



THE SOUTHFIELD GRANGE TRUST

---

*one trust one community*

# **COMPLAINTS PROCEDURE POLICY (NON-STAFF)**

**Approved: April 2018**

**Review due: April 2020**

## Policy Statement

The Southfield Grange Trust is committed to the highest possible standards in provision. This means that we will take all concerns expressed about either of the schools seriously.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or a school within The Trust, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, can make a complaint about the provision of facilities or services that the schools provides. This policy outlines the procedure that the complainant and schools must follow.

We will deal with complaints as efficiently and effectively as possible and, if after investigation it is found that the complaint is upheld, we will take appropriate action.

## Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- Education and Skills Funding Agency (ESFA) (2015) 'Creating an academy complaints procedure'
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

## Definition

For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

This procedure **can be used** to resolve complaints about the way either school is run or about the way a school policy has been implemented. Most of these complaints are about decisions which affect a particular pupil or pupils.

This procedure **cannot be used** to resolve matters where other legal procedures already apply. For example, staff discipline, special educational needs, admissions, exclusions, and some National Curriculum matters.

## Who can complain and when?

This complaints procedure applies to complaints made by:

- parents of pupils currently or recently at one of the schools.
- people who either have 'parental responsibility' for a pupil or who care for him or her, but are not the pupil's parents.
- pupils aged 18 years and over.

- Elected Members and others acting in an official capacity on behalf of members of the community.

Complaints should be made using the appropriate channels of communications, including the use of the Complaints Procedure Form – See Appendix One.

Complaints must be presented within three months of the action or matter complained of.

### **Complaints Procedure**

The procedure is based on informal and formal stages. The informal stage involves trying to resolve the matter as quickly as possible. In Grange this will first be dealt with by the Achievement Leader; in Southfield by the Deputy Headteacher. Only if the complainant is dissatisfied with the outcome of the informal stage, or the matter cannot be resolved, should the matter be referred to the formal stage.

Where a complaint is initially sent to the Chair of the Board of Trustees or a Local Governing Body it will be referred to the Headteacher of the relevant school for it to be dealt with under the procedures below.

In the event that a complaint is made which is not specific to a given school, the complaint will be referred to the Chief Executive who will determine the appropriate course of action.

### **Exceptions**

1. A complaint may appear to be sufficiently serious that it should be referred straight through to the formal procedure.
2. A complaint may clearly relate to a staff disciplinary matter, in which case this procedure would not apply and the HR Lead should be consulted as separate formal procedures apply.
3. Where the complaint is against either Headteacher it should be referred to the Chief Executive who will attempt to resolve the matter informally.  
If the matter cannot be resolved and the complaint falls within the scope of this procedure the Chief Executive will refer the complaint to the Complaints Panel of the Trust.

Where the complaint is against the Chief Executive it should be referred to the Chair of Trustees who will follow the procedure in 3. above.

### **Informal Stage**

#### **Where to complain - Grange**

##### **1. Year Director**

- In the first instance complaints should be referred to the Achievement Leader.
- In many cases parents' concerns and complaints are resolved at this early part of the informal stage.
- If the concern remains unresolved the Achievement Leader should advise the parent that they may complain to a member of the Leadership Group within 10 days.

##### **2. Leadership Group**

Where the complainant is unhappy with the response that they have received it should be referred to the Assistant Headteacher for that Year group or Subject/Area

The improvement partner will:

- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil that pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions, and any other relevant documents.
- Consider all the facts and reach a conclusion.

- Write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. The letter should inform the parent that if they are not satisfied with the outcome they may complain to the Headteacher **within ten days** of the receipt of the letter.

### **3. Headteacher**

Where the complaint has not been resolved by the above, the complaint will be heard by the Headteacher or another senior member of staff to whom the Headteacher delegates responsibility

The same procedure as 2 above will be followed

In the letter to the complainant they will be informed that if they are not satisfied with the outcome, they may make a formal complaint to a Complaints Panel of The Board of Trustees. This must be made in writing using the relevant complaint form and submitted within ten days.

**At each stage of the process the complaint will be dealt with, if possible, within 20 school days of the referral being made. An extension to this limit may be agreed where necessary.**

## **Where to complain – Southfield**

### **1. Deputy Headteacher**

The investigator will:

- Meet with the person making the complaint and obtain full details of the complaint.
- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil that pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions, and any other relevant documents.
- Consider all the facts and reach a conclusion.
- Write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. The letter should inform the parent that if they are not satisfied with the outcome they may complain to the Headteacher **within ten days** of the receipt of the letter

### **2. Headteacher**

Where the complaint has not been resolved by the above the complaint will be heard by the Headteacher or another senior member of staff to whom the Headteacher delegates responsibility

The same procedure as 2 above will be followed

In the letter to the complainant they will be informed that if they are not satisfied with the outcome, they may make a formal complaint to a Complaints Panel of The Board of Trustees. This must be made in writing using the relevant complaint form and submitted within ten days.

**At each stage of the process the complaint will be dealt with, if possible, within 20 school days of the referral being made. An extension to this limit may be agreed where necessary.**

## **Formal Stage – both schools**

A Complaints Panel, comprising of at least one member of the Board of Trustees deals with any complaint which has reached the formal stage.

### **1. Receiving the complaint**

- The Complaints Panel should consider, as soon as possible after the complaint is received, what needs to be done and draw up a timetable.
- The Chair of the Complaints Panel should write to the person making the complaint to:
  - a) explain that the Panel is now dealing with the complaint
  - b) confirm that the Panel has received a copy of any written complaint
  - c) set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
  - d) set out the Panel's timescale for dealing with the complaint
  - e) invite the person making the complaint to meet the Panel to give full details of their complaint, and inform them they may be accompanied by a friend or representative
  - f) set a reasonable deadline for reply by the person making the complaint, and make it clear that if there is no response by this deadline the Panel will proceed on the basis of the information it already has.
- If the person making the complaint accepts the invitation to meet the Panel, arrangements should be made to make this as easy as possible. The Panel may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
- The Panel should also write to the person(s) complained of informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale.

## **2. Investigating the complaint**

- The Panel must consider the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- The Panel may appoint an Investigating Officer who has relevant professional experience in the matter to which the complaint relates.
- If an Investigating Officer is appointed, the Panel will decide the terms of reference of the complaint to be provided to the Investigating Officer.
- Advice from the CEO of The Trust may be sought by the Panel as to whom, would be an appropriate Investigating Officer.
- Any investigation carried out is not a staff disciplinary investigation.
- Following the interviews with staff, or investigation, it may be necessary to ask for further information from the person making the complaint.
- The complainant and the person(s) who is the subject of the complaint should be informed if there is any delay in the investigation process.
- When the Complaints Panel is satisfied that it has all the available information it will consider the complaint and all the evidence.
- The Investigating Officer's report may be incorporated in part or in its entirety to the final decisions and recommendations made by the Panel, and where this is the case, this shall be made clear within that document. If the Panel do not agree with some or any of
- Governors serving on the committee should all try to reach an agreed decision and should decide what should be done to resolve the complaint.
- It may be possible for the Complaints Panel to recommend changes to school policies or procedures to prevent the same problem happening again in the future.

### **3. Making the decision**

- The Complaints Panel must make a decision on the basis of the information in their possession.
- They should produce an investigation report which documents their decision.
- This report is usually written by the Chair of the Panel.
- The Investigating Officer's report may be incorporated in part or in its entirety to the final decisions and recommendations made by the Committee, and where this is the case, this shall be made clear within that document. If the Panel do not agree with some or any of findings, this shall also be recorded, giving reasons.
- The investigation report will be brief and will usually keep the names of the pupil, parents and people interviewed confidential. Its purpose is to:
  - a) Summarise the evidence gathered
  - b) Give the decisions made by the Complaints Panel.
  - c) Give any recommendations made by the Complaints Panel to prevent a similar problem happening again.
- Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
- The decisions and recommendations of the Panel should be:
  - a) Sent to the person making the complaint with the information that if the Governing Body's response has failed to satisfy the person making the complaint he or she may complain to the Secretary of State for Education and Skills on the grounds that the Governing Body has failed to discharge its statutory duties.
  - b) Sent to the Headteacher.
  - c) Sent to the person(s) complained of.

### **4. Reporting the decision**

- The outcome of the complaint should be reported to the Board of Trustees or Local Governing Body as appropriate, for information only.
- The report back should take the form of a paragraph briefly summarizing the complaint, the investigation and the outcome. The Panel's recommendations should be given. No names should be given in the report back.

**Wherever possible, the Complaints Panel will provide their written response within 20 school days of the panel taking place, an extension to this limit may be agreed where necessary.**

## Appendix One

### Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the Chief Executive.)

Name:	Address:
Pupil's school:	
Pupil's name:	
Pupil's Year group ( pupil number if known ):	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date: