



Complaints Procedure

Policy Monitoring, Evaluation and Review

This policy is effective for all academies within the Rushey Mead Educational Trust, the Teaching School, the SCITT and all other activities under the control of the Trust and reporting to the Trust Board.

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Version	Date	Author	Summary of Changes:
1.0	October 2015	CJO	Policy adopted by RMET.
2.0	January 2016	CJO	Updated Stage 3 procedure following Departmental publication. Addition of Record Keeping section.
3.0	June 2016	CJO	Amendment to Stage 2. Addition of Stage 3 - Formal Complaints to the Trust.
4.0	August 2016	CJO	Addition to Record Keeping
5.0	July 2017	CJO	Amendment to Stage 2 and 4 investigations. Introduction of Stage 3 – Formal complaint investigated by senior Trust member of staff.

Complaints Procedure

1. Introduction

Rushey Mead Educational Trust (RMET), its academies, Teaching School and SCITT are committed to maintaining strong and productive partnerships with parents/carers, pupils and other members of the community.

We are open to feedback and comments about our work, both positive and negative, as these provide us with valuable information about our effectiveness and how we can better meet our aims.

This procedure describes the processes to be followed when parent/carers, pupils and others have concerns or make complaints about the conduct of RMET, its academies, Teaching School or SCITT.

2. Scope

This procedure applies to parents/carers, pupils and other people who are not parents of attending pupils.

Complaints not in scope of this procedure are: whistleblowing; staff grievances and disciplinary procedures; and complaints about services provided by third party providers who may use school premises or facilities.

3. Definitions

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 generally be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

4. Principles

The guiding principles behind our complaints procedure are:

- Simplicity – it is simple to understand and use
- Access – it is easily accessible and publicised
- Speed and clarity – it allows complaints to be handled promptly, effectively and professionally
- Development – it provides information that enables RMET and its academies to improve services
- Action - it ensures a full and fair investigation

5. Resolving Complaints

At each stage in the procedure the person(s) hearing a complaint will keep in mind ways in which that complaint can be resolved. 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 have been handled differently or better.
- An explanation of what steps have been taken to ensure that the situation will not recur.
- An undertaking to review policies in light of the complaint.

It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

6. Confidentiality

All documentation relating to a complaint, including correspondence, statements and records 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).

All information relating to a complaint will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Should a complaint relate to a member of staff, then that person shall be advised of the complaint made against them, unless there is an over-riding reason why this would be inappropriate.

7. Record Keeping

RMET and its academies will maintain a written record of all complaints, whether they are resolved following a Stage 2 investigation or proceed to a Stage 4 panel hearing, and include the date on which they were received, their final outcome and details of the action taken by the academy as a result of those complaints (regardless of whether they are upheld).

The number of complaints registered under the formal procedure during the preceding school year is available upon request.

8. Persistent complainants

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is a poor use of academies' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the chair of governors, principal or Trust member of staff can inform the complainant that the procedure has been completed and the matter is now closed.

If the complainant contacts RMET/ the academy/ Teaching School/SCITT again on the same issue, then the correspondence may be viewed as 'persistent' and RMET or the academy may choose not to respond.

The application of a 'persistent' marking should be against the subject or complaint itself rather than the complainant.

Please see Annex 1 for more information on handling unreasonable complainants.

9. Complaints Procedure

9.1 Stage 1: Informal Concern Raised

We recognise that parents/carers, pupils and others will have concerns from time to time. We encourage parents/carers, pupils and others to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the academy/ Teaching School/ SCITT/Trust. For parents/carers, this would normally be your child's class teacher/tutor/head of year (or equivalent) or whoever is most appropriate and for others this would normally be the principal.

RMET and its academies value informal meetings and telephone discussions as a way of improving its procedures and relations.

In most cases, it is anticipated that complaints will be resolved quickly. Where this is not possible and the matter is not resolved informally within **10 school days**, parents/carers, pupils and others may proceed with Stage 2 of this procedure.

9.2 Stage 2: Formal complaint investigated by principal

Formal complaints can be made by completing the complaints form located in Appendix A, by writing by letter, or in person if written notes are made by the person receiving the complaint and countersigned by the complainant.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The principal will investigate the complaint further and make every effort to resolve the issue. The principal may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the principal may delegate responsibility for investigating the complaint to a member of the senior management team. In those circumstances the principal will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Annex 2 for further information about conducting an investigation.

Following the investigation of the complaint, the principal will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The principal's response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

Where a formal complaint concerns the principal, the complaint will be referred to the chair of governors for investigation under stage 2 of this procedure. If a formal complaint is received making a complaint about the chair of governors or another governor it will be referred to the clerk to the governing body or RMET Head of Governance for investigation under stage 2 of this procedure.

[or] Stage 2: Formal complaint investigated by RMET

Formal complaints relating to the work of RMET, Teaching School or SCITT can be made by completing the complaints form located in Appendix A, by writing by letter, or in person if written notes are made and countersigned by the complainant.

