



**South East Cornwall Multi Academy Regional Trust**

# Complaints Policy

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## Introduction

In all SMART schools we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong.

This policy explains what should be done, should such a situation arise. As with all our policies and procedures this is reviewed regularly including to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

## Who can make a complaint

The majority of issues raised by parents, the community or students, are compliments and concerns rather than complaints. We are committed to taking every opportunity to praise staff and recognise their contribution when we receive compliments. This is done through public events, staff briefing and email.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Malicious complaints may incur appropriate action by the school. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures; such an investigation will remain confidential.

## The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

## Timescales

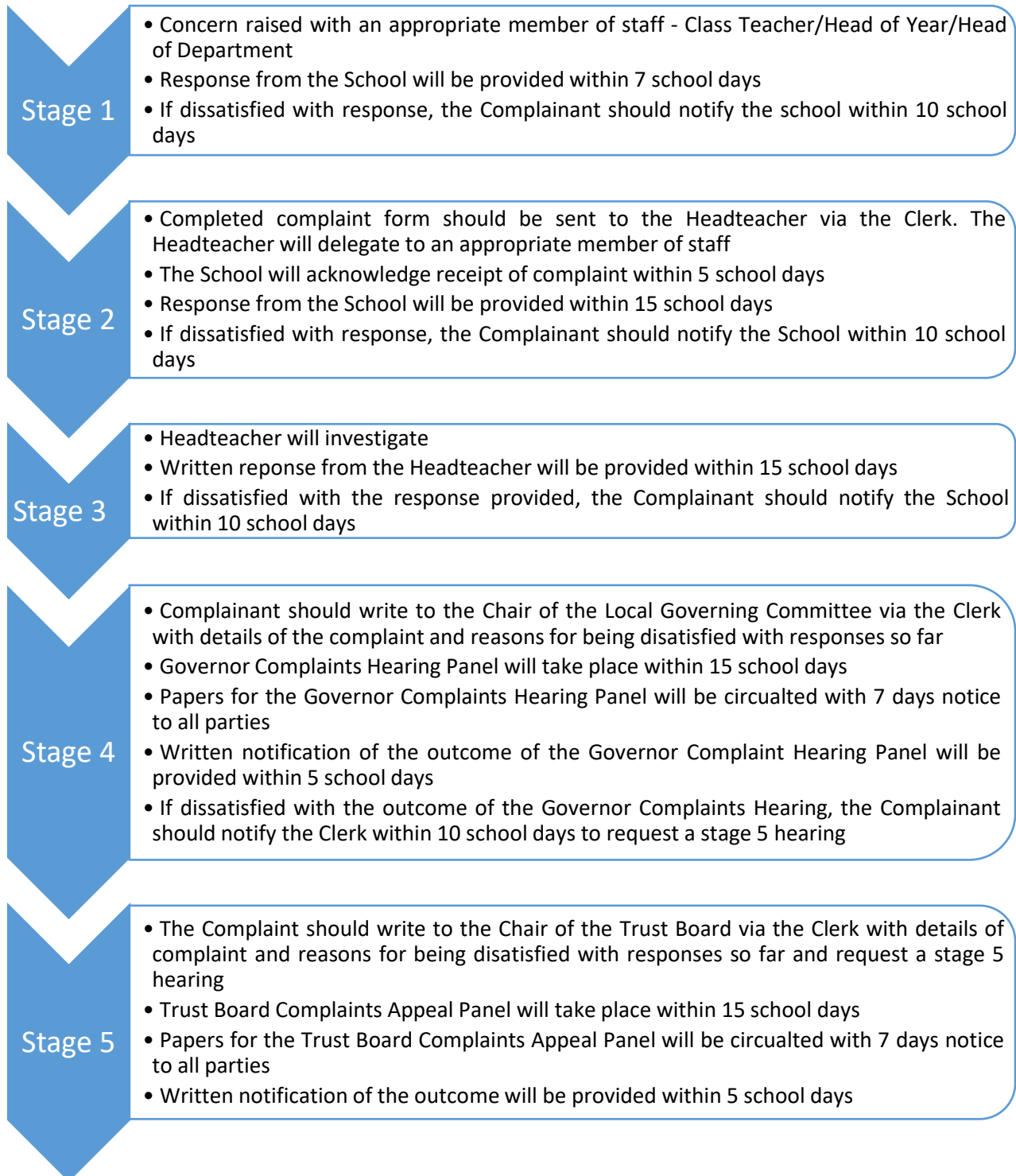
For the school to be able to investigate a complaint, it needs to be made as soon as possible after the event. If a complaint is older than a year, the Trust Board may decide that it is not possible or practical for it to be investigated.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## How to raise a concern or make a complaint

The following details outline the stages that can be used to resolve complaints.

