



Complaints Policy and Procedure

Published:	April 2024
Review Due:	April 2026
Author:	Governance

SAST Document Control Table			
Document Title		SAST Complaints Policy	
Author		Governance	
Version No.		1.0	
Date Approved		23 rd May 2024	
Approved By		FTB	
Date of Next Review		February 2026	
Document History			
Version	Date	Author	Notes of Revisions
1.0	n/a	SAST	New updated policy replacing previous complaints policy

COMPLAINTS Policy and Procedure

The Trust believes there should be a free flow of information between home and school but recognise there may be times when misunderstandings arise, you are concerned about aspects of your child's progress or you may be unhappy about a particular event or activity which you have heard has taken place. In any event it is important you do not keep a problem or concern to yourself but approach the school.

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints policy and procedure need not in any way undermine efforts to resolve the concern informally. It is helpful when staff resolve issues on the spot, including apologising where necessary.

The formal procedures below will need to be invoked when initial attempts to resolve the issue are unsuccessful and you or the school consider that the issue should be dealt with on a formal basis.

Framework of Principles

Our Complaints Policy and Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- ensures a full and **fair** investigation;
- respect people's desire for **confidentiality**;
- addresses all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the academy's senior management team so that services can be improved.

Complaints Policy and Procedure

The Trustees have drawn up the following complaints procedure in the belief that it is important that parents and others are clear about the procedures to be followed in making a complaint and with the assurance that any complainant will be dealt with sympathetically and speedily.

The procedures are in line with advice given by the Department for Education (DfE).

There are *separate procedures* for the following areas that must be followed:

- 1 **Admission** to a school;
- 2 **Failure** to assess a child's special educational needs; and
- 3 **The Exclusion** of pupils.
- 4 **Freedom of Information / Data Protection complaints.**
- 5 **Matters likely to require child protection investigation.**

In the event that you wish to complain about one of the above areas, a copy of the procedures to be followed can be obtained from the SAST Website.

This policy applies to any matter (other than the areas outlined above) which has been raised with an academy by parents of pupils. Any complaint received from a person who is not a parent of a pupil at an academy within the Trust will receive a response from the CEO (or from the Chair of Trustees if the complaint is about the CEO) within 3 school weeks and that will conclude the process.

Step 1 - Informal discussions with teacher/tutor

Before making a complaint, we would suggest that you are clear about your concern and also that you discuss it with an appropriate member of staff.

The first point of contact for a specific concern should always be the appropriate teacher. If you are not sure who is most appropriate, explain your concern to your child's form tutor or class teacher, who will be able to suggest whom it is best to speak to. Please remember that all members of staff wish to help reassure you by listening to you and helping you meet with the most appropriate person.

Staff members capable of dealing with a concern are the relevant class or subject teacher, head of year, subject lead, pastoral lead or any member of school senior leadership including the headteacher. If the matter cannot be resolved immediately, the staff member will either investigate the concern themselves, or where appropriate, ask another staff member to investigate.

It is preferable if you can agree on a time and place to discuss your concerns in peace and quiet rather than at a time when the teacher concerned is possibly surrounded by other children and/or parents. This could be a telephone conversation at an agreed time.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. This stage of the procedure should, where possible, be completed within two school weeks.¹

It is a precondition to the operation of this policy that you shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the individual school's Behaviour Policy adopted from time to time. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to move on to any other step of this Complaints Procedure where this precondition has not been met.

Informal discussions with senior members of staff or the headteacher

If the matter is not resolved by discussing with a teacher/tutor, you may make an appointment to informally discuss the matter with the headteacher. The headteacher may ask another senior member of school staff to deal with the complaint if he or she thinks this is appropriate.

This step should, where possible, be completed within two school weeks.

Step 2 – Formal investigation by the headteacher

If, following your informal discussions, you wish an investigation to be undertaken by the school, you should put your concerns in writing to the headteacher. Complaints received outside of term time will be deemed to have been received on the first school day after the holiday period.

You should state the outcome which you feel would satisfy your complaint. The headteacher will undertake a full investigation which may require a further meeting with you or may require you to supply additional written information. A written reply will be sent to you following the investigation. This will, where possible, be completed within three school weeks.