Upon the receipt of the completed complaints form, the RMET Chief Executive Officer (CEO) will identify an appropriate member of staff to investigate the complaint.

Where complaints concern the CEO or a trustee, the complaint should be referred to the Chair of Trustees. Where complaints concern the Chair, the complaint should be referred to the Vice Chair of Trustees.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The appropriate member of staff will investigate the complaint further and make every effort to resolve the issue. The member of staff may arrange a meeting to clarify details of the complaint. Please see Annex 2 for further information about conducting an investigation.

Following the investigation of the complaint, the member of staff will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

9.3 Stage 3: Formal complaint investigated by a senior Trust member of staff

If the complainant remains dissatisfied following the two previous stages the complaint may be raised with a senior Trust member of staff.

The complaint should be made in writing and addressed to RMET, marked private and confidential, within **10 school days** of the date of the principal's/Trust member of staff's response. This should include a copy of the complaint form, a copy of the principal's/Trust member of staff's letter concluding Stage 2, and details as to why the complainant is not satisfied with the outcome.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The senior Trust member of staff will investigate the complaint further and make every effort to resolve the issue. The member of staff may arrange a meeting to clarify details of the complaint. Please see Annex 2 for further information about conducting an investigation.

Following the investigation of the complaint, the senior Trust member of staff will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

9.4 Stage 4: Formal complaint heard before a Complaints Appeal Panel

If the complainant remains dissatisfied with the senior Trust member of staff's response they should write to the clerk to the governing body (if the complaint concerns an academy) or the clerk to the Trust Board (if the complaint concerns the Trust) within **10 school days** of the date of the senior Trust member of staff's response, asking for the complaint to be heard before a Complaints Appeal Panel.

The email address of the clerk can be found on the relevant academy/Trust website.

The clerk will write to the complainant, acknowledged within **5 school days** of receipt of the written complaint. The response will explain the process that is to be followed and will include information about how the Panel will operate. The clerk will ask the complainant to provide details of the appeal and any relevant supporting evidence.

The clerk will schedule a hearing to take place as soon as practicable, normally within **20 school days of receipt of the letter from clerk to complainant confirming the appeal**, giving complainants reasonable notice of the panel hearing date.

If the complainant is a parent, they may be accompanied by another if they wish.

9.4.1 The remit of the Complaints Appeal Panel:

The aim of the hearing is for the Panel to review the decision reached at Stage 3 with the aim of resolving the complaint and to achieve reconciliation between the Academy/Teaching School/SCITT/Trust and the complainant. The Panel will not consider any new complaints that have not been raised as part of the initial complaint. After due consideration of all facts the Panel considers relevant, the Panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out.

The 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 systems or procedures to ensure that problems of a similar nature do not recur.

9.4.2 Appointment of the Complaints Appeal Panel

The Complaints Appeal Panel will comprise of at least three people who are not directly involved in the matters detailed in the complaint, have not been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

At least one of the Panel members will be independent of the management and running of the academy or Trust, i.e they will not be a local governor of any academy in the Trust nor a Trustee.

The Panel hearing will be professionally clerked.

9.4.3 Decision of the Complaints Appeal Panel

The complainant will be notified in writing of the Panel's decision, usually with **5 school days**. The letter will confirm the Panel's findings and recommendations and will confirm the end of the involvement of the academy Trust/Teaching School/SCITT and governing body/Trust Board with the complaint and explain any further rights of appeal.

For further information about the Complaints Appeal Panel, including the roles and responsibilities of the clerk and the logistics of the Panel meeting please refer to the RMET Panel Guidance document.

10. The Education and Skills Funding Agency (ESFA)

If you are dissatisfied with the decision of the Complaints Appeal Panel, you are entitled to refer your complaint to the Education and Skills Funding Agency who have limited powers to review the academy's handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at:

