



CORINIUM  
EDUCATION  
TRUST

**Policy: Complaints Policy and Procedure**

**Policy reference no:** 001

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**Person responsible for policy:** Chiquita Henson, Chief Executive

**Authorised by:** Board of Trustees

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**1. Introduction**

- 1.1. It is in everyone's interest that complaints about any aspect of the provision for children and young people within The Corinium Education Trust are resolved at the earliest possible stage. Therefore, each school within the Trust is responsible for managing its own complaints procedures in line with those agreed by the Trustees and statutory guidance.
- 1.2. The Corinum Education Trust is governed by a Board of Trustees who are responsible for, and oversee, the management and administration of schools within the Trust.
- 1.3. Each school within The Corinium Education Trust has a Local Governing Body, including elected parent members. The Local Governing Body has delegated responsibility for matters such as the implementation of these procedures for managing complaints.
- 1.4. Section 29 of the Education Act 2002 requires the governing body of a maintained school or academy in England to:
  - establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - publicise the procedures so established.

By establishing and publicising the procedures above and in accordance with 'Part 7 of the Education (Independent School Standards) Regulations 2014' (the regulations), the Trustees will review The Corinium Education Trust's practice in response to any guidance given from time to time by the Secretary of State. This procedure follows the advice provided in the 'School Complaints Toolkit 2014', August 2014, and further DFE guidance: 'Creating an academy complaints procedure', updated 27 January 2015. This policy is based on Cirencester Deer Park School's Complaints Policy and Procedures which was checked for compliance and approved by the ESFA in May 2018.

- 1.5. The Trustees recognise the experience of the first contact between the complainant and a school within The Corinium Education Trust is crucial in determining whether the complaint will escalate to the Chief Executive or Trust Board. We are therefore very clear about the

procedures schools within The Corinium Education Trust will apply when a complaint is received.

1.6. Within our procedure we differentiate between a concern and a complaint. The following procedures have been put in place to deal with concerns and formal complaints.

1.7. **Appendix 1** Sharing your concerns about your child's education (A guide for parents and carers) can be used as a guide for parents/carers on how to deal with complaint.

## 2. Aims

2.1. Our complaints' procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to a school's leadership team and The Corinium Education Trust's CEO and Trustees so that services can be improved.

2.2 At each stage in the procedure the individual school will aim to investigate the issues raised fully to ensure that we can:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- 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;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

2.3 At each stage in the procedure the individual school will consider how an issue might be resolved. The complainant will be encouraged to state what actions he/she feels might resolve the problem. The school will aim to identify areas of agreement and clarify any misunderstandings. In resolving issues, it may be appropriate to offer one or more of the following:

- an acknowledgement the complaint is valid;
- 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 and/or those of The Corinium Education Trust in light of the complaint.

### **3. Concerns**

- 3.1. In the majority of instances where a concern has been raised (with a member of staff) the individual school will aim to resolve the issue to the satisfaction of all parties involved without the need for formal procedures. The concern may be conveyed orally or in writing either as an email or letter.
- 3.2. From parents or pupils: in the first instance, for example, parents should raise any concern related to their son's or daughter's well-being with the member of staff responsible for his or her care. In our primary schools this may be his or her class teacher and, in our secondary school, his or her tutor. If the concern is related to his or her learning and progress the class teacher or tutor will refer this to the most relevant person such as the subject coordinator (primary) or Head of Faculty (secondary).
- 3.3. From staff: in the first instance, members of staff should refer a concern to the relevant line manager or team leader.
- 3.4. From members of the public: concerns from members of the public should be raised with the individual school's reception and this will then be directed according to the nature of the concern.
- 3.5. Staff within The Corinium Education Trust aim to acknowledge and, where possible, respond to all concerns within 48 hours. However, we recognise some will require further investigation and these will be resolved as quickly as possible.
- 3.6. When a concern is addressed to the Headteacher of an individual school within The Corinium Education Trust, she/he will determine how best to respond and may delegate responsibility for responding to another member of staff.
- 3.7. When concerns are resolved, the outcome is usually confirmed in writing.

