Midsomer Norton Schools Partnership

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COMPLAINTS PROCEDURE

We believe there is a free flow of information between home and school but recognise there may be times when misunderstandings arise, you are concerned about aspects of your child's progress or you may be unhappy about a particular event or activity which you have heard has taken place. In any event it is important you do not keep a problem or concern to yourself but approach the school.

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. It is helpful when staff resolve issues on the spot, including apologising where necessary.

The formal procedures below will need to be invoked when initial attempts to resolve the issue are unsuccessful and you or the school consider that the issue should be dealt with on a formal basis.

Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised;**
- is **simple** to understand and use;
- is **impartial;**
- is **non-adversarial;**
- allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- ensures a full and **fair** investigation;
- respect people's desire for **confidentiality;**
- addresses all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the academy's senior management team so that services can be improved.

Complaints Procedure

The Trustees have drawn up the following complaints procedure in the belief that it is important that parents and others are clear about the procedures to be followed in making a complaint and with the assurance that any complainant will be dealt with sympathetically and speedily.

The procedures are in line with advice given by the Department for Education (DfE).

There are *separate procedures* for the following three areas that must be followed:

1. **Admission** to a school;
2. **Failure** to assess a child's special educational needs; and
3. **The Exclusion** of pupils.

In the event that you wish to complain about one of the above three areas, a copy of the procedures to be followed can be obtained from the CEO, Chair of the Trust or Chair of Governors.

This policy applies to any matter (other than the three outlined above) which has been raised with an academy by parents of pupils.

Step 1

Informal Discussions with Teacher/Tutor

Before making a complaint, we would suggest that you are clear about your concern and also that you discuss it with an appropriate member of staff.

The first point of contact for a specific concern should always be the appropriate teacher. If you are not sure who is most appropriate, explain your concern to your child's form tutor or class teacher, who will be able to suggest whom it is best to speak to. Please remember that all members of staff wish to help reassure you by listening to you and helping you meet with the most appropriate person.

It is preferable if you can agree a time and place to discuss your concerns in peace and quiet rather than at a time when the teacher concerned is possibly surrounded by other children and/or parents. This could be a telephone conversation at an agreed time.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. This stage of the procedure should, where possible be completed within two school weeks.

It is a precondition to the operation of this policy that you shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the individual school's Behaviour Policy adopted from time to time. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to move on to any other step of this Complaints Procedure where this precondition has not been met.

Informal Discussions with Senior Members of staff or the Headteacher

If the matter is not resolved by discussing with a teacher/tutor, you may make an appointment to informally discuss the matter with the Headteacher. The Headteacher may ask another senior member of school staff to deal with the complaint if he or she thinks this is appropriate.

This step should, where possible be completed within two school weeks.

Step 2 – Formal Investigation by the Headteacher

If, following your informal discussions, you wish an investigation to be undertaken by the school, you should put your concerns in writing to the Headteacher. You should state the outcome which you feel would satisfy your complaint. The Headteacher will undertake a full investigation which may require a further meeting with you or may require you to supply additional written information. A written reply will be sent to you following the investigation. This will, where possible be completed within two school weeks.

For complaints against Headteachers, please note the process to follow is set out at the end of this policy.

Step 3 – Formal Investigation by the Local Governing Body

If you remain dissatisfied, you may make a formal complaint to the Local Governing Body (LGB). This formal complaint must be lodged within 10 school days of you receiving the findings of Step 2. Any such formal complaint must be set out in writing and addressed to the Chair of the LGB (the school secretary will advise you of the address for contact). The complaint should set out precisely why you are dissatisfied and indicate what, if any, steps should be taken to resolve the matter. The Chair of the LGB will investigate or may nominate a small group of Governors to do so, if appropriate. You may be invited to attend an interview by the investigating Governors in addition to any written submission you make.

Following the investigation by the Governors you will be sent a formal response informing you of their findings. This investigation will, where possible be completed within three school weeks.

Step 4– Formal Investigation by the CEO of Midsomer Norton Schools Partnership

If you are still dissatisfied with the outcome of the LGB investigation you may make a formal complaint to the CEO. The CEO will undertake a full investigation which may require a further interview with you or a request for additional written information. A written reply will be sent to you following the investigation. This will, where possible be completed within two school weeks.

Step 5 – Formal Investigation: Panel Hearing

If the problem cannot be resolved by any of the previous steps, you may make a formal complaint to the Academy Trust. You should put the complaint in writing, addressed to the Chair of the Academy Trust (the school secretary will advise you of the address for contact), setting out precisely why you are dissatisfied and what you consider should have been done.

