



The Charter Schools Educational Trust
Transforming lives through the power of inclusive education

Complaints and Concerns Policy

Author (s)	S Varcoe/W Andrews
Functional area	Complaints
Scope	Trust
Reviewer (s)	S Williams, R Hardy
Approver (s)	A Crossman C Hicks
Version	001
Effective date	10/01/2019
Next review due	10/01/2022



Complaints and Concerns Policy

1 Introduction

Under Part 7, Schedule 1 of the Education (Independent School Standards) Regulations 2014, The Charter Schools Educational Trust are required to have in place a procedure to deal with complaints relating to it and to any community facilities or service that it provides.

The Charter Schools Educational Trust is committed to ensuring that the highest standards are maintained at their schools both in the provision of education to pupils and in every other aspect of the running of the schools. A complaints procedure is an important part of the management of well-run schools allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the Trust Board to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a **concern** and a **complaint**.

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust schools will resolve concerns through day-to-day communication as far as possible. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service, will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

Our formal procedures are 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. (See appendix 1 and appendix 2.)

1.1 This procedure is made accessible to the public on the school website.

1.2 This procedure does not apply to complaints related to the following headings which are dealt with under separate procedures:

- Any complaint relating to child protection. (These will immediately be raised with the local authority (LA) for them to handle.)
- Complaints arising through conflict between estranged parents over the application of parental responsibility. (These will be dealt with having the best interest of the child in mind and with reference to the DfE guidance ‘Understanding and Dealing with Issues Relating to Parental Responsibility January 2016’ and with further legal advice if necessary.)
- Curriculum complaints

- Admissions & Exclusions
- Statutory assessments of special educational needs and disabilities (SEND)
- Provision of Collective Worship and Religious Education
- Allegations of bullying by pupils
- Matters likely to require a Child Protection investigation
- School re-organisation proposals
- Whistleblowing
- Staff Grievances
- Staff Discipline
- Complaints about services provided by other providers who may use the School's premises or facilities.

1.3 Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the pupil's form teacher, Year Leader or the SENCo. They will then be referred to this complaints policy. Our SEND policy and information report includes information about the rights of parents of pupils with disabilities who believe that our School has discriminated against their child.

1.4 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

1.5 Complaints by employees of the School are usually dealt with via the grievance procedure.

It is the School's intention that this Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be simple to understand and use
- be impartial
- be non-adversarial
- be compliant with the school's/trust's obligations under the Equality Act 2010
- 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 the school's senior management team so that services can be improved

1.5 The School's Complaints Co-Ordinator is the PA to the Headteacher.

SPECIFIC PROVISIONS

2. Changes of Personnel

2.1 Complaints against the Chair of Governors (Local Governing Body) or an individual governor should be made by writing to the Clerk to the Board of Trustees for the attention of the Chair of the Trust.

2.2 If the subject of the complaint is the Headteacher, then the matter will be dealt with first by the Chair of Governors. The Complaint Form should be shared with the Chair of Governors in the first instance. Stage 2 then may be handled by a single governor.

2.3 The School may also, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

3. Recording Complaints

3.1 Complaints should be made using the complaint form *at Appendix 2* or clearly set out in writing. However, the School will allow alternative methods of contact where a complainant uses a different communication preference due to disability or a learning difficulty.

3.2 The School will record the progress of any formal complaint and the final outcome. The Complaints Co-ordinator will be responsible for these records and will hold them centrally. Brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record.

4. Exclusions and Exceptional Circumstances

4.1 An anonymous complaint will only be investigated in very limited and exceptional circumstances.

4.2 A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in very exceptional circumstances.

4.3 In such cases, the school may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

STAGES IN THE PROCEDURE

There are three stages in the complaints procedure. *See Appendix 1 for a flow chart.* At each stage in the procedure, we will remain mindful of 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.

We encourage complainants 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.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

The Charter Schools Educational Trust expects any complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances).

Once a formal complaint has been received, the school's cut-off timeframe will apply to both parties. However, the school will consider exceptions to this time-frame from both parties if necessary.

