

Complaints Policy & Procedure



ADVANTAGE
S C H O O L S

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1. Complaints Policy

Advantage Schools (“the Trust”) when dealing with complaints will be guided by the following principles:

- It will be receptive to genuine expressions of dissatisfaction;
- Complaints need to be dealt with promptly, fairly and proportionately; and
- In dealing with complaints it will take account of its public sector duty.

Occasionally parents and students will have questions for a school, and these can give rise to **concerns**. A concern may be defined “as an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. These matters will in most circumstances be resolved by discussion which will involve parents, students, and the relevant member of staff. Where this is not achieved, parents can follow the procedure outlined below. We understand that there are occasions when people would like to raise their concerns formally.

Where the term parent is used in this policy it also includes other relevant carers.

A complaint may be defined as “an expression of dissatisfaction however made, about actions taken or lack of action”.

The Trust will attempt to resolve any issue internally, through the stages outlined within this complaints procedure and at each stage the person investigating the **complaint** will seek ways to resolve the complaint satisfactorily.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

For some issues it will not be appropriate to use this procedure. These include child protection allegations, exclusions and assessment decisions for external qualifications. Where a different procedure applies, parents will be advised accordingly.

This policy complies with requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014. This means that parents must be offered:

- An opportunity to resolve a complaint with the relevant school on an informal basis, for example, through discussion with a senior member of staff;
- A formal complaint stage where a complaint is made in writing;
- A hearing with a panel appointed by or on behalf of the Trustees and consisting of at least 3 people who were not directly involved in the matters detailed in a complaint, one of whom must be independent of the management and running of the school or Trust.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

2. Complaints Procedure

2.1 Stage 1: Informal Resolution

1. It is hoped that most complaints can be resolved quickly and informally.
2. Parents should raise their complaint as soon as possible with the relevant member of staff or the Principal as appropriate, either in person or by letter, telephone or email. If the parents are unclear who to contact or how to make contact, they should contact the

school office. The informal stage may involve a meeting between the parent and the relevant member of staff.

3. All reasonable endeavours will be made to resolve any informal complaint within 10 school days.
4. The parents will receive a written response by email or post setting out the conclusions reached.
5. Should the matter not be resolved as described in paragraph 3 above, or in the event that the staff member and parents fail to reach a satisfactory resolution, then the parents can decide whether they wish to proceed with their complaint under Stage 2 set out below.

In the event that the complaint relates to the Principal, the Chief Executive Officer will look into the issues raised within the timescale set out in 3 above. If the complaint relates to the Chief Executive Officer, it will be investigated by a Trustee. If the complaint relates to a Governor or Trustee, it will be investigated by a suitably skilled and impartial Governor/Trustee.

2.2 Stage 2: Formal Resolution

1. If the complaint is not resolved informally as set out in Stage 1, then parents should put their complaint in writing to the Head of Governance and Compliance, within 10 school days of the conclusion of the Stage 1 process. Parents must identify how they wish their complaint to be resolved and if applicable, which part of their complaint they are escalating. The complaint will be acknowledged within 5 school days.
2. An Investigating Officer, who is not a member of staff at the school, will be appointed to thoroughly investigate the complaint. Where the complaint is against the Principal, Chief Executive Officer, Governor, or Trustee it will be investigated by an Independent Investigator. This may involve a meeting with the parents. All reasonable endeavours will be made to ensure the parents are advised of the outcome of their complaint within 20 school days. Where the investigation will take longer than this, the parents will be advised within 20 school days and be given a time by which it is anticipated the investigation will be concluded.
3. The parents will receive a written response by email or post setting out the conclusions reached.
4. Where the parents are dissatisfied with the outcome of the Investigating Officer's response to their formal complaint, the parents have the opportunity to have their complaint heard by a panel as outlined in Stage 3 below.

2.3 Stage 3: Panel Hearing

1. If the parents wish to have their complaint heard by a panel having gone through Stages 1 and 2 of the procedure described above, they must submit a request in writing to the Head of Governance and Compliance within 10 school days of the date of the Investigating Officer's letter advising them of the outcome of the Stage 2 procedure.
2. The parents must provide a list of their complaint(s) and explain why they feel their complaints have not been resolved satisfactorily.
3. The Head of Governance and Compliance will convene a meeting of the panel who will hear the complaint within 20 school days of receiving the parent's request, dependent upon the availability of panel members. The meeting can be held in person, remotely or hybrid, depending on attendees' availability.

