

Link Learning Trust Brookburn Primary School



Complaints Procedure

Adopted: 12th December 2019
Review date: December 2020

Introduction

The LINK Learning Trust is committed to having a clear, fair and efficient procedure for dealing with any complaints to or against any school within the Trust, so that any issues that arise can be dealt with as swiftly and effectively as possible. All schools within the trust are expected to follow this complaints procedure.

In our schools, all staff are dedicated to giving all pupils the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that the schools and parents/carers must work together in partnership to help pupils gain the most from their time in our schools.

All school staff will be made aware of our complaints procedures and are expected to be familiar with our process of dealing with complaints so that they can be of the most assistance when an issue is brought to our attention. The school expects ALL complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

This policy explains the procedure and the steps it outlines should be referred to and followed by all stakeholders whenever an issue arises that causes them concern.

As far as possible all concerns should be dealt with as informally as possible.

This policy does not apply to complaints about:

Admissions

Exclusions

Statutory assessments of Special Education Needs

Whistleblowing

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the 'designated person' responsible for child protection in the school and the headteacher should be informed immediately. The school may immediately refer the case to appropriate child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by the authorities will supersede those made by the school and outlined in this policy. For more information on LINK Learning Trust's provision for protecting our pupils in our schools, read the Safeguarding policy, which can be found on our website.

Anonymous complaints will not be examined under this policy.

When an issue or concern first arises

In the first instance the parent/carer should raise their concern with the class teacher or Assistant/Deputy head teacher. You may then be invited to an informal meeting

This procedure explains the process for parents/carers to follow if they have a concern or a complaint.

Appendix A of the complaints policy provides a flow chart of the Complaints process.

Appendix B provides details on '**How to raise concerns or make a complaint about the school**' **This appendix is a brief summary of our policy and outlines the steps a parent can take to resolve the matter.**

Appendix C This form is designed to support the process by providing additional information about the nature and context of the complaint that could assist the school in seeking a mutual resolution.

In order to investigate your complaint as fully as possible the Link Learning Trust has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

Resolving concerns informally

1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, usually the class teacher in the first instance, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened.

It can be helpful at this point to identify what sort of outcome the parent is looking for.

1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number. At this point the complaint will be referred to the leader responsible for each phase. S/he will check later to make sure the referral has been dealt with.

1.3. If the matter is brought to the attention of the head teacher s/he may decide to deal with the complaint. If the complaint is against the head teacher the parent will be advised to contact the chair of the governing body.

1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

1.6. Where no satisfactory solution has been found, and the complainant continues to have concerns, they may wish to consider a formal complaint in writing to the head teacher.

Complaints Procedure Stage 1: investigation by the Head Teacher

2.1 Complaints at this stage need to be recorded in writing. Complainants may also make their complaint verbally and can expect help to put their complaint in writing, should they require it.

2.2 The head teacher (or designated person) will acknowledge the complaint within *three working days* of receiving the written complaint. The acknowledgement will give an explanation of the school's complaints procedure *and a target date for providing a response to the complaint*. This should normally be within *ten working days*. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. *This should be within a maximum of 20*

working days unless it is a particularly complex issue.

- 2.3 The head teacher (or designated person) will provide an opportunity for the complainant to meet the head teacher/member of staff to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.4 If necessary the head teacher (or designated person) will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/carers present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case and the complaint may also be investigated as appropriate under the school's disciplinary procedure.
- 2.5 The head teacher (or designated person) will keep written records of meetings, telephone conversations and other documentation.
- 2.6 Once all the relevant facts have been established as far as possible, the head teacher (or designated person) will then produce a written response to the complainant, including an explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the chair of the academy council *within 20 working days of receiving the letter requesting an appeal. If no request for an appeal is received within 10 school days it will be deemed that the decision is accepted and the complaint will be closed.*
- 2.7 If the complaint is against the head teacher, or if the head teacher has been closely involved in the issue, the chair of the governing body will carry out all the Stage 1 procedures.