The Education Director is to be informed of complaints received at this stage.

For complaints against headteachers, please note the process to follow is set out at the end of this policy.

Step 3– Formal Investigation by the Education Director/CEO

¹ A 'school week' is a period of 5 days when the school is in session.

If you are still dissatisfied with the outcome of the headteachers investigation, you may make a formal complaint to the education director/CEO. The education director/CEO will undertake a full investigation which may require a further interview with you or a request for additional written information. A written reply will be sent to you following the investigation. This will, where possible, be completed within three school weeks.

Step 4 – Formal investigation by the Academy Committee (AC)

If you remain dissatisfied, you may make a formal complaint to the Academy Committee (AC). This formal complaint must be lodged within 10 school days of you receiving the findings of Step 3. Any such formal complaint must be set out in writing and addressed to the Chair of the AC via the governance professional. The complaint should set out precisely why you are dissatisfied and indicate what, if any, steps should be taken to resolve the matter. The Chair of the AC will investigate or may nominate an academy committee representative (ACR) to do so, if appropriate. You may be invited to attend an interview by the investigating ACR in addition to any written submission you make.

Following the investigation by the ACR you will be sent a formal response informing you of the findings. This investigation will, where possible, be completed within three school weeks.

Step 5 – Formal: Panel Hearing

If the problem cannot be resolved by any of the previous steps, you may make a formal complaint to the Academy Trust. You should put the complaint in writing, addressed to the Chair of the Academy Trust via the governance professional clerk@sast.org.uk, setting out precisely why you are dissatisfied and what you consider should have been done.

A complaints panel will be established by the trust and will comprise of at least 3 people, with at least one panel member who is independent from the management and running of the school. None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint. This is the final stage of the complaint's procedure.

The school will be invited to put in writing its response to your complaint. The school will provide this within 15 school days. At the end of that period (whether or not the school has responded) the clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for you, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. All information relating to the complaint will be circulated where possible 5 school days before the meeting.

At any meeting, you will be entitled to be accompanied by a friend, but legal representation will not be allowed.

The meeting is not a court case, it will be held in private (although you are entitled to be accompanied at the meeting by, for example, a friend) and will be as informal as circumstances allow. You will have the opportunity to state your reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing.

The panel will, at the meeting, confirm or appoint one of its members to act as chair. The panel clerk will take minutes. The panel will hear first from the complainant, asking any questions it deems relevant and appropriate. The Panel will then hear from one or more appropriate members of school/SAST staff.

The panel (on the advice of the panel clerk) will be responsible for determining which members of school/SAST staff the panel will hear from. In selecting those members of staff, the panel will be mindful of the best practice guideline that requires this process be non-adversarial and SAST's desire that the process be focused on finding effective solutions and redress. The panel will consider parental requests for their child to attend the meeting, but the decision on whether this is appropriate and can be accommodated rests with the panel.

All parties present at the meeting will be given the opportunity to summarise their submissions before they leave.

The panel will consider the complaint and all the evidence presented and will formulate its response as quickly as reasonably possible, aiming to do so within three school weeks. They can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.

The panel may make findings and recommendations and a copy of those findings and recommendations will be:

- sent by electronic mail or otherwise given to you and, where relevant, the person complained about; and
- available for inspection on the school premises by the Academy Trust and the headteacher.

The Complaints Panel will proceed irrespective of whether you attend. If you do not confirm attendance or fail to attend on the day without compelling reasons, the Complaints Panel will still proceed, and your complaint will be heard in your absence. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

Step 6 - Appeal to the ESFA (Education and Skills Funding Agency) or Secretary of State for Education

If you are still dissatisfied of the outcome of the Trust hearing you can complain directly to the Department for Education – to the Schools Complaints Unit via this link:

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)

Or in writing to School Complaints Unit, Department for Education, 2nd Floor, Piccadilly Gate, Manchester M1 2WD

Points to note:

Complaints involving the CEO or headteacher.

If your complaint involves the CEO or a headteacher Step 1 and 2 is fulfilled by you having direct discussions with the CEO or the headteacher. Where it is not possible to resolve the complaint through such informal discussions, you should set out your formal complaint in writing and send it to the Chair of the Trust in the case of the CEO, or the Education Director in the case of the headteacher. Please ensure you send a copy of your complaint to the CEO or headteacher it relates to.

