



Avonreach

Complaints Policy

Avonreach Academy Trust

This document sets out the regulations for the MAT and member academies.

Responsibility	Trust Board
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1. Introduction

Avonreach Academy Trust endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Trust Board of Avonreach Academy Trust has approved the following procedure which explains what you should do if you wish to make a complaint about a school. All members of staff will be familiar with the procedure and will be able to assist you.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

- Pupil admissions; please see the school's admissions policy
- Pupil exclusions; please see the trust's behaviour policy or exclusion policy.
- Staff grievance, capability or disciplinary; these are covered by the trust's Staff discipline, conduct and grievance policy.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests – please see the trust's Data Protection and Freedom of Information policy

These policies are available on the trust/school website or on request from the school.

Resolving concerns or complaints informally

For the purpose of this procedure concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). The trust board of Avonreach Academy Trust encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's class teacher) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

Complaints about the headteacher or the governors

Where a complaint is about the headteacher, the complainant should notify the clerk to the governors. The stage one process (see the formal stages below) will then commence, but with the chair of governors as the individual responsible for the investigation, rather than the headteacher.

Where a complaint concerns a governor the complainant should contact the clerk to the governing board. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school/trust. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. The trust board of Avonreach Academy Trust requests that complaints are not discussed publically, including via social media.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

The stages of the complaints procedure

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern, then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

There are **three** formal stages of the complaints procedure.

Stage 1 – formal investigation by headteacher and chair of governors

1. A request for a formal investigation of a complaint by the headteacher & chair of the governing board should be made in writing C/O the school, or by completing the formal complaints form that is included as Appendix 1 of this procedure.

You 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.

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

2. The headteacher and chair of the governing board will acknowledge the request in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The headteacher will consider all relevant evidence. This **may** include, but is not limited to:
 - obtaining statements from the complainant and those involved with the complaint
 - meeting with the complainant and those involved in the complaint
 - reviewing correspondence and other document relating to the complaint
5. After considering the available evidence, the headteacher can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
 - dismiss the complaint entirely

6. The headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the governing board (see page).

Stage 2 – Review by a panel of the local governing board and one trustee

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the local governing board plus one trustee (or the EO), at a meeting convened by the clerk to the governing board.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting. Minutes of the review meeting will be taken by the clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

1. The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
2. The clerk will convene a panel of two school governors, one trustee (or the EO) and one independent member to review the complaint. All four panel members will have no prior knowledge of the content of the complaint.
3. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above).
4. The panel **may** decide to invite the following to attend the review meeting:
 - the complainant
 - the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1
 - relevant persons involved the complaint
 - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2

5. Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.
6. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
7. Where the complaint is about a governor/trustee/governing board the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the trust board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
8. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it;
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
 - dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

9. The complainant, the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Avonreach Academy Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Avonreach Academy Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the

person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

Stage 3 – Review by a panel of Avonreach Academy Trust board

If a complainant is still not satisfied with the panel's findings they can ask for the complaint process to be reviewed by a panel drawn from the AAT Trustee Board (The panel will comprise of trustees with no prior knowledge of the complaint). The board will seek to mediate reconciliation between the school and the complainant. This is important as the parents and the staff involved in the complaint will need to work together to rebuild a positive working home-school relationship so that the child can achieve their best at school. The MAT panel may achieve this by one or more of the following:

- Upholding the complaints panel decision, but mediating through meetings with parents and school to broker understanding and allow reconciliation to take place.
- Over turning part, or all of the complaints panel decision. They will then work with the school and parents to broker reconciliation
- Recommending action by the school to address concerns arising from the complaint. This may involve work with individual staff members, and or updating and revising school policies and working practices.

Those involved in any complaint which has reached this final stage will need support and reassurance from the MAT central panel. Therefore, the panel may seek to have meetings with parents and staff separately before any final panel hearing to increase the chances of positive reconciliation between the parties. This may take time and therefore no timescales have been set for this final part of the process.

Following Stage 3

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 not normally reinvestigate the substance of complaints or overturn any decisions made by Avonreach Academy Trust. They will consider whether Avonreach Academy Trust has adhered to education legislation and any statutory policies connected

with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

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

Timescale for completing the formal stages of the procedure

Avonreach Academy Trust will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason Avonreach Academy Trust is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Avonreach Academy Trust will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Avonreach Academy Trust will provide no further response.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the governing board.

Appendix

Avonreach Academy Trust Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:					
Dated:					

Annex 1: DfE and Local Authority Guidance

Exceptions	Who to contact
<ul style="list-style-type: none"> ▪ Admissions to schools ▪ Statutory assessments of Special Educational Needs ▪ School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Worcestershire Children First: http://www.worcschildrenfirst.org.uk/</p>
<ul style="list-style-type: none"> ▪ Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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). Worcestershire Safeguarding: https://www.safeguardingworcestershire.org.uk/wscb/professionals/allegations-lado/</p>
<ul style="list-style-type: none"> ▪ Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> ▪ Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> ▪ Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> ▪ Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> ▪ Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> ▪ National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>