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# COMPLAINTS POLICY

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<b>Recommended by:</b>	CRSAAT Executive Principal (CEO)
<b>Recommendation Date:</b>	December 2019
<b>Ratified by:</b>	<b>Trust Board</b> 
<b>Signed:</b>	<hr/>
<b>Position on the Board:</b>	<hr/> Chair of the Trust Board
<b>Ratification Date</b>	13 <sup>th</sup> December 2019
<b>Next Review:</b>	December 2020
<b>Policy Tier (Central/Hub/School):</b>	Central

## 1.0 AIMS AND APPLICATION OF THE COMPLAINTS POLICY

The Central RSA Academies Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff, one of the Academies or the Trust as a whole, relating to any aspects of the Academy or the provision of facilities or services other than those matters listed in Annex 1.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow and will be used across each Academy within Central RSA Academies Trust for all complaints. Part 1 of this policy applies only to complaints raised by parents of current registered pupils of academies within the Trust. Part 2 of this policy applies to complaints raised by any other person.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The individual Academy PA to the Principal at the Academy's address will be the first point of contact when following the complaints procedure.

A copy of the complaints' procedure is available from the Academies' Receptions and on their websites:

[www.abbeywood.worcs.sch.uk](http://www.abbeywood.worcs.sch.uk)  
[www.arrowvaleacademy.co.uk](http://www.arrowvaleacademy.co.uk)  
[www.churchhill.worcs.sch.uk](http://www.churchhill.worcs.sch.uk)  
[www.ipsleyacademy.co.uk](http://www.ipsleyacademy.co.uk)  
[www.rsaacademy.org](http://www.rsaacademy.org)  
<https://www.suttonparkrsa.co.uk/>  
<https://www.ststephensfirstrsa.co.uk/>  
<http://www.oldburypark.worcs.sch.uk/>

In this procedure:

- 'school days' excludes weekends and Academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- "Trust" means the Academy Trust.

## 2.0 INTRODUCTION AND KEY PRINCIPLES

- 2.1 We believe that our Trust provides a good education for all our children, and that the Principals and other staff work very hard to build positive relationships with all parents. However, the Trust is obliged to have procedures in place in case there are complaints by parents or other parties.
- 2.2 If any parent is unhappy with the education that their child is receiving, or has any concern relating to the Trust, we encourage that person to talk to the child's class teacher immediately.
- 2.3 We deal with all complaints in compliance with guidance/regulation set out by the Department for Education, The Education and Skills Funding Agency (ESFA) and The Education (Independent School Standards) (England) Regulations 2014. Schedule 1, Part 7.
- 2.4 We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.
- 2.5 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Trust accepts

that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

- 2.6 On rare occasions an Academy may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the Academy will follow the procedure set out in Part 4.
- 2.7 If it becomes necessary to alter the time limits and deadlines set out within this procedure, parents will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 2.8 Complainants should not approach individual governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

## Part I: Complaints procedure for parents

We have adopted a three-stage process for dealing with complaints from parents:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Principal
- Stage 3 – Complaint heard by Complaints Panel

### 3.0 AIMS AND OBJECTIVES

3.1 Our Trust aims to be fair, open and honest when dealing with any complaint.

3.2 When considering complaints, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed and then resolved.

### 4.0 COMPLAINTS PROCEDURE

4.1 Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Keep complaints confidential;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the Academy's senior management team to enable services to be improved.

4.2 The Trust will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

### 5.0 STAGE I – INFORMAL RESOLUTION

5.1 Most concerns will be dealt with informally and parents are encouraged to speak to a member of staff to discuss your concerns. The formal procedures set out below will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

5.2 If a parent is concerned about anything to do with the education that we are providing within our Trust, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

5.3 Our Academies operate an open-door policy and, as such, parents may wish to book in some time to talk

to the Principal if this would be beneficial in resolving your concern informally.

- 5.4 If the complaint is about the Principal, the Chair of the Local Academy Governing Board will do all they can to ensure the issue is resolved informally through a dialogue with the persons concerned.

## **6.0 STAGE 2 – FORMAL RESOLUTION**

- 6.1 If the complaint cannot be resolved on an informal basis (as set out in the above paragraphs), then parents should put their complaint in writing using the complaints form at Annex 2 of this policy and hand this into the Academy for the attention of the Principal. If the complaint is about the Principal or a member of the Academy Local Governing Body, it should be sent to the Clerk of the Academy Local Governing Body at the Academy's address who will arrange for a governor to carry out the Stage 2 procedure. If the complaint is about the Chief Executive Officer of the Trust or a Trustee the complaint should be sent to the Clerk of the Trustees at Central RSA Academies Trust, Suite B06 Assay Studios, 141 Newhall Street, Birmingham, England, B3 1SF who will arrange for a Trustee to carry out all the Stage 2 procedures. If the complaint is about the Trustee board as a whole, the complaint should be sent to the Clerk of the Trustees who will arrange for the matter to be independently investigated.
- 6.2 The Principal considers any such complaint very seriously. The complaint will be investigated thoroughly (by the Principal or a person delegated to undertake the investigation).
- 6.3 The Principal will decide, after considering the complaint, the appropriate course of action to take.
- 6.4 In most cases, the Principal will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- 6.5 The Principal will use reasonable endeavours to speak to or meet parents within 10 school days of the formal complaint being received.
- 6.6 Once the Principal is satisfied that, so far as practicable, all the relevant facts have been established, a decision will be made which will be communicated to parents in writing giving the reasons for the decision. The written decision should be provided no later than 10 school days after speaking with or meeting with parents/guardians to discuss the matter.
- 6.7 The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Academy's decision. The record will be retained for six years from the date of the resolution. The 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.
- 6.8 Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3.

