

## Complaints Policy

Designation	Name	Date	Signature
CEO:	Mrs Lyn Dance		
Chair of Trust Board:	Mr David Ellis		

<b>Monitoring and Evaluation</b>	
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1.0	Initial set up of Trust-wide policy	October 2020

## **Introduction**

SAND Academies Trust (the School) is committed to providing a high quality of education and pastoral care for its pupils. If parents (or legal guardians) of pupils have any concerns they can expect to be treated by the School fairly and any complaints will be dealt with in accordance with this procedure. The School aims to deal with complaints promptly; be impartial; ensure that an investigation is carried out; and provide redress where appropriate. Parents can be assured that all complaints will be treated confidentially. This policy is consistent with the Education (Independent School Standards) (England) Regulations 2014 as amended. The School has also considered the ESFA's guidance on handling complaints about academies.

## **Is it a Concern or a Complaint?**

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. If a concern is raised, then the School will endeavour to resolve it informally without recourse to this complaints procedure. If, however, a parent raises a complaint, that is an expression of dissatisfaction, then this complaints policy will apply. It is likely to arise if a parent believes that the School has done something wrong, or has failed to do so something that it should have done or acted unfairly. A complaint may be made about the School as a whole or about an individual member of staff or trustee. Complaints will be considered under this policy unless separate statutory procedures apply such as for staff grievances; admissions; safeguarding; assessments for an EHCP; and exclusions.

## **Timeframes**

Parents must raise the complaint within three months of the incident (or last in a series of incidents). The School will only consider complaints made outside this timeframe if exceptional circumstances apply.

All complaints will be acknowledged within 2 school days if received during term time and as soon as practicable during holiday periods. The School's aim is to complete the first stage of the procedure within 5 school days of receipt of the complaint and as soon as practicable during holiday periods. The School will aim to complete the second stage within a further 15 school days of receipt if the complaint is lodged during term time and as soon as practicable during holiday periods. The School will endeavour to complete the third stage of the procedure within a further 20 school days of receipt if the appeal is lodged during term-time and as soon as practicable during holiday periods. If

other organisations are investigating aspects of the complaint (for example, the police or local authority) this may impact on the School's ability to adhere to the timescales in the procedure. If this happens, we will inform you of our new timescales. If legal proceedings are initiated, we may not continue with the complaints process until the legal process is completed.

### **Recording Complaints**

The School will make its complaints procedure available on its website. It will ensure that anyone who requests it is sent a copy of this policy and details of the number of complaints dealt with under the formal procedure during the preceding academic year.

A written record will be kept of all complaints and at what stage of the procedure they are resolved. The School will keep records of the following information:

- Date when the complaint was raised
- Names of parent/pupil
- Description of the complaint
- Records of the investigations
- Witness statements
- Name of staff handling the issue at each stage
- Any action taken by the School as a result of the complaint
- Copies of all correspondence

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under s109 of the Education and Skills Act 2008 requests access.

### **Stage 1 – Informal Resolution**

1.1 The School will endeavour to resolve most complaints quickly and informally.

1.2 If parents have a complaint, they should normally contact their child's class teacher or appropriate member of staff (such as SENCO) in the first instance. Parents may raise a complaint in person, by telephone, by letter or email. The complaint will be investigated and in the majority of cases, we hope that the matter will be resolved straightaway to the parents' satisfaction. If the member of staff cannot resolve the matter, it may be necessary for them to consult the Head teacher.

1.3 The member of staff will make a written record of all complaints and the date on which they were received. Parents will usually be informed of the outcome of the complaint within 5 school days of receipt of their complaint. If the matter cannot be resolved to their satisfaction, then they

will be advised that they can proceed with their complaint in accordance with Stage 2 of this Procedure.

1.4 If, however, the complaint is against the Headteacher, complaints should be made directly to the Clerk to the Board of Trustees who will appoint a trustee (not the Chair of the Board of Trustees) to seek to investigate and resolve the complaint as above.

1.5 Parents should contact the Local Authority Designated Officer at Gloucestershire Council regarding any complaint concerning the welfare of a child.

### **Stage 2 – Formal Resolution**

2.1 If the complaint cannot be resolved informally, parents should put their complaint in writing to the Headteacher within 5 school days of receiving the outcome of the informal complaint. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

2.2 In most cases, the Headteacher (or delegated nominee) will meet or speak to the parents to discuss the matter. Every attempt will be made to reach a resolution at this stage.

2.3 It may be necessary for the Headteacher (or nominee) to carry out further investigations.

2.4 The Headteacher (or nominee) will keep written records of all meetings and interviews held in relation to the complaint.

2.5 Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headteacher will also give reasons for the decision.

2.6 If the complaint is against the Headteacher, the CEO or a Trustee, the Chair of the Board of Trustees will call for a full report from them and for all the relevant documents. The Chair of the Board of Trustees may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents to discuss the matter further. Once the Chair of the Board of Trustees is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair of the Board of Trustees will give reasons for their decision.