Stage 2: Review by the Academy Council – Appeal

- 3.1 If the outcome is unsatisfactory the complainant will be advised to complete the standard complaints form (Appendix C) and send it to the chair of the Academy Council. The chair of the Academy Council will then write to the complainant to acknowledge receipt of the written request for the chair to review the complaint.
- 3.2 The chair of the academy council may be able to resolve the problem informally, undertaking an independent investigation and meeting with each party involved in the complaint.
- 3.3 The chair of the academy council may feel it would be appropriate that an independent person is enlisted to investigate the complaint.
- 3.4 In the event the complainant is still dissatisfied with the outcome of the complaint the

chair of the Academy Council will write to the complainant to acknowledge receipt of the written request for the Academy Council to review the complaint.

- 3.5 The acknowledgement will explain that the complainant has the right to submit any further documents relevant to the complaint. These documents must be received in time to be sent to the panel members and the head teacher. A meeting of the Academy Council complaints committee will be convened which will consist of 3 or 5 members of the Academy Council plus a member of the panel who is independent of the management and the running of the school. No councillors with prior involvement in the issues complained about will be included on the panel. The head teacher will not sit on the panel.
- 3.6 The chair of the panel will ensure the panel hears the complaint within *20 working days of receiving the letter*.
- 3.7 The clerk will write and inform the complainant, head teacher, any relevant witnesses and members of the panel at least *seven* working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.8 The head teacher will be invited to attend the panel meeting. All attendees, including the complainant, should receive a set of the relevant documents, including the head teacher's report and the agenda, at least five working days prior to the meeting.
- 3.9 Submission of additional documents or requests for additional attendees will be at the discretion of the chair of the panel.
- 3.10 At the panel hearing:
 - The complainant will have the opportunity to present their complaint.
 - The head teacher will explain the school's position.
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the head teacher.
 - The head teacher will be given the opportunity to make a final statement to the panel.
 - The complainant will be given the opportunity to make a final statement to the panel.
 - The chair will ask the complainant if he or she feels they have had a fair hearing.

The chair of the panel has responsibility to ensure that the meeting is properly minuted.

Any witnesses will be called into the meeting at the appropriate time and then requested to leave after they have provided their witness statement.

- 3.11 The chair of the panel will explain to the complainant and head teacher that the

panel will consider its decision and that a written decision will be sent to both parties within *five working days*. The complainant and head teacher will then leave the meeting.

3.12 The panel will then consider the complaint and all the evidence presented and:

- agree a decision on the complaint;
- decide upon the appropriate action to be taken to resolve the complaint
- where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

3.13 A written statement clearly setting out the decision of the panel must be sent to the complainant and head teacher. The letter to the complainant should also advise how to take the complaint further in the event they should wish to do so.

3.14 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 3 The Trust Board – review of appeal

4.1 In the event the complainant is still dissatisfied with the outcome of the complaint appeal, they may request a review of the outcome by the Multi Academy Trust Board. To do this they must complete their appeal in writing, with details of their original complaint and details of why they are not satisfied with the outcome. This should be sent to the Chair of the Trust Board.

4.2 The Trust board will convene a panel to review the information submitted by the complainant and the documents relating to how the complaint has been dealt with by the school and Academy Council. The panel will write to the complainant and the chair of the Academy Trust with the outcome of the appeal and any further information for the complainant in the event that they are still not satisfied.

4.3 The panel's decision is final

Failure to follow the Complaints Policy

In the event that you feel this policy has not been followed, or that the school is breaching its funding agreement or any other legal obligation, a complaint can be raised with the Education Schools Funding Agency, or you may wish to contact the Secretary of State for Education.

ESFA – <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Secretary of State - More information is available at www.education.gov.uk/schoolcomplaints for both maintained schools and academies.

Unreasonable Complaints:

The LINK Learning Trust is committed to dealing with all complaints fairly and impartially, and to

providing a high quality service to those who complain. We will not normally limit the contact

complainants have with the school. However, we do not expect our staff to tolerate unacceptable

behaviour and will take action to protect staff from that behaviour, including that which is abusive,

offensive, aggressive or threatening.

The Trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

A complaint may be regarded as unreasonable when the person making the complaint: -

- 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 complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department of Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by e mail and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone, in writing or electronically: -

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information; publishing unacceptable information in a variety of media such as social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, e mail or text) as it could delay the outcome being reached.

Whenever possible, the chair of the Academy Council of the school will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. Where further correspondence is received on the same matter, the school will be under no obligation to respond to that correspondence.

For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed in 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

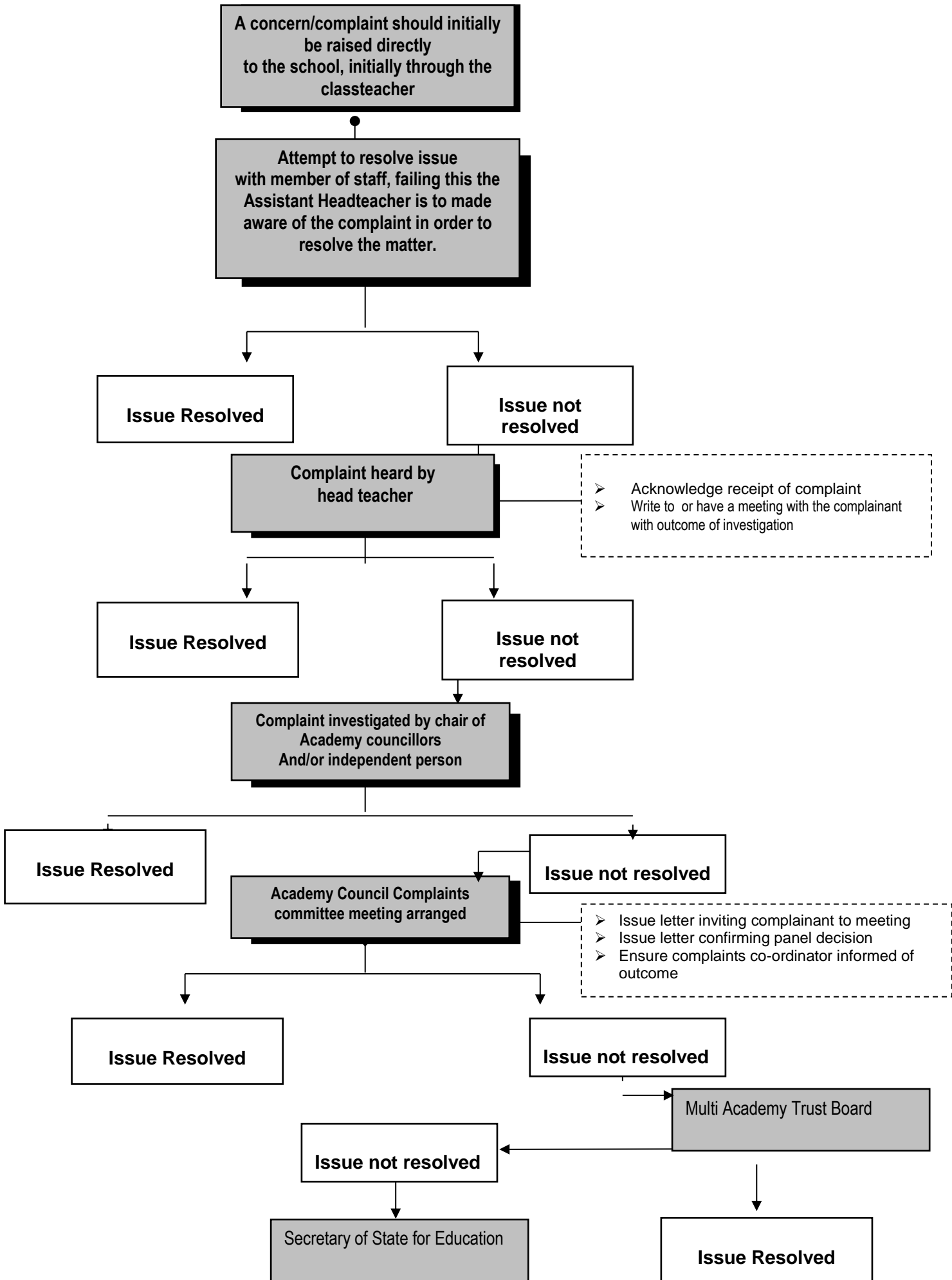
Appendices –

Flowchart of complaints – Appendix A

How to raise concerns or make a complaint about the school - Appendix B

Complaint form – Appendix C

Appendix A: Flowchart of Complaints (refer to the full policy for detailed guidance)



If you have a Concern or Complaint

We would like you to tell us about it. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first – Informal raising of your concern.

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. Any teacher or member of the administrative staff can put you in contact with the right member of staff. The Deputy Headteacher can also become involved at this stage.

If you have a complaint that you feel should be looked at by the head teacher in the first instance you can contact he/she straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next - Formal stage 1

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

You may find it helpful at this stage to have a copy of the full statement or the school's complaints procedure as this explains in details what processes are followed. *This is available from the school office and on the school website.*