## **7.0 STAGE 3 – COMPLAINTS PANEL**

- 7.1 If parents seek to invoke Stage 3, following failure to reach an earlier resolution with the Principal or Chair of Governors in respect of their formal complaint, they may request their complaint is considered by the Complaints Panel. Such a request must be made in writing addressed to the Clerk to the Local Academy Governing Board of the Academy in question who will usually act as Clerk for the Complaints Panel.
- 7.2 This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.

- 7.3 Parents must lodge their appeal in writing within 10 school days of the date of the Academy's decision under Stage 2 otherwise the complaint will be closed.
- 7.4 The parents should provide, in writing, a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each complaint.
- 7.5 The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 7.6 The Clerk provides an independent source of advice on procedure for all parties.
- 7.7 On receipt of an appeal, the Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members. If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.
- 7.8 As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. The Independent Complaints Panel will consist of two governors from the Local Academy Governing Board who have not previously been involved in the complaint, and one person independent of the management and running of the Academy.
- 7.9 The following are entitled to attend a hearing and/or, submit written representations and address the Panel:
- The parent(s) who may be accompanied by one other person, such as a friend, relative, advocate or interpreter should they wish;
  - The Principal of the Academy;
  - Any other interested person whom the Complaints Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.
- 7.10 Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.
- 7.11 The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.
- 7.12 Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:
- the parent and Academy representative will enter the hearing together;
  - the Chair of the Committee will introduce the committee members and outline the process;
  - the parent will explain the complaint;
  - the Academy representative and committee members will question the parent;
  - the Academy representative will explain the Academy/Trust's actions;
  - the parent and the committee members will question the Academy representative;
  - the parent will sum up their complaint;
  - the Academy representative will sum up the Academy/Trust's actions;

- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides;
- the Clerk will stay to assist the committee with its decision making.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the Academy representative to present their complaint/actions separately to the Committee in the absence of the other party.

- 7.13 After due consideration of the facts considered relevant, the Panel will reach a decision, and notify you and, where relevant, the person complained about within 10 school days of the hearing. The committee can (by a majority if necessary):
- 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;
  - recommend changes to the Academy or Trust systems or procedures to ensure that problems of a similar nature do not happen again.
- 7.14 The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.
- 7.15 The findings and recommendations of the panel will be available for inspection on the Academy premises by the Trust and the Principal.
- 7.16 A written record of all complaints made will be kept of all formal complaints along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.
- 7.17 An Academy will record the action it takes as a result of complaints regardless of whether they were upheld.
- 7.18 There is no further right of appeal to the Local Academy Governing Board or Academy Trust. All complainants have the right, as a last resort, to contact the Education and Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA via their complaints form on the following link <https://www.education.gov.uk/form/school-complaints-form>

## **8.0 MONITORING, EVALUATION AND REVIEW**

- 8.1 The Trust Board will review this policy on an annual basis and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust.
- 8.2 The Local Academy Governing Board monitor the complaints procedure, in order to ensure that all complaints are handled properly.
- 8.3 Trustees and Governors consider any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

## Part 2: Concerns or Complaints from persons other than parents

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered pupils of academies within the Trust. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

- 1 **Stage 1** - a concern regarding an Academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
- 2 **Stage 2** - where a concern is not resolved at stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Academy PA to the Principal of the relevant Academy to investigate. The Principal may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
- 3 **Stage 3** - if you are not satisfied with the response at stage 2, you may request a review by writing to the Clerk of the Local Governing Board of the Academy. You should write to the Clerk within 10 school days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if **exceptional** circumstances apply. The Clerk will arrange for a governor to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the Academy's complaints procedure.

Concerns or complaints regarding the Principal or the Trust as a whole should be referred direct to:

The Clerk of the Trustees  
Central RSA Academies Trust  
Suite B06 Assay Studios  
141 Newhall Street  
Birmingham  
England  
B3 1SF

who will arrange for the stages above to be considered by an appropriate person.



### Part 3: Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the Local Academy Governing Board or Trustees is abusive, offensive, discriminatory or threatening;
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the Academy because of the frequency or nature of the complainant's contact, such as, if the complainant:
  - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaint investigation process
  - refuses to accept that certain issues are not within the scope of the 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 they expect to be considered and commented on
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often 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
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - insistence upon pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or value
- 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.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy 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 academy's premises. Any such arrangements will be reviewed after six months;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;

- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to Stage 4.

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.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time.

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the local governing board 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.

#### **Part 4: Complaint campaigns**

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with an academy or the trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the academy/trust's website (as applicable)

## Annex I

### Matters excluded from scope of this policy

<b>Excluded Matters</b>	<b>Signposting</b>
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a>
National Curriculum content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
School re-organisation proposals	Where concerns are not adequately addressed by the trust, complaints can be raised direct with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint

**ANNEX 2**  
**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 PA to the Principal. (If your complaint is against the Principal, you will need to send the form to the Clerk to Governors.)

Name:	Address:
Pupil's name:	
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 Principal to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date: