



Policy: Complaints

Member of Staff Responsible

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RED KITE LEARNING TRUST

Complaints Procedure

Red Kite Learning Trust (RKLТ) is committed to ensuring that all students are provided with a first class educational experience and that each school works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

Principles

The relevant school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

NB: This policy relates to complaints about the educational administration of a school and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with a school.

Statutory obligations

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.
- If the process results in an appeal to the School Council (see below), this procedure is statutory.

Dealing with complaints

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep appropriate notes of any interview(s) held.

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)

- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school or Trust procedures in light of the complaint.

Records

All complaints will be recorded by the school, including informal complaints. The Headteacher/principal is responsible for ensuring that staff record all formal complaints and their outcome.

- Records relating to individual complaints are confidential, except where the secretary of state or a statutory body conducting an inspection requests access to them.
- The school Council will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

RKLT Schools and Academies

The officer with responsibility for ensuring that this policy is implemented in the RKLT is the Chief Executive Officer (CEO) at RKLT. Complainants should be aware that Headteachers/principals may refer complaints received to the CEO at RKLT because they consider the matter is one of such a nature that it should be investigated independently of the school. Likewise, complaints may be retrieved and dealt with by RKLT for the same reason. Where a complaint is made direct to RKLT, it will be logged by the CEO and forwarded to the school concerned unless it is retrieved as stated above.

Complaints procedure

This policy applies to all employees of the Trust (permanent, fixed term and casual).

Dealing with Complaints – Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy which follows 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 procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, Form Tutor, Year Manager or Line Manager will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints about SEND Provision

Any concerns or complaints about SEND provision by parents or carers should be initially raised informally, whether by e-mail, letter or a telephone call with the school's SENDCo. The SENDCo will investigate and report back within a week.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by completing the Appendix 1.

Dealing with Complaints – Formal Procedures

The formal procedures 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.

Framework of Principles

Our Complaints 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 School's senior management team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;

- keeps notes of the interview;
- Interviews should be recorded using the template at Appendix 3 and signed and dated by the individual as soon as they have been typed up.

Resolving Complaints

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review School policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

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 Chairman of the Local Governing Body (LGB) or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The school will publicise the complaints policy and procedure in:

- the information given to new parents when their children join the school;
- any home-school agreement;
- the school website.

RKLT Complaints Procedure

Stage One: Complaint Heard by Senior Member of Staff

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The school will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular Senior Leader. In these cases the Headteacher/Principal will decide whether it is appropriate to ask another appropriate colleague to deal with the complaint. Where the complaint concerns the Headteacher/Principal, the complainant should be referred to the Chief Executive or Chair of the LGB.
 - We will seek to put right any matter which may have gone wrong
 - Review our systems and procedures in the light of the relevant circumstances
 - NB: complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy.
 - Only complaints received in writing (preferably using the Complaints form) will be considered.
 - Anonymous complaints will not be considered.
 - Complaints must be made within 3 months of the event. Complaints after this period will not be considered.
 - A delegated Senior Leader will investigate the complaint.
4. Similarly, if the Senior Teacher directly involved feels too compromised to deal with a complaint, the Deputy Headteacher or Headteacher may consider referring the complainant to another Senior colleague. The ability to consider the complaint objectively and impartially is crucial.
5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate Headteacher/Principal, LGB Chair or the CEO. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
6. The person dealing with the complaint will ensure that a written acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the Trust's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.
7. The Senior Leader will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

8. Once all of the facts have been established the Senior Leader will then produce a written response to the complainant, and also may wish to meet the complainant to discuss/resolve the matter directly.
9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.
10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - The concern was not substantiated by the evidence
 - The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
 - The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)
11. This letter or report must be endorsed by the Headteacher/Principal. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher/Principal within 10 working days of receiving the response.
12. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

Stage Two: Complaint Heard by Headteacher/Principal

13. If the complainant is dissatisfied with the way the complaint was handled at stage one they may go to Stage 2 and have the Headteacher/Principal hear the complaint. The Headteacher/Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Headteacher/Principal then at Stage 2 the complaint will be heard by either the Chief Executive or the Chair of the LGB.

14. The same timings as in Stage 1 will apply.

Stage Three: Complaint Heard by LGB Complaints Panel

15. The complainant needs to write to the Chair of the LGB as directed by the Headteacher/Principal giving details of the complaint.

16. The Chair of the LGB (or delegated Officer) should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

17. No person involved should have previous involvement in the complaint.

18. The LGB hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

19. Individual complaints would not be heard by the whole Local Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

20. The LGB may nominate a number of members with to hear complaints at this stage, but the panel will usually have 3 or 5 members.

Complaints Panel Composition

- At least three people who were not directly involved in the matters detailed in the complaint and
- At least one panel member who is independent of the management and running of the school
- At Least one panel member who is independent of the Governing Body

21. The Chairman of the LGB will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and may consist of three or five Governors. In this case the panel may choose their own Chairman.

22. If the complaint is about the Headteacher/Principal a hearing by the CEO of the LGB becomes Stage Two. If the complainant is unhappy he/she needs to write to the CEO whereupon a panel of three to five governors (not previously involved and one of whom is independent of the running and management of the School) will hear the complaint.

The Remit of the Complaints Panel

23. 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.