If your complaint is about an action of the head teacher personally, then you should refer it to the chair of the Academy Council. Contact details can be obtained from the school office.

The head teacher will ask to meet you to discuss the problem. You may bring a friend or someone else for support. The head teacher will arrange a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy – Formal Stage 2

Most complaints are resolved at this stage. However, if you are still not satisfied you may wish to contact the chair of the Academy Council to ask for an investigation by the chair of the Academy Council or a referral of your complaint to an Academy Councils' complaints committee. At this stage you must include a completed complaints form (Appendix C) so that the Academy Council chair or Committee can best understand what outcome you are seeking and the steps you have taken so far to resolve the issue

It will then be heard by a group of three or five councillors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the head teacher will also attend. The complaints procedure sets out in more detail how these meetings operate.

Further Action – Formal Stage 3

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Multi Academy Trust Board.

Referral to the Secretary of State – Final stage 4

In the extremely unlikely event that a complaint is still not resolved following referral to the Trust Board, the can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school councilors first. There is more detail in the full complaints procedure, on the school’s website or on the Department for Education website (www.education.gov.uk/schoolcomplaints).

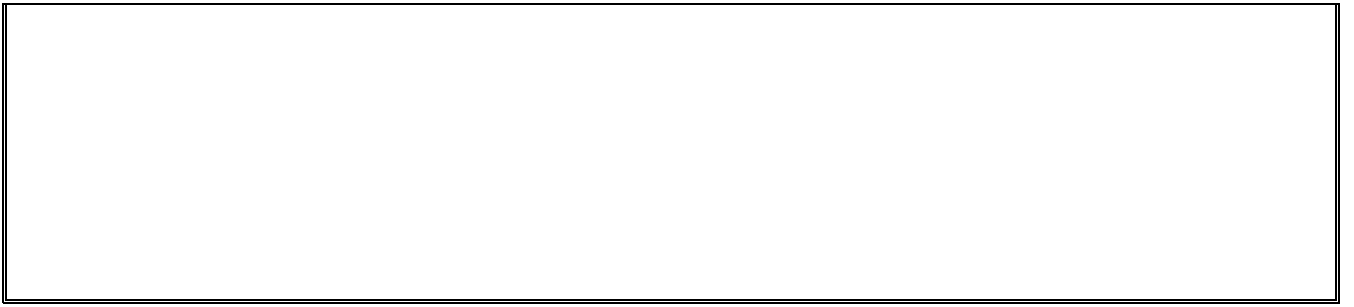
Appendix C

LINK LEARNING TRUST

COMPLAINT FORM

Please complete and return to the school office, marked ‘CONFIDENTIAL’ for the attention of the Head Teacher/Chair of Academy Council

Your name:
Pupil’s name:
Your relationship to the pupil:
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)



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:

Date: