the outcome of stage one and what further remedies they are looking for.
- 4.2 The second stage review will be carried out by a nominated person with no prior involvement in the complaint. This will be the reviewer. The reviewer will be appointed by the chair of trustees unless the complaint is about the chair. In this instance the vice-chair will make the appointment. In some circumstances the review could be undertaken by a panel of three trustees. This will be at the discretion of the trustees.
- 4.3 The second stage reviewer (or panel) will review the work of the resolutions officer and their findings. In turn, they will put their findings in writing to the complainant and indicate what steps, if any, should be taken to resolve the matter. This will be done within 15 school days of the start of stage two. But if it is felt appropriate or necessary to either discuss the matter with the complainant, other related parties, and/or undertake an additional investigation, this will all be concluded within 30 school days of the start of stage two.
- 4.5 The second stage reviewer (or panel) will report their findings to the complainant indicating what additional steps should be taken to help resolve the issue or reaffirm the findings from stage one. The chair (or vice-chair if appropriate) will be copied in to this correspondence.
- 5 Suspension of a governor or Trustee, their dismissal or their possible resignation.
- 5.1 If the complaint is about a governor or a trustee it may be considered appropriate to suspend the governor or trustee pending the investigation of the complaint. This should be seen as a significant sanction and careful consideration should be exercised in its use, but it may be deemed appropriate in instances of a breach of the governors and trustees code of conduct.
- 5.2 Suspension of a governor or trustee will be at the discretion of the chair of trustees. Members will consider the suspension of the chair of trustees. The dismissal of a governor or their reinstatement from suspension will be a matter for the board of trustees. In the case of the chair of trustees it will be a matter for the Members.

- 5.3 Should the governor or trustee who has made the complaint resign their position at any point in this process, the complaints process will terminate immediately. Should the governor or trustee for whom the complaint is about decide to resign their governor/trustee position, the complaints process will also terminate immediately unless the governor or trustee is an employee. In this instance, the complaint should still be investigated and conclusions drawn in case the outcomes indicate a relevant HR policy and process needs to be instigated.

6 Outcomes

- 6.1 The resolutions officer, reviewer (or panel) will consider the complaint and all the evidence presented. The resolutions officer, reviewer or panel can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part
 - recommend the reinstatement or dismissal of a governor/trustee to the board of trustees
- 6.2 If the complaint is upheld in whole or in part, the resolutions officer, reviewer (or panel) will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend to the Board changes to the trust's systems or procedures to further improvements or to prevent similar issues in the future.
 - recommend the reinstatement or dismissal of a governor/trustee to the board of trustees
- 6.3 In accordance with our retention schedule, a written record will be kept of the complaint which has been dealt with under this policy. Such a record should indicate if the complaint was resolved, at which stage in the process, and any actions taken by the trust regardless of the complaint being resolved or not.
- 6.4 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 6.5 If the complainant is not satisfied with the outcome of this final stage, then they have the right to complain about the school to the Secretary of State. These are handled on their behalf by the Education Skills Funding Agency (ESFA) and the procedure for complaining and the grounds for doing so, are outlined in their document entitled 'Procedure for dealing with complaints about academies' a copy of which can be found on the DfE website at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or obtained from the school via the Clerk to governors.

Appendix B

SCHOOL NAME:

Complaints Form

Please complete and return this form to the Chair of Governors.

Please ensure that you have made every effort to informally resolve your complaint with the relevant staff member(s) before completing this form (this could be with the pupil's class teacher, head teacher, tutor, head of year, pastoral or other relevant staff).

NAME OF COMPLAINANT:

NAME OF STUDENT:

Your relationship with the student:

ADDRESS:

Postcode:

Daytime telephone number:

Email address:

Please give a summary of the key aspects of your complaint:

What do you seek as a resolution of your complaint?

Date :