5. Stage One (informal): Complaint Heard by Staff Member

5.1 Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly or the Year Leader/Subject Leader. The Trust values information meetings and telephone discussions as a way of improving its procedures and relations with parents. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

5.2 Members of staff dealing with such concerns should keep a record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

5.3 If an acceptable resolution is not reached, the member of staff should direct the complainant to this procedure.

5.4 The school does recognise that there may be circumstances in which:

- it would be difficult for a particular complainant to discuss a complaint with a particular member of staff; or
- the member of staff directly involved feels too compromised to deal with the complaint.

In these cases, the complaint should be directed to the Complaints Co-ordinator who can refer the complainant to another staff member (or, in the case of a complaint concerning the Headteacher, the Chair of Governors for informal resolution). Such an alternative member of staff may be more senior, but does not have to be, and they are simply required to consider the complaint objectively and impartially.

5.5 Where a complaint is received, which does not appear to have explored this stage of the procedure (such as when the first approach is made to a governor) and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them re the procedure.

The school will (aims to) acknowledge informal complaints within 5 days, and investigate and provide a response within 10 days.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6. Stage Two formal: Complaint heard by Headteacher or senior staff member

If the concern is not met to the complainant's satisfaction by informal discussion, then the following procedure(s) will be followed:

6.1 A formal complaint should be issued to the school in writing using the form set out at *Appendix 2*, or in a letter, at least, including all the matters covered in that form. Complaints should be made as soon as possible following the exhaustion of Stage One (where possible).

6.2 The school will promptly acknowledge the complaint (usually within five term-time days)

The initial recipient of the complaint will refer the matter to the Headteacher or to a designated member of the senior management team.

6.3 The Headteacher, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.

6.4 The Headteacher or designated member of staff will consider the complaint but it will be the Headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

6.5 The Complaint Handler dealing with the formal complaint must keep a written record of the complaint and any action taken as a result of the formal complaint.

Note. Complaints against the Headteacher will usually first be dealt with by the chair of governors. Complaints against the chair of governors or any individual governor should be made by writing to the clerk to the governing board. In some circumstances, the school reserves the right to refer the matter to an external body.

The complainant will be informed of his or her right to have the matter referred to the governors' complaints appeal panel if the outcome of stage 2 is not considered satisfactory. If the complainant remains dissatisfied with the outcome of Stage 2, they should write to the Chair of Governors giving details of the complaint and the reasons why they disagree with the Headteacher's decision at Stage 2, **no later than 10 working days from the date of the Headteacher's decision letter**.

Any such request by a complainant should be addressed to the **Clerk to the Governors** for the attention of the Chair of Governors and the governors' complaints appeal panel will be convened.

7. Stage Three (formal): Governor's complaints appeal panel meeting

When the clerk to the governors receives the request for the governors' complaints appeal panel to meet:

7.1 The Clerk to the Governors will convene a Complaints Panel, within 30 school days of the request, consisting of at least three people who have not been directly involved in the matters detailed in the complaint. The complainant will be given one calendar weeks' notice of the planned meeting. A letter will be sent to the complainant inviting them to attend the hearing, which will provide a minimum of one week's notice, and informing the complainant that they may be accompanied to the hearing by a friend or family member.

Such hearings are not legal hearings and it is therefore not appropriate for either Complainant or the Trust/schools to be legally represented.

7.2 A governors' complaints appeal panel will be assembled comprising three members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally have a clerk in attendance. One panel member will be independent of the management and running of the school.

7.3 In order for them to prepare for the hearing, the Panel should receive in advance (in particular, but not exclusively):

- A summary of the steps taken at Stage 1;
- The formal complaint lodged at Stage 2;

- The investigation steps taken by the school;
- The Headteacher's decision; and
- The complainant's appeal correspondence and any supporting documentation.

7.4 The Complainant has the right to request an independent panel if they believe there is likely to be bias from the appointed panel. This request must be made no later than three school days in advance of the Stage 3 Hearing together with clear reasons and evidence why they feel this to be the case. This request should be put in writing to Clerk to the Governors.