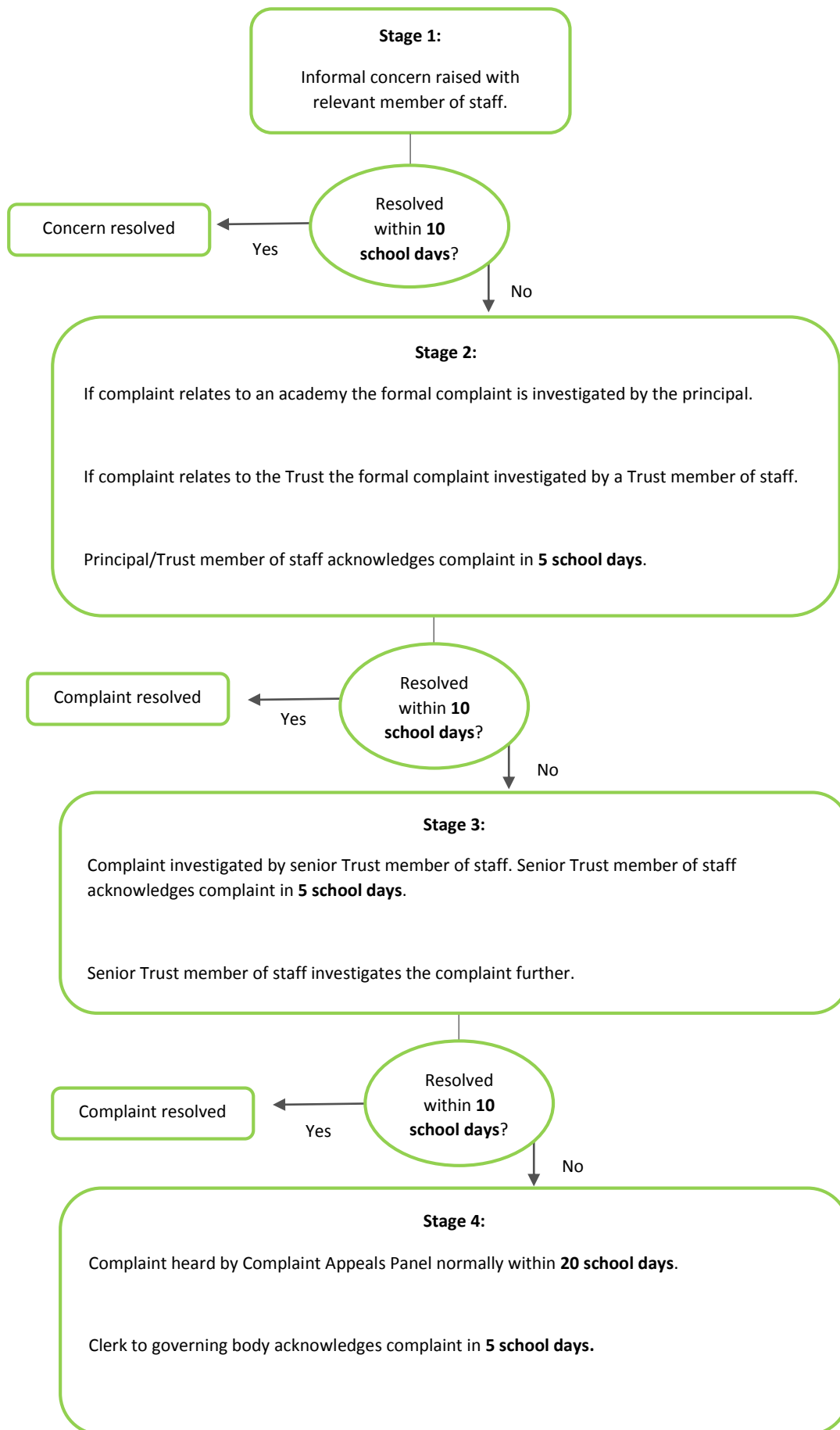
<https://www.gov.uk/government/publications/complain-about-an-academy>

Appendix A: RMET Complaint Form

Your name:
Pupil's name (if applicable):
Your relationship to the pupil:
Your address:
Postcode:
Daytime telephone number:
Evening telephone number:
Email address:
Please state whether your complaint concerns an academy (if so please list the academy) the Trust, the Teaching School or SCITT:
Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated.
What action, if any, have you already taken to try and resolve your complaint? I.e. whom have you spoken to and what was the outcome?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Official use		
Date form received:	Date acknowledgment sent:	
Received by:	Acknowledgment sent by:	
Complaint referred to:		
Date:		

Appendix B: Complaint Flow Chart



ANNEX 1: Policy for Handling Unreasonable Complainants

RMET is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Trust, its academies, Teaching School or SCITT. 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.

RMET defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the Trust, its academies, Teaching School or SCITT, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the Trust, its academies, Teaching School or SCITT while a 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 principal or senior Trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the principal or senior Trust member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust, its academies, Teaching School or SCITT causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Trust, its academies, Teaching School or SCITT.

ANNEX 2: Investigation procedures for formal complaints

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within **10 school days** of receipt of the written formal complaint.

Preparing for an investigation

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant, e.g. through an initial meeting.

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the school needs to determine who they wish to interview and what documentation they will need to review.

Conducting the investigation

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of any interviews.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity to provide other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

Concluding the investigation

The investigator should complete the investigation by creating a summary report of the evidence gathered and a preferred outcome for agreement.

The summary report should include the following information:

- a statement of the complaint/concern
- a brief outline of the process that has been followed
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The summary report will usually be confidential to the academy/Trust/Teaching School/SCITT, as it is likely to contain sensitive personal information. Consideration must be given to the Data Protection Act and Freedom of Information Act.

Following the investigation of the complaint, the investigator will write to the complainant confirming the outcome of the investigation within **10 school days** of receiving the written formal complaint. The member of staff's response will include the following information:

- a brief summary of the complaint/concern
- a brief outline of the process that has been followed
- the outcome of the investigation
- the reasons for that outcome, unless confidentiality would be compromised
- any recommendations for future action
- information as to the next stage of the procedure in case the complainant is not satisfied with the response.