2.7 If the complaint is about the Chair of the Board of Trustees; the majority of the Board of Trustees; or the academy trust, the complaint will be escalated to the CEO to be investigated. The CEO will call for a full report from them and for all the relevant documents. The CEO may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents to discuss the matter further. Once the CEO is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The CEO will give reasons for their decision.

2.8 If the parents are not satisfied with the decision, they should proceed to Stage 3.

### **Stage 3 – Panel Hearing**

3.1 If parents decide to proceed to Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Clerk to the Board of Trustees. Parents must make a request in writing

within 5 school days of receipt the decision complained of, stating the grounds of the complaint and desired outcome.

3.2 The matter will be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. If the complaint is jointly about the Chair and Vice Chair of the Board of Trustees; the majority of the Trust Board; or entire Trust Board then stage 3 will be heard by a completely independent Complaints Panel.

3.3 Parents are entitled to a fair review and can request an independent panel if they believe there is likely to be bias in the proceedings. Parents should provide us with evidence of bias in support of their request and we will decide whether to agree to it. Persons who have a conflict of interest must not take part in the complaints process. If there is any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint.

3.4 The Clerk to the Panel, on behalf of the Panel, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 15 school days. If the parent rejects three proposed dates without good reason, the hearing may proceed in their absence. If possible, the Panel will resolve the complaint without the need for further investigation. If it is required, the Panel will decide how it should be carried out. If the Panel considers it necessary, it may require that further particulars of the complaint be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than 5 school days prior to the hearing. The Panel will not review any new complaints or allow information unrelated to the original complaint to be included at this stage. The Panel will not normally accept as evidence recordings of any conversations that were obtained covertly.

3.5 The hearing will be held in private. Electronic recordings are not normally permitted unless a parent's disability requires it and the consent of all parties must be obtained. The parents may attend the hearing and be accompanied by one other person if they wish. This may be a relative or friend. Legal representation will not normally be appropriate for any parties. Media representatives are not permitted to attend. Parents must confirm to the Clerk who will be attending at least 5 school days before the hearing.

3.6 At the meeting, each party will have the opportunity to give statements and present their evidence, and witnesses where appropriate will be called to present evidence. The Panel, the parent and the school representative(s) will be given the chance to ask and reply to questions. Once the parent and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered. After due consideration of all the relevant facts, the Panel will make findings and may make recommendations.

3.7 The Panel may either dismiss the complaint in whole or in part if the Panel considers the complaint is not made out; or uphold the complaint in whole or in part if the Panel considers the complaint is made out.

3.8 A written record will be kept of all complaints made, whether they are resolved following a formal procedure, or proceed to a panel hearing; and of any action taken by the School as a result of these complaints (regardless of whether they are upheld).

3.9 The Panel will write to the parents informing them of its decision and the reasons for it, normally within 5 school days of the hearing. A copy of the Panel's findings and recommendations

(if any) will be sent by electronic mail or otherwise given to the parents and, where relevant, the person complained about, and shall be available for inspection at the School.

3.10 It is not within the powers of the Panel to make any financial reward, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or other issues (such as an apology or an explanation of the steps that will be taken to ensure that it will not happen again) to the full Board of Trustees.

### **Complaint campaigns**

If the School becomes the focus of a campaign and receives large volumes of complaints all based on the same subject and from complainants unconnected with the school, we will publish a single response on our website.

### **Unreasonable Complaints**

The School will not normally investigate anonymous complaints but we may consider whether the complaint warrants an investigation.

A complaint may be regarded as unreasonable if the parent:

- 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 complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the parent expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, sometimes 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;
- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the parent:

- Acts maliciously;
- Aggressively, using threats, intimidation or violence;
- Uses abusive, offensive or discriminatory language;
- Makes defamatory statements;
- Makes statements known to be false; or
- Publishes information or threatens to publish information on social media such as on websites and in newspapers.

Where, at any stage, a complaint is deemed by the Headteacher, Chair of the Board of Trustees or CEO to be unreasonable, the School may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the parent's behalf; and/or
- Notify the parent that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the School may:

- Ask the parent to leave the School premises;
- Inform the police; and/or
- Bar them from being on the School premises.

### **Further Steps**

If, following stage 3, the parent remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Chair of the Board of Trustees will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the parent regarding the complaint may be ignored by the School.

If a parent wishes to take the complaint further, they may contact the ESFA on 0370 000 2288 or complete the form available at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

The ESFA but will consider complaints where there is:

- Undue delay or non-compliance with the School's own complaints procedure;
- Failure to comply with a duty imposed by virtue of the School's Funding Agreement;
- Failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If the ESFA upholds a complaint then it will not overturn the decision taken by the School. It may do one or both of the following:

- Ask the School to reconsider the complaint from an appropriate stage; and/or
- Ask the School to change its complaints procedure so that it complies with legal requirements.

### **Review**

The Board of Trustees will monitor the nature and frequency of formal complaints. This policy will be evaluated in the light of complaints made and their resolution in order to contribute to School improvement.

### **Handling complaints during the coronavirus (COVID-19 outbreak)**

The DfE does not expect schools to handle new or existing complaints while they are partially closed during the coronavirus outbreak. We will, however, still engage with parents and pupils where we can.