



INSPIRATION THROUGH COLLABORATION

Complaints

Approved by: Trust Board

Last reviewed: July 2023

Next review due: July 2024

COMPLAINTS POLICY

Scope

This policy is written and approved at board level, but applies to all employees, trustees and governors of schools, settings, and services, within The Claxton Trust.

It has been created using a model policy created by Herts for Learning and has therefore been produced in consultation with external advisors and the professional associations/trade unions.

1. General principles & aims

Each day, schools, settings and services in our trust make many decisions and try hard to do the best for all the children.

We care about what you think. Your comments - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of our work, though not actually make a complaint - you just want to get something 'off your chest'. However, it may be that you want to make a complaint about a specific issue and this policy tells you how to go about this.

We aim that:

- your complaint will be dealt with honestly, politely and in confidence
- your complaint will be considered thoroughly and fairly
- if your complaint is urgent, we will deal with it more quickly
- we will keep you up to date with progress at each stage
- you will get an apology if we have made a mistake
- you will be told what we are going to do to put things right
- you will get a full and clear written reply to formal complaints within 28 working days (5½ weeks)

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

2. Making complaints – Informal stage

We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right.

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email) directly with staff in the relevant school, setting or service.

We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a certain way, please come in and discuss it informally with the appropriate member of staff who is immediately involved with your child, such as the class teacher, or the special educational needs co-ordinator (SENCo) if it is about special needs.

If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the headteacher of the school or setting, or the manager of the service, to discuss the matter further on an informal basis.

If your first contact is with individual governors, they will advise you to take up your concerns with the appropriate member of staff or headteacher. A governor should not be made aware of a potential complaint as they may be required to sit on a panel in the event of a formal hearing and should be impartial.

We should be able to sort out your worries using these informal measures, but sometimes this is not possible. In this case, there is a next step.

3. Making complaints – Formal stage

Step 1

The next step is to **request a formal meeting with the headteacher** who will investigate your complaint and aim to inform you of the outcome within 10 working days (2 weeks). It is important that you specifically state that you are requesting a formal meeting so that we know you are initiating Stage 1 of our complaints procedure.

If your complaint is about the headteacher themselves, you should write to the chair of the local governing body. If your child has an Education, Health and Care Plan (EHCP) you might find it helpful to talk to the special educational needs co-ordinator (SENCo) or your child's named special needs officer at the local authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

Step 2

If you remain dissatisfied following Stage 1, and wish to take your complaint further, **you will be asked to complete a form or write a letter addressed to the chair of the local governing body**. In the letter, you should:

- Make it clear why you are complaining
- Say who you have spoken to already
- Explain what you want to happen as a result of your complaint

The chair will arrange for your complaint to be considered and investigated under the arrangements approved by the local governing body. This is likely to involve a Complaints Panel of governors. If the chair has been involved in discussions to help settle the disagreement at Stage 1, they will arrange for another governor to take charge of the investigation. The governor in charge of investigating the complaint may ask to meet you to discuss your concerns.

You should make sure that the governors' Complaints Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The chair of the Panel may invite any person who may help establish the facts of the complaint. The chair should tell you who this person is before the meeting. If the Panel requires any employee to attend a meeting they will have the opportunity to be accompanied or represented as they wish. An employee named in a complaint may also choose to attend a meeting, even if not required to do so by the Panel. They may be represented. If this happens, we will inform you in advance.

When the Panel has fully investigated your complaint, the chair of the Panel or the governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the local governing body. The chair of governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. The local governing body will aim to deal with your complaint within 28 working days (5½ weeks).

4. Further recourse

This process resolves most complaints and there are normally no grounds for further recourse.

In exceptional circumstances, **the trustees of the board of The Claxton Trust will accept a request for a final panel hearing to conduct a final review of the decision of the local governing body.** This request must be in writing and received within five working days of the receipt of the decision from the Complaints Panel and must outline the reasons why a review is appropriate.

The final panel will consist of two trustees and an independent member who is independent of the management and running of the academy. This could include a local governor from another school within the trust, who would count as an 'independent' person (as long as they have no conflict of interest or prior knowledge of the complaint). For clarity, a MAT trustee or member would not count, as they have oversight of, and ultimate responsibility for, the school where the complaint has been made.

The final panel will review the decision-making process of the local governing body Complaints Panel and whether it has operated within the policies and procedures of the trust, by scrutinising the evidence that was presented at the Complaints Panel. No new evidence will be considered by the review committee.

The final panel will inform the complainant in writing of their decision within 40 working days of the receipt of the written request.

Possible responses by the final panel at this point would be:

- Acceptance of the decision and process followed by the local governing body in full
- Acceptance of decision with recommendations for future Complaints Panel
- A request for the local governing body to repeat Stage 2, although this is in no way a challenge to the decision

Should the final panel confirm the original decision, no further review will be undertaken and the matter will be considered closed by the trust.

If you are still not satisfied with the outcome of this review by the final panel, the Education and Skills Funding Agency (ESFA) handles complaints about open academies and free schools. Part of their role is to make sure academies comply with the terms of their funding agreement which is a contract between the academy and the Secretary of State.

The ESFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out below.

The ESFA will not investigate complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- about discrimination. These should be raised with the Equality Advisory Support Service
- about data protection. These should be raised with the Information Commissioner's Office
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action

- about employment matters. These should be raised through the academy’s grievance procedure, or taken to an Employment Tribunal
- about child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children’s Services
- about a child or young person’s Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The ESFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

Complaints about academies to the ESFA should be sent by post to: Ministerial and Public Communications Division Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

Special Educational Needs provision complaints

If your complaint is about the way the school has been delivering the provision set out in Section F of your child’s Education, Health and Care Plan (EHCP), you may complain further to the local authority that maintains your child’s EHCP.

If the EHCP is maintained by Hertfordshire County Council, you may complain further by setting out the detail of your complaint and sending it to:

Customer Service Team – Complaints
 Postal Point: CHO118
 Resources Department
 County Hall
 Hertford
 SG13 8DF
 Email: cs.complaints@hertfordshire.gov.uk

Once in receipt of your complaint, the complaints manager for children’s services will ensure that the local authority completes a Section F provision checklist. This process entails a provision checklist being drawn up directly from Section F of the EHCP. A senior SEND officer will then visit the school in order to work through the checklist point by point and complete it. The senior SEND officer will seek the comments of the headteacher, senior leadership team, SENCo, governors and trustees as appropriate, as well as any other information or advice that they deem necessary.

Once the provision checklist has been completed, the local authority will notify the complainant of the outcome in writing, enclosing a copy of the checklist. A copy of the outcome letter and checklist will also be sent to the school for its information and record keeping. This process will take up to 25 working days (of the local authority) to conclude.

Complainants who remain dissatisfied following further investigation of their special educational needs provision complaint by the local authority may complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are set out below.

Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD

5. Vexatious complaints

There may be occasions when a complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the organisation is frequent, lengthy, complicated and stressful for employees;
- the complainant behaves in an aggressive manner to employees when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the organisation on an ongoing basis; or
- the complainant persistently approaches the organisation (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.
- the complainant refuses to follow established processes.

A complaint is defined as vexatious (according to DfE guidance) where it:

- is obsessive, persistent, harassing, prolific, repetitious;
- insists upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insists upon pursuing meritorious complaints in an unreasonable manner;
- is designed to cause disruption or annoyance;
- demands redress that lacks any serious purpose or value

Appendix 1 – Flowchart for complaints