**The SMART Policy has the following main stages:**



Allegations of abuse against a member of the school staff must be reported to the headteacher immediately. Allegations of abuse against the headteacher or CEO must be reported to the Chair of the Trust Board immediately. The procedure detailed in the Safeguarding Policy will be used for these cases.

Only if the complaint is concerning a headteacher or the Trust will it be directed to the Chief Executive Officer (CEO). If the complaint relates to the CEO, a Trustee or a governor, the Chair or Vice Chair of the Trust Board will investigate. When a complaint has been made about the Chair of the Trust Board, the Vice Chair of the Trust Board will investigate.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the procedure.

## **Stage 1 – Raising a concern relating to a particular school**

Concerns can be raised with any school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the student's Head of Year or Class Teacher (if it is related to pastoral matters), Head of Department or Head of School (if the concern is subject related) or member of the Leadership Group

It is important for parents/carers to recognise that each school is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal but informed response within seven school days. The vast majority of concerns will be satisfactorily dealt with in this way.

If the complainant is not satisfied with the result at Stage 1, the complainant will need to write to or call the particular school within ten school days and state what they would like the school to do. The school will then look at the complaint at the next stage.

## **Stage 2 – Complaint heard by an appropriate staff member**

Formal complaints should be put in writing and sent and addressed to the headteacher via the Clerk ([Clerk@smart-trust.net](mailto:Clerk@smart-trust.net)). *The Complaints Form is included at the end of this document and should be used for this purpose. If you require help in completing this form, please contact the school or the Clerk.*

The complaint will be logged, including the date it was received. The school will acknowledge receipt of the complaint within five school days of receiving it.

In many cases this response will also report on the action the school has taken to resolve the issue. However, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to ten school days. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within ten school days with a response provided within five days of the meeting being held. The aim will be to resolve the matter as quickly as possible.

If the complainant is not satisfied with the result at Stage 2, please write to or call the school within ten school days of receiving the response. The complainant will need to tell the school why they are still not satisfied and what they would like the school to do.

### **Stage 3 – Complaint heard by Headteacher**

If the matter has not been resolved at Stage 2, the headteacher will arrange for an investigation to be carried out. This investigation may include evidence from witnesses. A note taker should be present when this is provided and a written record kept of the interview. Following the investigation, the headteacher will normally give a written response within fifteen school days.

If the complainant is dissatisfied with the result at Stage 3, they will need to let the school know within ten school days of receiving the response.

### **Stage 4 – Complaint heard by the Local Governing Committee's Complaints Panel**

If the matter has still not been resolved at Stage 3, then the complainant can write to the Chair of the Local Governing Committee via the Clerk ([Clerk@smart-trust.net](mailto:Clerk@smart-trust.net)) giving details of the complaint and the reasons why they are not satisfied with the responses they have received to date. The Clerk will confirm receipt of the complaint in writing and will convene a Governor Complaints Hearing Panel which will include at least one member who is independent of the management and running of the school.

The Hearing will normally take place within fifteen school days of the receipt of the written request for Stage 4 investigation. The Clerk will write to the complainant to inform them of the date of the meeting.

The complainant and any witnesses requested by either party will be invited to attend, having been given seven days' notice if possible. The complainant may be accompanied by one other person if they wish. Their identity and their written statement should be given to the Clerk in advance of the Hearing. The aim of the Governors Complaints Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

All parties will be notified of the Panel's decision in writing within five school days after the date of the Hearing. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied at Stage 4, as the complainant will need to let the Clerk know within ten school days of receiving the response.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All 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 2008 Act requests access to them.

## **Stage 5 – Complaint heard by the Trust Board's Complaints Panel**

If the matter has still not been resolved at Stage 4, then the complainant can write to the Chair of the Trust Board, via the Clerk([Clerk@smart-trust.net](mailto:Clerk@smart-trust.net)) giving details of the complaint and why they are not satisfied with the responses they have received.

The Clerk will convene a Trust Board Complaints Panel. This Panel will include at least one member of the panel who is independent of the management and running of the school.

The Trust Board Complaints Panel will normally take place within fifteen school days of the receipt of the written request for Stage 5 investigation. The complainant will be invited to attend, having been given seven days' notice if possible, and may be accompanied if they wish. Their identity should be advised to the Clerk in advance of the Hearing. The aim of the Trust Board's Complaints Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the Trust and the complainant.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

All parties will be notified of the Panel's decision in writing within five school days after the date of the Hearing. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The outcome letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All 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 2008 Act requests access to them.

## **Complaints about the Headteacher, a governor, the Trust, a Trustee or CEO**

If a complaint is about South East Cornwall Multi Academy Regional Trust "the trust" or if a complainant wishes to complain about a Headteacher, then the complaint should be sent to the CEO to be investigated.

The Clerk to the Trust Board will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated by the CEO and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO, a Trustee or a governor, the complaint should be investigated by the Chair of the Trust Board. If a complaint form is received about the Chair of the Trust Board, the complaint will be referred to the Vice Chair of the Trust Board for investigation

Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.