7.5 The request will be considered by the Governors but the final decision as to whether to accept the request for an independent panel is for the Governors to determine.

7.6 The Headteacher may attend, if it is considered appropriate, to explain his actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

8. Conduct of the Panel Hearing

8.1 At the hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Headteacher's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

8.2 No Governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

8.3 The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The Panel's role is not to re-investigate the case from the outset, but to review the steps taken to date.

8.4 In order to retain the non-adversarial approach recommended by the DfE, the following principles will apply to the hearing:

- The Panel will act independently and impartially;
- The hearing will be as informal as possible and the Panel will endeavour to put and keep the complainant at their ease;
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read;
- Should the complainant want a particular witness to attend in person, this request should be justified with reasons and the Panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused;
- The focus of the hearing will be on hearing from the complainant. The Headteacher, if attending, can respond to points raised by the complainant;
- The panel may ask questions at any point;
- The complainant will not be present whilst the Panel deliberates; and
- The Panel's decision will be confirmed in writing following the hearing

8.5 The welfare of any child/young person is paramount.

9 The Panel's Decision

9.1 The Panel will have to consider the issues raised by the complainant and the evidence supporting their complaint.

9.2 It will often be the case that the evidence of two or more witnesses' conflict, and in such cases, the Panel will have to make a finding of whose evidence to prefer and the reasons why they have reached this decision.

9.3 The Panel will consider the complainant's appeal and may: -

- 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.

9.4 Dismissal of a complaint may be done where (without limitation): -

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

9.5 Where a complaint is substantiated in part or in full, some details may then be given of action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

9.6 The panel's findings and any subsequent recommendations will be confirmed in writing via email and post, or in person, to the complainant as soon as reasonably practicable and usually within 10 term-time days.

9.7 A copy of the panel's findings and recommendations will also be provided to the person complained about, where relevant. A copy of the letter will be held centrally and will be available on the school premises for inspection by the Trust and the Headteacher and will form part of the written record.

9.8 The Stage Three Panel Hearing is the last stage of the School complaints process.

9.9 Once a complaint has been addressed formally via this procedure, the matter will be closed. Should a complainant remain dissatisfied, despite all stages of the procedures having been followed, and seek to reopen the same issue, the Chair of the Governing Body will simply inform them in writing that the procedure has been exhausted and that the matter is now closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond.

10. Record- Keeping

10.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

10.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection under section 162A of the 2002 Act.

10.3 Records of complaints will be kept for 6 years from date of resolution.

10.4 The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

10.5 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Monitoring and Review

11.1 The Headteacher will report on the operation of the Complaints Procedure to the Trust Board once a year. This report will include:

- the number of formal complaints that have been made.
- the number that have been satisfactorily dealt with at the point of the original investigation.
- the number of occasions on which the Appeal Panel has met.
- any significant recommendations for amendments to school policy or practice as a result of the complaints made.
- any issues that have arisen in the operation of the Complaints Procedure.

11.2 The Headteacher's report will respect the confidentiality of the individual.

11.3 In the light of the Headteacher report, the Trust Board will consider whether or not the complaints procedure should be amended in any way.

The complaints records are logged and managed by the PA to the Headteacher (the Complaints coordinator)

This policy will be reviewed by the Deputy Headteachers once a year.

After each review, the policy will be approved by the Headteachers.

12. Referring complaints on completion of the school's procedure

12.1 If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Education and Skills Funding Agency (ESFA) who will consider whether the complaint has been dealt with properly by the school.

12.2 The ESFA schools' complaints form can be accessed from the following link:
<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

12.3 The ESFA will consider complaints about academies that fall into any of the following three areas:

- I. where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint;

- II. where the school is in breach of its funding agreement with the Secretary of State; or
- III. where a school has failed to comply with any other legal obligation.

12.4 The ESFA will consider whether the complaints policy and any other relevant statutory policies have been adhered to. The ESFA will not overturn a school's decision about a complaint; however, if it is found that a school did not deal with a complaint properly then the ESFA may request that the complaint is looked into again.