### **4. Complaints**

- 4.1. The Corinium Education Trust defines a complaint as a written expression of dissatisfaction or disquiet or a concern which it has not been able to resolve to the satisfaction of the person who raised it originally.
- 4.2. When initial attempts to resolve a concern have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further, formal procedures will need to be invoked. Our complaints' procedure has four stages:
  - Stage 1 (informal): Complaint heard by the relevant school's designated School Complaints' Co-ordinator;
  - Stage 2 (formal): Complaint heard by the individual school's Headteacher;
  - Stage 3 (formal): Complaint heard by the individual school's Chair of the Local Governing Body;
  - Stage 4 (formal): Complaint heard by The Corinium Education Trust's Complaints' Appeal Panel.
- 4.3. An unsatisfied complainant can always take the complaint to the next stage.
- 4.4. A complaint that involves a member of staff and the physical or sexual abuse of children will be dealt with through our staff disciplinary procedures\*.

## **5. Stage 1 Complaint heard by an individual school's School Complaints' Co-ordinator**

- 5.1. All formal complaints should be addressed to the individual school's Headteacher in writing. A complaint form is available and, for consistency and record keeping, the complainant should be encouraged to complete the form should they choose to pursue a complaint initially made in person, by telephone or by email, although this is not a requirement.
- 5.2. At Stage 1 the individual school's Headteacher will refer the complaint to the relevant designated School Complaints' Co-ordinator whose role is to:
  - Clarify the nature of the complaint and what remains unresolved;
  - Establish what has happened so far, and who has been involved;
  - Meet with the complainant or contact them (if unsure or further information is necessary);
  - Clarify what the complainant feels would put things right;
  - Explain the complaints procedure and provide a copy for the complainant;
  - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - Keep notes of the interview(s);
  - Reply to the complainant;
  - Send a record of the complaint to the complainant and to the individual school's Headteacher.
- 5.3. In most circumstances this process should take no longer than 10 working days from receipt of the complaint. However, where further investigations are necessary, new time limits may be set and the complainant will be sent details of the new deadline and an explanation for the delay.
- 5.4. If the first approach is made to a member of an individual school's Local Governing Body or a Trustee of The Corinium Education Trust, the next step should be to refer the complainant to the appropriate person and advise them about the procedure. Members of Local Governing Bodies and Trustees should not act on individual complaints outside the formal procedure or be involved in the early stages in case they are required to sit on a panel at a later stage.
- 5.5. If the complaint concerns the individual school's Headteacher, the School Complaints' Co-ordinator should refer the complainant to the Chair of the Local Governing Body.
- 5.6. If the complaint concerns the Chair of the Local Governing Body or any individual member of this group it should be made in writing to the Chief Executive.
- 5.7. If the complaint concerns the Chief Executive of The Corinium Education Trust, the complaint will be referred to the Chair of the Trustees.
- 5.8. If the complaint concerns the Chair of the Trustees of The Corinium Education Trust or any other Trustee it should be made in writing to the Clerk to the Trustees who will then direct it to the most appropriate person depending on the nature of the concern.

## **6. Stage 2 Complaint heard by the individual school's Headteacher**

- 6.1. In the event that the complainant is dissatisfied with the way the complaint was handled or the outcome of the Stage 1 procedure, the issue should be referred to the individual school's Headteacher who:
  - will review the action taken by the individual school's School Complaints' Co-ordinator and repeat any stage which he/she feels is appropriate;

- may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

6.2. This process should be completed within 10 days of the complaint being referred to the individual school's Headteacher and the Headteacher should write to the complainant notifying them of the outcome and the next stage of the complaints' procedure.

## **7. Stage 3 Complaint heard by the individual school's Chair of the Local Governing Body**

7.1. If the complainant is not satisfied with the response of the individual school's Headteacher or the complaint is about the individual school's Headteacher, the complainant should write to the Chair of the individual school's Local Governing Body to request that their complaint is considered further.

7.2. The individual school's Chair of the Local Governing Body will:

- review the actions taken by the individual school's School Complaints' Co-ordinator and Headteacher and repeat any stage which he/she feels is appropriate;
- may delegate the task of collating the information to the Clerk to the Local Governing Body or another member of this group but not the decision on the action to be taken.

7.3. This process should be completed within 10 days of the complaint being referred to the individual school's Chair of the Local Governing Body. The Chair of the Local Governing Body will write to the complainant notifying them of the outcome and the next stage of the complaints' procedure.