If the complainant is not satisfied with the outcome, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Stage 5 Complaint Panel, within 10 school days. Please see Stage 5 Trust Board Panel for further details.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All 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 2008 Act requests access to them.

## **Next steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties, they can contact the Education and Skills Funding Agency (ESFA) after they have completed Stage 5.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **SEND (Special Educational Needs and Disability) Complaints**

If you want to complain about a school's SEN support, you should do it while your child is still registered at the school.

This includes complaints that the school has not provided the support required by your child's education, health and care (EHC) plan.

There is a different process if you disagree with a decision the Local Authority has made about an EHC Plan. See <https://www.gov.uk/appeal-ehc-plan-decision> for more information.

Follow these steps in order. Move on to the next step if your complaint is not resolved.

1. Before making a complaint, talk to the school's special educational needs and disability co-ordinator (SENDCO) to try and find a solution
2. Follow the SMART Complaints Policy if you would like to make a formal complaint
3. If your complaint is still not resolved, you may complain to the Education and Skills Funding Agency (ESFA) if your complaint is not about an EHC plan. They can ask the school to take action if they find your complaint was not handled correctly.

### **Vexatious or unreasonable complaints**

We are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

If properly followed, a good complaints procedure will 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.

We will not normally limit the contact complainants have with our 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.

SMART defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints policy
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 policy has been fully and properly implemented and completed
- seeks an unrealistic outcome
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the headteacher, Chair of Governors or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the complainant tries to reopen the same issue, the Chair of the Trust Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Review**

The SMART Board will review this policy annually to assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

## Appendix 1 – Guidance for Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## Appendix 2 – Guidance for Staff

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or Governor Complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or Governor Complaints Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Complaints Co-Ordinator

This could be the headteacher or other staff member providing administrative support.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Appendix 3 – Guidance for the Governor Complaints Hearing Panel**

The aim of the Hearing 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. The letter should also contain what they need to do if they wish to take the matter further.

In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

### **Clerk to Governors**

The Clerk is the contact point for the complainant and the Complaints Hearing Panel and should:

- 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
- ensure that invite letters indicate date, time and venue of hearing, who will be in attendance and that the proceedings will be entirely confidential
- send written material relevant to all the parties in advance of the hearing within the agreed timescale
- record the proceedings
- circulate the minutes of the hearing
- notify all parties of the Panel's decision.

### **Governor Complaints Hearing Panel Chair**

The Panels Chair, who is nominated in advance of the hearing, should ensure that:

- the hearing is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a hearing are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Governor Complaints Hearing Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR

- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the hearing or verbally in the hearing itself
- the issues are addressed
- key findings of fact are made
- the Governor Complaints Hearing Panel is open-minded and acts independently
- no member of the Governor Complaints Hearing Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the hearing is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Complaints Hearing Panel Member

Complaints Hearing Panel Members should be aware that:

- the hearing must be independent and impartial, and should be 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.

- the aim of the hearing should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the hearing if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the hearing that the Panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

### **Procedure for hearing**

- The Clerk brings the relevant parties to the meeting room (parents/carers and child should enter at the same time as the Headteacher and/or school's representative). An appropriate room should be used and wherever possible a round table is the best layout.
- The Chair welcomes all parties
  - makes introductions
  - explains the reasons for the hearing
  - explains the format of the hearing
  - note the hearing will be minuted
  - note the outcome of the hearing is final
  - note the confidentiality of the hearing
- Complainant invited to explain their complaint and be followed by their witness
- Governor questions to the Complainant
- Headteacher gives their response
- Governor questions to the Headteacher
- Complainant invited to summarise their complaint
- Headteacher invited to summarise the school's actions and response to the complaint
- All parties asked to leave the room except the Clerk.
- Governors to discuss the case, make their decision and prepare a written outcome. The Clerk is there to advise, minute and help prepare the statement but does not take part in decision making.

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 Academy's School's systems or procedures to ensure that problems of a similar nature do not recur.
- Parents/carers will be notified in writing within 5 school days. The letter will also advise the complainant that if they wish to take the matter further they should inform the Clerk within ten school days and the matter will be considered by the Trust Board's Complaints Appeal Panel, following the same procedure as that used by the Governor Complaints Hearing Panel in the previous hearing.

## Complaint Form

Please complete and return to the Clerk to the Local Governing Committee ([Clerk@smart-trust.net](mailto:Clerk@smart-trust.net)) who will acknowledge receipt and explain what action will be taken.

Your name:	
Student's name:	
Your relationship to the student:	
Address and postcode:	
Email address if you agree to communication by this method:	
Day time telephone number:	
If you are happy to be contacted in the evening please provide your evening telephone number:	
Please give details of your complaint.	



<p>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signature:  Date:</p>	

**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date: