



# Complaints Procedures Policy

***Our Ambition: To be the highest performing MAT in the country***

***Our Mission: To improve the communities we serve for the better***

Written by	The Principals' Review Committee
Date for Review	November 2021
Approving Body	The Strategic Development Committee
Signed Chair of Trustees	

***Vision:***

*Challenging educational orthodoxies so that every child makes good progress in core subjects;  
all teachers are committed to personal improvement and fulfil their responsibilities;  
all children receive a broad and balanced curriculum; all academies strive to be outstanding.*

# **The FORGE Trust Complaints Procedures Policy**

## **Aims**

Across the FORGE trust, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. We would like to know if you think we are not meeting your expectations, so that we have an opportunity to respond. We would also like to know your opinion on the things we do well.

## **Summary of the policy**

The FORGE Trust's complaints policy includes six levels of the complaints procedure and guidance:

- Level 1 – informal appointment with class teacher
- Level 2 – informal appointment with an appropriate Year Group Leader / Assistant Principal / member of the Senior Management Team (dependent upon the leadership structure of the individual school)
- Level 3 – informal appointment with the Principal or Vice Principal
- Level 4 – formal complaint letter to the Principal
- Level 5 – formal complaint to the CEO of the trust
- Level 6 – formal complaint requesting a Trustees' Complaints Panel.

Please note: The complaints procedure also addresses the process to follow when concerns or complaints are raised about a specific trustee(s).

## **Procedure for handling concerns and complaints at The FORGE Trust.**

Each level of the procedure offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### **Level 1 – Informal**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone, in person or by appointment.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that the **vast majority** of concerns and complaints will be resolved by this informal stage. Thus any member of staff receiving a concern or complaint must attempt to ensure the complainant has the opportunity to explain fully the nature of their issue in a confidential environment.

Guidance on informal level 1:

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

### **Level 2 & 3 – Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Year Group Leader / Assistant Principal / member of the Senior Leadership Team (according to the leadership structure of the individual school).

In certain circumstances it might be appropriate for the issue to be sent directly to level 3. Parents, carers or guardians dissatisfied with the result of the discussions should ask for an appointment to meet with the Principal or Vice Principal.

#### ***Guidance on informal level 2 & 3:***

- It is always best to resolve issues informally at the earliest possible time, but if the person is not satisfied with the result of the talk with the teacher or Year Group Leader/Assistant Principal / SMT member then he/she can ask for an appointment to meet with the Vice Principal or Principal.
- The aim should be that discussions end on a positive note with no bad feeling.

#### **Level 4 – formal complaint to Principal/Vice Principal**

If an issue has not been resolved through the informal levels it can become a formal complaint.

Parents, carers or guardians wishing to move to level 4 must complete a formal complaint letter and address it to the Principal of the academy (unless the complaint is about the Principal: see level 5). The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

The Principal will acknowledge the formal complaint in writing within five working days of receiving it. The Principal will then consider the complaint (this may involve a meeting with the complainant) and if required the Principal will then investigate. The Principal will then discuss a resolution with the complainant. At all stages complainants are encouraged to reflect on what a reasonable resolution would look like. It is expected that the Principal will feedback to the complainant on his findings within 15 working days from receipt of the original complaint.

#### **Level 5 – formal complaint to the CEO of the FORGE trust**

If the concern or complaint is specifically about the Principal and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chief Executive Officer of the FORGE trust (or the Chair of Trustees if the complaint is directly against the Chief Executive Officer). The individual school will provide the CEO's name and contact details and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chief Executive Officer or the Chair of Trustees should acknowledge the complainant's letter in writing within 10 school days of receipt of the letter. The complaint will be considered, investigated and a resolution will be discussed with the complainant.

#### **Concerns or complaints specifically about a Trustee**

In the event of a formal complaint being made against the Chair of Trustees, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Trustees. The school will provide the Vice-Chair of Trustees' name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Trustees should acknowledge the complainant's letter in writing within 10 school days of receipt.

The Trustee who is the subject of the complaint would normally be advised of the situation immediately. The complaint will be considered to be a formal complaint and therefore will be considered by the

Trustees' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. However, if the complaint involves a child protection issue or is considered to be a serious breach of the code of conduct, it will be investigated by the relevant authorities.

If the complaint is upheld or upheld in part, the committee may make recommendations to the trustees. If necessary, the complaints panel may be composed of trustees from another school within the relevant Local Authority.

### **Complaints against Trustees or the CEO**

A formal complaint against a trustee other than the Chair or against the CEO should be referred to the Chair, who will investigate and seek to resolve it. The school will provide the Chair of Trustees' name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Trustees should acknowledge the complainant's letter in writing within 10 school days of receipt. A Trustee who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue - safeguarding arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Level 6 – formal complaint and therefore will be considered by the Trustees' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the trustees'. If necessary, the complaints panel may be composed of trustees/governors from another school within the relevant Local Authority.

Trustees co-opted or elected on to the Trustee Board can be suspended for a period of up to six months or removed by the Board of Directors.

### **Level 6 – formal complaint requesting a Trustees' Complaints Panel.**

Time Scales:

Receipt of complainant's letter	Acknowledgement within 10 school days.
Receipt of complainant's letter	Trustees' Panel meeting within 20 school days.
Written documentation sent to Trustees' Panel Members and complainant and Principal	5 school days before meeting.
Trustees' Panel members decision communicated to all concerned	As soon as possible but within <b>10</b> school days of meeting.

Complainants wishing to move to level 6 of the formal complaints procedure will need to write a letter to the Chair of Trustees to request that a Trustees' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last meeting with the Principal concerning the issue. The complainant should write to the Chair of Trustees at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Principal and show why the matter is not resolved. Additionally it should detail what actions would resolve the complaint.

Before the meeting:

The Chair of Trustees should:

- Appoint a clerk to the Trustees' Complaints Panel;
- Acknowledge the complainant's letter in writing within 10 school days of receipt;
- Arrange for a panel of Trustees to meet within 20 school days of receipt;
- Provide the Principal with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant's letter and the school documentation to the Trustees' Complaints Panel members, complainant and Principal (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Principal will be invited to attend the Trustee's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

**At the meeting:**

The complainant and Principal (or his/her representative) should provide all the relevant information they wish and the Trustees' Complaints Panel members should clarify any points and will have opportunities to ask questions of both the Principal and the complainant. After the complainant and Principal (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk. The panel will then consider the evidence and make a decision.

**After the meeting:**

The Trustees' Complaints Panel will write to all concerned within 5 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Trustee's Complaints Panel is final.

The decision of the Trustees' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Trustees have not followed the school's complaints procedure correctly, he/she can contact the Board of Members via the academy.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the Trustees have failed to carry out a legal duty or have acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

**Guidance on level 6 – formal meeting:**

**Before the meeting:**

The Complaints Panel must be made up of at least three members and a clerk. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender, religious affiliation and other protected characteristics.

**At the meeting:**

The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time and the complainant and subject of the complaint should be brought into the room at the same time.
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, including listing who is present:

Trustees, stating who is the Chair of the Trustees' Complaints Panel;  
Principal (or his/her representative) and any other members of school staff;  
Parents and anyone accompanying them e.g. friend;  
Clerk.

- These minutes will remain confidential.
- The Chair of the Trustees' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Trustees' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.
- The Chair of the Trustees' Complaints Panel should request a verbal statement from the Principal or trustee (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.
- The members of the Trustees' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Trustees' Complaints Panel must ask the complainant and the Principal (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Trustees' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- The Trustees' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision and the reasons for the decision but does not minute the discussion.
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- 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;
  - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- When the Panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **The decision of the Trustee's Complaints Panel is final.**

Once a Trustee's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Trustees should inform the complainant that the matter is closed.

**Vexatious Complainants:** it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered on its own merits as to whether it is vexatious or genuine.

## **Exceptions to the Policy**

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues And Admission, where Local Authorities have statutory responsibilities. The Principal or Vice Principal can give information about this, and advice on who to contact in the relevant Local Authority.

There are certain other complaints which fall outside the remit of the Trustees' complaints procedure, for example, staff grievances or disciplinary procedures. Allegations of abuse against a member of the school staff must be reported to the Principal/ DSL immediately. Allegations of abuse against the Principal must be reported to the Chair of Trustees immediately. Immediate contact must be made by the Principal or Chair of Trustees with the Local Authority Child Protection Officer. For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the Trustees. Appeals concerning procedural issues would be heard by the Board of Directors or ultimately the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the academy's internal disciplinary procedures. The details of such an investigation will remain confidential.

**Extended Schools:** the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved, it will be referred to a Trustees' Complaints Panel. This ensures that the trustees are kept aware of complaints about provision.

## **SEND**

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class special educational needs co-ordinator; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

## **Racial Equality & Equal Opportunities**

All children have equal access and inclusive rights to the curriculum regardless of their age, gender, race, religion, belief, disability or ability. We plan work that is differentiated for the performance of all groups and individuals. The FORGE Trust is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

All staff have equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. The FORGE Trust is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available that expand on this further.