## **8. Stage 4 Complaint heard by The Corinium Education Trust's Complaints Appeal Panel**

8.1. If the complainant continues to be dissatisfied with the outcome following the previous three stages, he/she should write to The Corinium Education Trust's Chair of Trustees giving details of the complaint about an individual school and the reason why he/she is of the opinion that the previous outcome was flawed. The Chair of Trustees, or nominated trustee, will then convene The Corinium Education Trust's Complaints Appeal Panel.

8.2. The Corinium Education Trust's Complaints Appeal Panel is the last school-based stage of the complaints' process. The Corinium Education Trust's Complaints Appeal Panel will be made up of 3 members representing the Trustees drawn from a list of 5 trustees and members of other Local Governing Bodies of schools within The Corinium Education Trust, and one additional member who will be independent of the management and running of the individual school and The Corinium Education Trust.

8.3. Individual complaints will not be heard by the whole Board of Trustees at any stage, as this will compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

8.4. The complainant will be allowed to attend and be accompanied at the panel hearing if they wish.

8.5. The panel will:

- Determine whether the complaint should be dismissed in whole or in part;
- Determine whether the complaint should be upheld in whole or in part;
- Determine whether the appropriate action has been taken in response to the complaint;
- Make any appropriate recommendations regarding complaint handling and any action to be taken in response to the complaint;

- Recommend changes to the individual school's or The Corinium Education Trust's systems or procedures to ensure that problems of a similar nature do not recur.

8.6. The Corinium Education Trust's Clerk to the Board of Trustees will:

- Set the date, time and venue for a hearing, ensuring 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 meeting;
- Record the proceedings;
- Notify all parties of the panel's decision;
- Share copies of the panel meeting minutes with all parties involved in the panel hearing and provide a reasonable opportunity for the minutes to be agreed and if necessary challenged.

8.7. The Corinium Education Trust's Chair of Trustees or the nominated Trustee will:

- Check that the correct procedure has been followed;
- Notify the clerk to arrange a panel if a hearing is requested.

8.8. The Chair of The Corinium Education Trust's Complaints' Appeal Panel will ensure:

- 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 a vested interest in the outcome of the proceedings or 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.
- If a new issue arises, all parties are given the opportunity and time to consider and comment on it.

8.9. This stage of the procedure will take longer than the previous stages because of the need to convene a meeting of The Corinium Education Trust's Complaints Appeal Panel and is therefore subject to the availability of all of its members.

8.10. We will aim to complete the process from receipt of the complaint to notification of result as quickly as possible. We will try to complete it within a maximum of four working weeks.

## **9. Unresolved complaints**

9.1. Across The Corinium Education Trust we will make our best endeavours to resolve any complaint. However, we recognise that there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. The complainant can refer the matter externally to the Local Authority or Department for Education or other appropriate authority.

9.2. The final stage of the appeal is to the Secretary of State for Education. Complainants wishing to take their complaint to this stage should write to The School Complaints Unit (SCU) at Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD.

- 9.3. The School Complaints Unit will examine if the The Corinium Education Trust's complaints procedure and other policies were followed in accordance with the provisions set out and check if they adhere to education legislation. However, the School Complaints Unit will not investigate the substance of the complaint.
- 9.4. If the complaint becomes protracted and the complainant remains dissatisfied and tries to re-open the same issue with the school, The Corinium Education Trust's Chair of Trustees will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, the correspondence may be recognised as vexatious and there will be no obligation on the part of the individual school or The Corinium Education Trust to respond. If the complaint raises an entirely new, separate complaint, it will be treated in accordance with our complaints' procedure as such.

## **10. Monitoring and evaluation**

- 10.1. The Headteachers of individual schools will record the number of formal complaints and advise the Chief Executive. The Chief Executive will monitor procedures and produce reports for The Corinium Education Trust's Board of Trustees. Complaints information shared with the Board of Trustees, will not name individuals in case an appeals panel is required.
- 10.2. The Corinium Education Trust's Board of Trustees will review our School Complaints' Procedure annually. The Board of Trustees will take account of any new guidance or legislative changes introduced by the Department of Education and will advise individual school headteachers and Local Governing Bodies accordingly.
- 10.3. The governing body will review the outcomes on a regular basis to:
- evaluate the school's performance;
  - ensure the effectiveness of our complaints' procedure;
  - identify underlying issues that need to be addressed;
  - make changes where necessary.