12.5 If legislative or policy breaches are found, the ESFA will report them to the school and where necessary, ask for corrective action to be taken.

13. Unreasonable Conduct by a Complainant

13.1 The School 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 or threatening.

13.2 Complainants should limit the number of communications with the 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.

13.3 Complainants (and/or anyone acting on their behalf) may be deemed by the Headteacher and /or the Chair of Governors to be unreasonable if they have behaved in any of the following ways (this list is not exhaustive):

- the complainant makes such frequent contact with the school that objective consideration of a “live” complaint is hindered;
- the complainant makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- the complainant exhausts all stages of the school’s complaints procedure but continues to pursue the same matter;
- the complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.
- the complainant’s communications:
 - are Malicious, abusive or aggressive;
 - are threatening or intimidating
 - use offensive, abusive or discriminatory language;
 - are known by them to be false and/or contain falsified information;
 - publish unacceptable information in a variety of media such as in social media websites and newspapers.
- the complainant makes insulting personal comments about, or threats towards, staff.
- the complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- the complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- the complainant makes excessive demands on school 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.

In these examples a “contact” may be in person, in writing, or by telephone or SMS text.

13.4 Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an “unreasonable” marking to their communications.

13.5 Where a complainant continues to behave in an unacceptable fashion the Headteacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. The School may decide to deal with such complaints in one or more of the following ways, for example:

- a. Try to agree with the complainant a code of behaviour for the parties involved if the School is to continue processing the complaint.
- b. To require contact to take place with a named officer only.
- c. To restrict telephone calls to specified days and times.
- d. To restrict contact with the complainant to one form of contact only.
- e. To limit the number of times contact can be made per term.

13.6 If this behaviour continues then the Chair of Governors or Headteacher may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. The complainant will already have been given a clear statement of the School's position and have taken all reasonable steps to address the complainant's needs. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The School should usually review this position after 6 months.

14. Barring from the School Premises

14.1 If a complainant's behaviour is a cause for concern, the School can ask them to leave the premises. In response to any serious incident of aggression or violence, the police may be informed.

14.2 The School can notify a parent, in writing, that their implied licence to be on the premises has been temporarily revoked; however, the complainant will be able to formally express their views on the decision to bar, in writing.

14.3 The decision to bar will be reviewed, taking into account any representations made by the complainant, and will either be confirmed or lifted. If the decision to bar is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

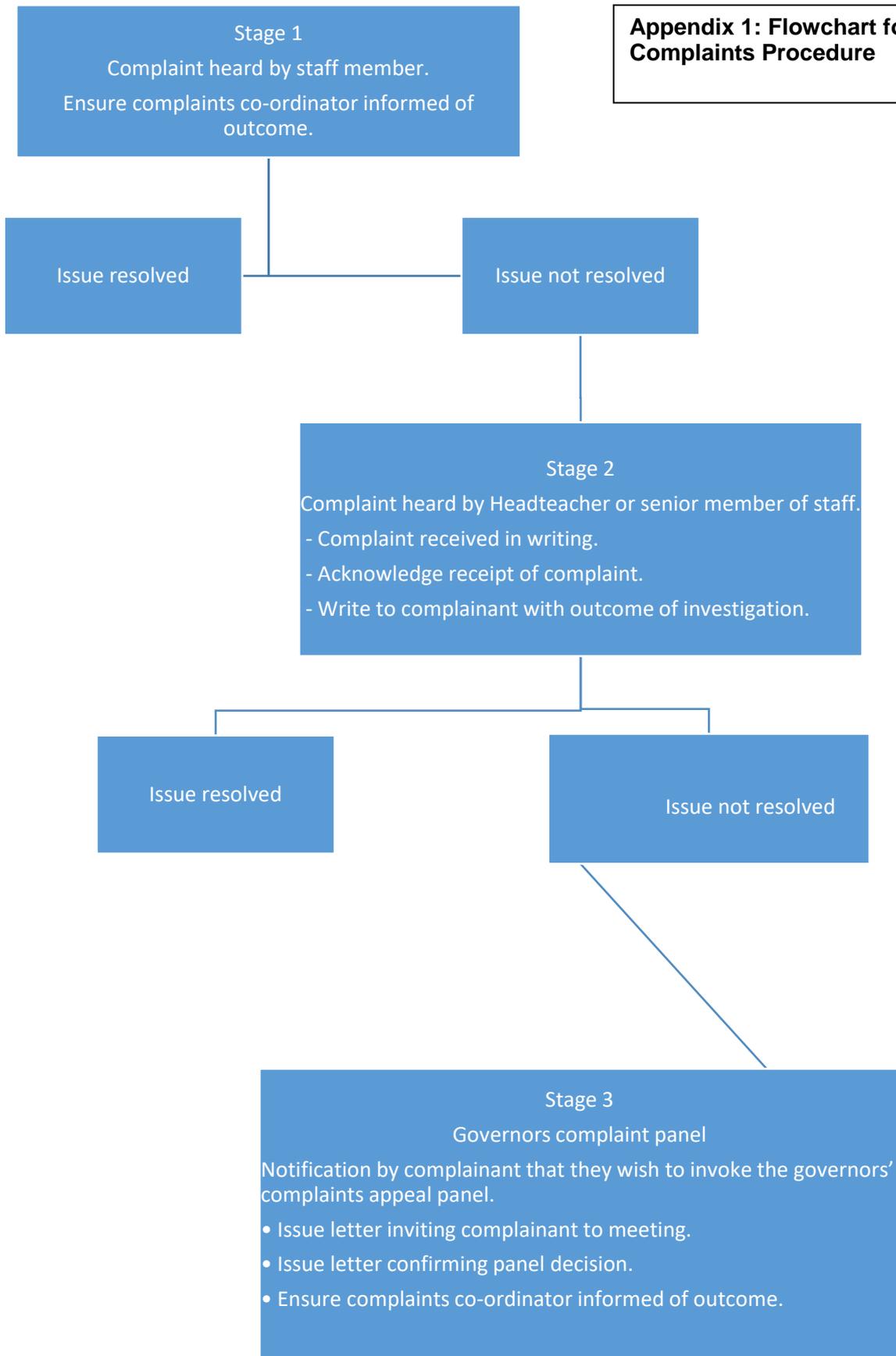
15. Complaint Form

This Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). **If the school considers that Stage 1 has not been appropriately explored, it reserves the right to refer your complaint back to that stage. Complainants cannot jump stages.**

Please complete and return to the Headteacher's PA (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Appendix 1: Flowchart for the Complaints Procedure





Appendix 2 Complaint Form

If you have a matter that you would like to raise with the school, we should like to support you in progressing this forward. Please provide us with the following information for us to assist you. Once completed please return the form to the Complaints Coordinator using the relevant addresses below:

The Charter School North Dulwich:
 Kelly Matthews
 PA to the Headteacher
 Red Post Hill
 London SE24 9JH
KMatthews@charternorthdulwich.org.uk

The Charter School East Dulwich
 Ms. O. Edehomo
 PA to the Headteacher
 Jarvis Road
 London SE22 8RB
OEdehomo@chartereastdulwich.org.uk

*Where the writer is not a parent or carer raising the complaint please provide your address

Student's Name:	Your Name:
Year Group/Tutor:	Relationship to student:
Email:	Telephone Number:
*Address	

Please provide us with full details of the matter in question - if this involves dates, times and witnesses please include them. This will enable the school to properly investigate your concern.

What action have you taken so far to resolve this matter (Who did you speak to and what was their response)

If you have not taken action, please set out your reasons

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

Signature: _____

Date: _____

16. Appendix 3: Example Rejection Letter

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the School's Complaints Procedure as:

Please select appropriate wording from the following:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure. [I have enclosed a copy of the [NAME] policy.]
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.
-

If you wish my decision to be reviewed, then you may write to the Clerk to the [Governing Body OR Board of Trustees].

Yours sincerely,

Headteacher/or Chair of [Governing Body or Board of Trustees]