Where the complaint involves a headteacher it will be dealt with at Steps 3, 4 and 5 as necessary. Where the complaint involves the CEO, it will be dealt with at Step 3 (but the investigation carried out by the Trust Board) and if no resolution is achieved it will be dealt with at Step 5.

If your complaint could involve disciplinary action against a member of staff, the Trustees/ACR's should follow the trusts disciplinary procedures. If this situation arises, subject to the Trust's data protection obligations, the Chair of Trust/AC will inform you of the procedures to be followed. However, the complaint process will still be followed in respect of the complaint raised.

Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Trust or the CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

In addition, complaints with the following characteristics may be deemed to be vexatious:

- 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 this decision has been made on the basis of behaviour (bullet point 1) the Chair of Trust or the CEO will advise the complainant that the Trust will not deal with the matter further until such time as the complainant is able to advance the complaint in a courteous manner.

In all other cases, the Chair of Trustees or CEO may write to the complainant to inform him/her that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

Complaint Campaigns

Where the school/trust receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign' it will deal with the complaints in the following way individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants or a single response will be published on the school/trust's website at the discretion of the CEO/Chair of Trustees.

Where the complaint campaign involves complainants who are parents they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the CEO/Trust's response. The CEO/Trust will consider how best to manage panel hearings in such circumstances.

Anonymous Complaints

Whilst we respect the complainant's right to confidentiality, we will not consider anonymous complaints.

Time Limits

It is best if complaints are made quickly once any informal procedures have been exhausted. Save in exceptional circumstances at the absolute discretion of the Academy Trust no complaint will be considered if it is made more than eight school weeks after the event.

Record Keeping

During the informal stages, it is helpful if the member of staff records a brief note of what was discussed and agreed.

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at step 2, 3, 4 or whether it proceeded to a step 5 panel hearing. The action taken by the school or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

Correspondence, 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

Complaints Relating to Fulfilment of the Early Years Foundation Stage ("EYFS") Requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- i. The written concern/complaint will be acknowledged within **5** school days;
- ii. The headteacher will investigate the concern or complaint which may include meeting with the complainant and the head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within **28** school days of the complaint being received.
- iii. Where the complainant remains dissatisfied, the clerk will ensure that a formal Complaints Panel will be convened in accordance with Stage 5 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

APPENDICES:

- 1. The Complaint Form
- 2. Stage Process Flow Charts
- 3. Roles and Responsibilities checklist

Complaint Form

Please complete and return to the school or Trust office. Staff will acknowledge receipt and explain what action will be taken.

Your name:	Complaint Stage:
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address: Postcode: Day time telephone number: Evening telephone number: Email address:	