24. There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b. The aim of the hearing, 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 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.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chairman will ensure that the proceedings are as welcoming as possible.

25. The school will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher/Principal has the right to bring representation if so desired.

26. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a) The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chairman of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The Headteacher/Principal will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.
- e) The Chairman of the panel will invite the Headteacher/Principal to make a statement in response to the complaint. At the discretion of the Chairman of the panel the Headteacher/Principal may invite members of staff directly involved in the complaint to supplement his/her response.

- f) The Committee members may question the Headteacher/Principal and/or members of staff about the response to the complaint.
- g) The Chairman of the panel will allow the complainant to question the Headteacher/Principal and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.
- i) The Committee, the Headteacher/Principal and the complainant have the right to question any such witness.
- j) The Headteacher/Principal will be invited by the Chairman of the panel to make a final statement.
- k) The complainant will be invited by the Chairman of the panel to make a final statement.
- l) The Chairman of the panel will explain to the complainant and the Headteacher/Principal that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chairman of the panel will then ask all parties to leave except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and;
 - i. Reach a decision on the complaint and the reasons for it.
 - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n) The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

Stage Four

Where all attempts to resolve the complaint at stages 1-3 have failed and the claimant remains dissatisfied with the response the complainant may be referred to the Trust Complaints Appeal Committee.

This committee is formed from Trust members who carry the legal responsibility for all the schools in the Trust and are directly accountable to the Members and the Secretary of State. Circumstances when the Trust Appeals Committee would be convened:

1. When a complaint is received regarding the CEO.
2. When a complaint has been dealt with at Stage 3 (LGB Complaints Panel) and a complainant can demonstrate that the Panel has:
 - a) Not acted independently
 - b) Not considered all the evidence presented
 - c) Failed to act within the terms of reference set out in this policy

The Chair of the Trust, supported by expert legal advice, when necessary, will decide if it is appropriate for an appeal to be heard.

The Trust Complaints Appeal Panel (TCAP) will follow the guidance on protocols as laid down for the LGB Complaints Panel and be convened within 20 days of a qualifying appeal being received.

Stage Five

If the complainant is still not satisfied they have the right to refer their complaints to the ESFA (Education and Skills Funding Agency).

Roles and Responsibilities

The Role of the CEO

The person in charge of co-ordinating the complaints procedure at the school is the Headteacher/principal. Overall responsibility is retained by RKL through the CEO. The role of governors arises only in respect of complaints where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Clerk to the Governors/Trustees is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk to the Governors/Trustees may delegate elements of this role to relevant officers, but retains the responsibility of ensure that all of the above is completed in line with this policy.

The Role of the Chairman of the Panel

The Chairman of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Students may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher/Principal may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Principal is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Headteacher/Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint. The Headteacher/Principal is then invited to sum up the School's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chairman explains that both parties will hear from the panel within a set timescale.

Complaint Form

Please complete and return to (Headteacher/Principal) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the Student:
Address: Postcode: Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to 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:

Complaints Procedure Flowchart**Stage 1**

- Complaint form completed and sent to the School
- Investigation and response by Senior Leader
- Within 5 working days the School will acknowledge the complaint
- Within 10 working days the school will investigate and respond in writing

Stage 2

- Complainant writes to the Headteacher/Principal if they remain unhappy
- Investigation and response by Headteacher/Principal
- Within 5 working days the Headteacher/Principal will acknowledge the complaint
- Within 10 working days the Headteacher/Principal will investigate and respond in writing

Stage 3

- Complainant writes to the Chair of the LGB if they remain unhappy
- Within 5 working days the complaint will be acknowledged
- Within 15 working days the date and time of an LGB Complaints Panel hearing will be notified to the complainant
- Within 20 days the Governors Appeal Hearing will be held

Stage 4

- Complainant writes to Trust CEO or Chair to request that their complaint is referred to the Trust Complaints Appeal Panel
- Within 10 working days the Chair considers whether the complaint meets the requests to be taken to appeal and communicates the decision to complainant
- Within 20 working days the Trust Appeal Hearing is held

Stage 5

- The complainant may refer their complaint to the Education and Skills Funding Agency if they remain unhappy

Investigation Interview/evidence Template (for use in Complaints Procedure)

Date of Interview:
Present <i>(give name and job title):</i>
<i>Insert content of interview/evidence, ensuring to record both the question asked and the answer provided, where relevant.</i>
I, <i>insert name</i> , confirm that these notes are an accurate record of the interview/evidence collected held on <i>insert date</i> .
Signed:
Dated:

Letter Template – acknowledgement of Complaint

Dear _____

I acknowledge receipt of your formal complaint received on _____. All schools in the RKL
take complaints very seriously and see them as an opportunity to improve our service, where possible.
I am sorry you have not been able to resolve your complaint informally but I am now happy to provide
you with a copy of our Complaints Policy which is also available on the RKL website. We aim to
provide you with a written response within 10 working days, if we cannot meet that target we will write
to you again within the next 10 days to explain the reason for any delay and provide a revised date.

I will be handling your complaint on behalf of the school but I can assure you that my response will be
checked and endorsed by the Headteacher before being issued to you.

I do hope we can work together to resolve your complaint in the best interests of all concerned.

Yours sincerely

Signed _____

Name _____

Job Title _____

Contact details _____