A complaints panel will be established by the Trust and will comprise of at least 3 people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies. None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint.

The academy will be invited to put in writing its response to your complaint. The academy will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for you, the academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, you will be entitled to be accompanied by a friend but legal representation will not be allowed.

The meeting is not a court case, it will be held in private (although you are entitled to be accompanied at the meeting by, for example. a friend), and will be as informal as circumstances allow. You will have the opportunity to state your reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. You will have the opportunity to make final comments to the Panel.

The Panel will formulate its response as quickly as reasonably possible, aiming to do so within three school weeks. 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 you and, where relevant, the person complained about; and

ii. available for inspection on the academy premises by the Academy Trust and the Headteacher.

The Complaints Panel will proceed irrespective of whether you attend. If you do not confirm attendance or fail to attend on the day without compelling reasons, the Complaints Panel will still proceed and your complaint will be heard in your absence. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

Step 6 - Appeal to the ESFA or Secretary of State for Education
If you are still dissatisfied of the outcome of the Trust hearing you can complain directly to the Education & Skills Funding Agency (ESFA) or the Secretary of State for Education.

Points to note:

Complaints Involving the CEO or Headteacher
If your complaint involves the CEO or a Headteacher Step 1 and 2 is fulfilled by you having direct discussions with the CEO or the Headteacher. Where it is not possible to resolve the complaint through such informal discussions, you should set out your formal complaint in writing and send it to the Chair of the Trust in the case of the CEO, or the Chair of the relevant LGB in the case of the Headteacher. Please ensure you send a copy of your complaint to the CEO or Headteacher it relates to.

Where the complaint involves a Headteacher it will be dealt with at Steps 3, 4 and 5 as necessary. Where the complaint involves the CEO, it will be dealt with at Step 3 (but the investigation carried out by the Trust Board) and if no resolution achieved it will be dealt with at Step 5.

If your complaint could involve disciplinary action against a member of staff, the Trustees/Governors should follow the Academy disciplinary procedures. If this situation arises, subject to the Trust's data protection obligations, the Chair of Trust/LGB will inform you of the procedures to be followed. However, the complaint process will still be followed in respect of the complaint raised.

Vexatious Complaints
This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Trust/LGB is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Anonymous Complaints
Whilst we respect the complainant's right to confidentiality we will not consider anonymous complaints.

Time Limits

It is best if complaints are made quickly once any informal procedures have been exhausted. Save in exceptional circumstances at the absolute discretion of the Academy Trust no complaint will be considered if it is made more than eight school weeks after the event.

Record Keeping

During the informal stages, it is helpful if the member of staff records a brief note of what was discussed and agreed.

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at step 2, 3, 4 or whether it proceeded to a step 5 panel hearing. The action taken by the School or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

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 Education and Skills Act 2008 requests access to them.

FLOW CHART FOR THE PROCEDURE TO BE USED WHEN THE HEADTEACHER IS NOT THE SUBJECT OF THE COMPLAINT

Step 1 – Informal Discussions with the Teacher/Tutor
Informal Discussions with Senior Members of Staff and/or Headteacher
(2 school week timescale for resolution or if complaint not resolved)

Step 2 – Formal Investigation by Headteacher
(2 school week timescale for resolution or if complaint not resolved)

Step 3 – Formal Investigation by the Local Governing Body
(3 school week timescale for resolution or if complaint not resolved)

Step 4 – Formal Investigation by the CEO
(2 school week timescale for resolution or if complaint not resolved)

Step 5 – Formal Investigation at a panel hearing
(3 school week timescale for Panel's response or if complaint not resolved)

Step 6 – Appeal to ESFA or Secretary of State for Education

FLOW CHART FOR THE PROCEDURE TO BE USED WHERE THE HEADTEACHER/CEO IS PART OF OR THE SUBJECT OF THE COMPLAINT

Step 1 – Informal Discussions with Headteacher/CEO
(2 school week timescale for resolution or if complaint not resolved)

Step 2 – Formal Investigation by the Chair of Trust/LGB
(3-4 school week timescale for resolution or if complaint not resolved)

Step 3 – Formal investigation at a LGB/Trust panel hearing
(3 school week timescale for Panel's response or if complaint not resolved)

Step 4 – Appeal to ESFA or Secretary of State for Education