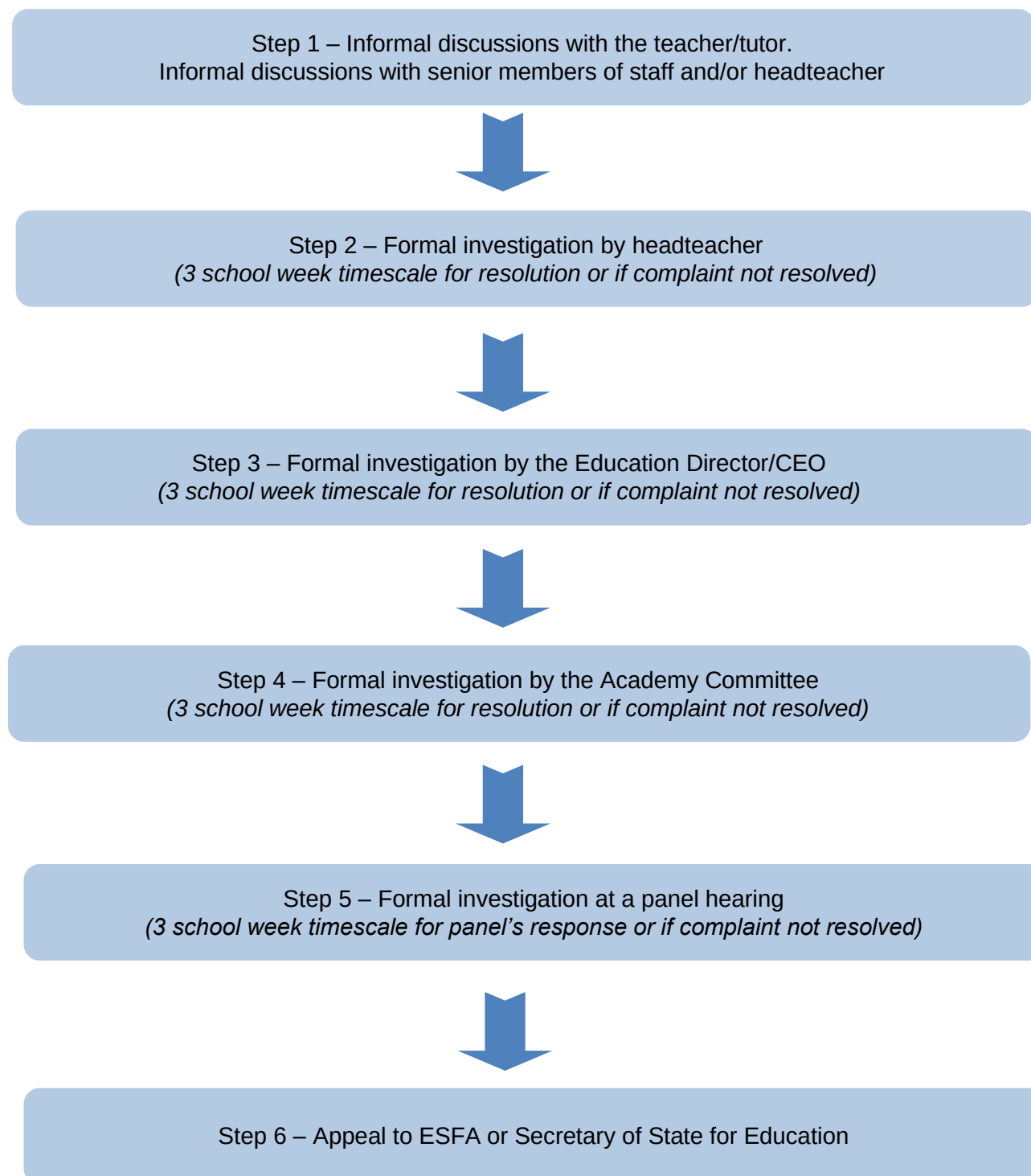
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature: Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:

FLOW CHART FOR THE PROCEDURE TO BE USED WHEN THE HEADTEACHER IS NOT THE SUBJECT OF THE COMPLAINT



FLOW CHART FOR THE PROCEDURE TO BE USED WHERE THE HEADTEACHER/CEO IS PART OF OR THE SUBJECT OF THE COMPLAINT

Step 1 – Informal discussions with headteacher/CEO
(2 school week timescale for resolution or if complaint not resolved)



Step 2 – Formal investigation by the Chair of Trust/Academy Committee
(3-4 school week timescale for resolution or if complaint not resolved)



Step 3 – Formal investigation at an AC /Trust panel hearing
(3 school week timescale for Panel's response or if complaint not resolved)



Step 4 – Appeal to ESFA or Secretary of State for Education

Roles and Responsibilities Checklist: Appendix [3] to SAST Complaints Policy & Procedure

Complainant must:

- Comply with the Complaints Policy, especially the timescales set out in that policy and the requirement to behave reasonably.
- Explain their complaint in full, as early as possible.
- Co-operate with the school/SAST in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings and ask for assistance where needed.
- Must not publicise the details of their complaint, including on social media, and must respect confidentiality.

A member of staff responding at Stage 2 must:

- Respond as soon as practicable, and where possible, within three school weeks of concern being received.
- Act fairly and objectively.
- Investigate the matter if necessary or delegate the investigation to an appropriate colleague.
- Respond to the complainant with proposed actions to resolve the concern, including if necessary, apologising/admitting matters should have been dealt with differently and providing senior school/SAST managers with information needed to improve services.
- Inform person raising concerns of right to bring a Stage 3 complaint if they are not satisfied, and signpost them to the Complaints Policy, noting the timescale for bringing a Stage 3 complaint.

A Stage 2/3/4 Responder (investigator) must:

- Respond as soon as practicable, and where possible, within three school weeks of the date of acknowledgement of the complaint.
- Meet (usually face-to-face) with the complainant, to go through the Complaint Form and to establish what has happened and who has been involved, understand why the matter was not resolved at previous stages (if applicable), and identify what remains unresolved and what outcomes the complainant might like.
- Consult with relevant SAST colleagues.
- Carry out a fair, impartial and full investigation or delegate the investigation to a suitably skilled and trained colleague or third party.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. This may include staff, children or any other person relevant to the complaint.
- Keep a written note (or arranging for an independent note taker) of the interviews and send these to the Complaint Co-ordinator to be kept on file.
- Analyse those interviews and any other information received.

A Stage 2/3/4 Complaint Co-ordinator must:

- Acknowledge receipt of the complaint within 5 school days.
- Act as the primary contact person for the complainant.
- Send the complaint to the correct Responder (investigator) as listed:
 - in the case of a **school-based complaint**, unless the complaint is about the headteacher, to the **headteacher**
 - in the case of a complaint about a **headteacher**, to the **education director/CEO** of SAST
 - in the case of a complaint about **any representative of an Academy Committee or the entire Academy Committee** (formerly governing body), to the **SAST Governance Professional**
 - in the case of a complaint about **the trust** and SAST's overall provision of services or about any **member of the SAST central services team** (for example, HR, finance, or IT), to the **CEO** of SAST
 - in the case of a complaint about **the CEO**, to the **Chair of Trustees** of SAST
 - in the case of a complaint about the **Chair of Trustees** of SAST, to the **Vice Chair of Trustees**
 - in the case of a complaint about the entire **Trust board** or the majority of the Trust board of SAST, to the **CEO**.
- Log and keep all documentation related to the complaint in a way consistent with confidentiality requirements.

A Stage 5 **Panel Clerk** must:

- Be the primary contact person for the complainant and be responsible for keeping the complainant informed of the process and proceedings.
- Log the complaint and keeping, in a way consistent with confidentiality requirements, all documents relating to the complaint.
- Write to the complainant, acknowledging receipt of the complaint **within 5 school days**.
- Inform the complainant that the Panel has been convened and propose a date for the Panel meeting **within 30 school days** of the receipt of the Stage 5 complaint.
- Propose an alternative date if the complainant cannot, with good reason, make the first proposed date.
- Inform the complainant of their right to be accompanied at the Panel meeting by someone, such as a friend or relative, to provide support.
- Convene a Panel of Academy Committee representatives of schools other than the one which is the subject of the complaint and ensure Panel members are impartial and have no conflicts of interest.
- Advise the Panel on which members of school/SAST staff the Panel will hear from.
- Advise the Panel on due process, this Complaints Policy, and ensure the meeting is run in accordance with principles of fairness, impartiality and rationality.
- Take minutes of the Panel meeting.
- Draft the Panel decision, for review and approval by the Panel.
- Send the Panel decision to the complainant, **within three school weeks** of the Panel meeting.

A Stage 5 **Panel member** (including the Panel chair) must:

- Carefully consider the evidence provided and decide if the Stage 2/3/4 investigation and actions were adequate and appropriate, or, if not, order further investigations/actions to be completed.
- Ensure the Panel meeting is run in accordance with principles of fairness, impartiality and rationality and recuse themselves if they have a conflict of interest.
- Hear first from the complainant, asking any questions it deems relevant and appropriate.
- Then hear from one or more members of school/SAST, which they have (on advice from the Panel Clerk) deemed the most appropriate person/people to hear from for the meeting to be non-adversarial and focused on finding effective solutions and redress.
- All parties present at the meeting will be given the opportunity to summarise their submissions before they leave.
- Remain to deliberate and reach a decision, supported by the Panel Clerk. The decision must decide on any areas of disputed fact and reach a decision on each aspect of the complaint.
- Where the complaint is partly or fully upheld, order remedy or redress to resolve the matter to the complainant's satisfaction.
- Agree the decision drafted by the Panel Clerk.