4. The parents, school and Investigating Officer will be given 5 school days' notice of the date of the hearing by the panel.
5. The panel will comprise two members of the Trust Board and/or Local Governing Board who have not been previously involved in the complaint and one person independent of the management and running of the Trust.
6. If the complainant fails to attend the panel hearing without notice, the hearing will still be held at the designated time using the papers already submitted. Further evidence will not be accepted in lieu of attendance.
7. Proceedings of the panel:
 - The hearing will be closed to the public.
 - Electronic recordings of meetings of conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
 - The complainant will be invited to attend and can be accompanied in representing their own views. The hearing is not a legal proceeding and so legal representation will not be permitted.
 - The relevant member of staff and Investigating Officer will be invited to attend.
 - If witnesses attend they will only be present for that part of the hearing where they give their evidence.
 - The Head of Governance and Compliance will ensure any documents are circulated to all parties involved 5 school days before the hearing,
 - The chair of the panel will be independent of the management and running of the Trust.
 - The panel may ask questions at any point.
 - The panel may agree to the circulation and/or submission of documents less than 5 school days before the hearing.
 - The panel will deliberate in private.
 - The panel will reach a decision as quickly as possible and in no more than 10 school days following the hearing.
 - The decision of the panel will be final.
8. Remit of the panel – 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
 - Where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not occur.

9. The panel's findings will be sent by the Clerk in writing to all those involved.

3. Records

A record of all complaints will be kept in line with data protection and Information and Record Management Society guidelines. They will be monitored by the Trust Board and the Head of Governance and Compliance will ensure the records are complete.

A copy of findings and recommendations will be available for inspection on the school premises by the Trust and Principal.

A written record is maintained of all complaints that are made and go beyond the informal stage and will indicate:

- Whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- Action taken by the school/Trust as a result of those complaints (regardless of whether they are upheld)

All correspondence, statements and records relating to individual complaints are 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.

4. Vexatious or persistent complaints

There are rare circumstances where we will deviate from the complaints procedure set out above. These include, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, Governors or Trustees is unacceptable, for example, is abusive, offensive or threatening;
- Where, because of the frequency of their contact with the school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the school;
- Where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the school;
- Where the complainant makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Where the complainant insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason;
- Where the complainant pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out;
- Where the complainant makes a complaint designed to cause disruption, annoyance or excessive demands on school time;
- Where the complainant seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

In these circumstances, we may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- Take reasonable steps to address the complainant's concerns and give them a clear statement of our position and their options;
- Maintain our role as an objective arbiter throughout the process, including when we meet with individuals;

- Follow our complaints procedure as normal (outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put the following communication strategies in place:

- Restrict the complainant's access to the school within the Trust e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the relevant academy's premises;
- Ask the complainant to engage a third party to act on their behalf;
- Conduct the complaints panel on the papers only i.e. not hold a hearing;
- Put any strategy in place as necessary.

We may stop responding to the complainant when the following factors are met:

- We believe we have taken all reasonable steps to help address their concerns;
- We have provided a clear statement of our position and their options;
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, pupils, Governors or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

5. Concerns or Complaints from persons other than parents of registered pupils in a school within the Trust

The main body of this complaints policy applies solely to complaints made by parents of pupils in the Trust. The Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

1. A concern regarding the Trust or a school within the trust and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter in accordance with Stage 1 above immediately or may, if appropriate, refer the matter to their line manager or member of the Senior Leadership Team who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 10 school days. If a longer period is required, the complainant will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at Stage 1, a formal complaint should be sent to the Principal to investigate and Stage 2 above will commence. The Principal may delegate the task of investigation and/or responding to the complaint to a member of the Senior Leadership Team or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 20 school days of receipt of the letter of complaint although if a longer period is required to respond, the complainant will be kept updated.
3. If the complainant is not satisfied with the response at Stage 2, they may request a review by writing to the Head of Governance and Compliance (Stage 3). They should write to the Head of Governance and Compliance within 10 school days of receipt of the letter at Stage 2. The Head of Governance and Compliance may ask the Chief Executive Officer to consider the complaint alone or may convene a complaints panel on the same terms as set

out in the main body of the complaints policy. At Stage 3 the decision will usually be sent to the complainant within 20 school days of receipt of the request for a review.

The decision at Stage 3 exhausts the academy's complaints procedure.

6. Anonymous complaints

The Trust/school encourages individuals to let their identity be known when they raise concerns, as anonymous complaints can be challenging to investigate.

Where an individual feels they cannot share their identity, they should raise their concerns under the Trust's Whistleblowing Policy.

7. Time scales

A complainant must raise the complaint 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 time frame if exceptional circumstances apply.

8. Complaints received outside of term time or with time scales that overlap with school holiday periods

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Whilst strictly the time scales in this policy exclude holiday periods, if a complaint is raised in the lead up to a holiday period or our standard time scales overlap with a holiday period we will make best endeavours to complete the complaint work as expeditiously as possible subject to the availability of relevant staff.

If at any point we cannot meet the time scales we have set out in this policy we will:

- Set new time limits with the complainant.
- Send the complainant details of the new deadline and explain the delay.

9. Withdrawal of complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. Education and Skills Funding Agency

If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will check whether the complaint has been dealt with properly by the school/Trust. The ESFA will not overturn a school's/Trust's decision about a complaint but will intervene if the school/Trust has:

- Breached a clause in its funding agreement.
- Failed to act in line with its duties under education law.
- Acted (or is proposing to act) unreasonably when exercising its functions.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

11. Policy Review

The policy will be reviewed at least every three years (earlier in the event of additional schools joining the Trust, significant legislative, policy or guidance changes) and approved by the Trust Board.