## **11. Policy for unreasonable complainants**

- 11.1. The Corinium Education 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 our individual schools. 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 or threatening.
- 11.2. The Corinium Education 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*'.
- 11.3. 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 for Education;
- seeks an unrealistic outcome;
- makes excessive demands on an individual school's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

11.4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or 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 in social media websites and newspapers.

11.5. 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, email or text) as it could delay the outcome being reached.

11.6. Whenever possible, the individual school's headteacher or Chair of the Local Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

11.7. If the behaviour continues the situation will be escalated to the Chief Executive of The Corinium Education Trust and/or the Chair of the Trustees who will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

11.8. For complainants who excessively contact the School causing a significant level of disruption, The Corinium Education Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

11.9. 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 the school site.

## **Appendix 1: Sharing your concerns about your child's education (A guide for parents and carers)**

The Corinium Education Trust recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

### **Should I complain to my child's individual school, The Corinium Education Trust or the Local Authority?**

If you are concerned about any aspect of your child's education, you should contact the individual school. If you are concerned about the actions or inactions of the Local Governing Body you should contact the Clerk to the Local Governing Body. If you are concerned about the actions or inactions of The Corinium Education Trust you should contact the Clerk to the Board of Trustees. If you are concerned about a service that the LA provides directly, then you need to contact the LA. In Gloucestershire, the Local Authority (LA) is Gloucestershire County Council.

### **When should I complain to my child's school?**

The individual school's Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation, so you should contact the individual school if you are concerned about a general issue such as:

- your child's academic progress;
- special education needs provision;
- your child's welfare;
- bullying;
- something that has happened in school;

or about wider issues, such as:

- the overall running of the school;
- a school policy;
- the management of the school budget;
- the use of school facilities;
- services delivered by the school such as childcare.

### **How do I complain to my child's school?**

The individual school will always want you to speak to a relevant member of staff as soon as you have a concern. If you are unsure who to talk to at this stage please contact your child's class teacher/tutor/year leader or the Headteacher's PA.

An informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved through this route, then it is important to ask the school for their complaints procedure (also available on the individual school's and The Corinium Education Trust's website). This explains what you should do next. The school will use the following process and will advise you:

- to speak to or write to the Headteacher who will look into your concern
- to write to the Chair of the Local Governing Body if you are unhappy with the Headteacher's response or if the matter concerns a member of the Local Governing Body.

Our Complaints Procedures also offer an appeal to the Corinium Education Trust's Complaints Appeal Panel. This panel consists of three members and one additional member who will be independent of the management and running of the individual school and The Corinium Education

Trust, who have no prior knowledge of your complaint and will consider written and verbal submissions from you and the headteacher of the school concerned.

### **Can I take my complaint further?**

For most complaints, you cannot take your appeal further than The Corinium Education Trust's Board of Trustees. The LA cannot investigate school matters on a parent's behalf nor can it review how the individual school has dealt with your complaint. Please read below about matters that you can complain to the LA about.

If you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Chair of The Corinium Education Trust. Further to this you are also able to write to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

### **When can I complain to the Local Authority?**

The Local Authority is responsible for providing a range of services to pupils and their parents or carers such as:

- statutory assessments for special education needs (SEN)
- a parent partnership service for parents of children with SEN
- assessments, support and advice by the educational psychology, education welfare and behaviour support services
- education other than at school, for pupils unable to attend school
- admission and transfer arrangements
- countywide planning of school places

In some cases, parents may have a legal right of appeal to an independent tribunal or panel. These cases include special educational needs assessments, admissions and exclusions. Staff in the relevant service will explain these procedures to you. In other cases, the Local Authority has its own complaints procedure.

### **How do I complain to the Local Authority?**

If you are concerned about one of the Local Authority services, please ask your child's school who the appropriate member of Local Authority staff should be contacted as soon as possible. Most concerns are successfully and quickly resolved like this.

However, if you are unhappy with the response, you should ask for a copy of the individual service's own complaints procedures or the Local Authority's procedure.

The Local Authority's procedure for investigating and responding to complaints is available as a fact sheet, "Comments, Suggestions and Complaints", which includes a complaints form. Leaflets are available from County Council information centres and local education offices.