



## Unity Education Trust

<b>POLICY</b>	<b>PARENTS/CARERS COMPLAINTS PROCEDURE</b>
<b>STATUS/DATE OF THIS VERSION</b>	
<b>APPROVED BY</b>	<b>Approved by Board of Trustees</b>
<b>RATIFIED BY</b>	
<b>REVIEW</b>	<b>2019-20</b>

### 1. Statement of Intent

Unity Education Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedure Policy has been created to deal with any complaint against a member of staff, or the school as a whole relating to any aspects of the school or the provision of facilities or services. However, some complaints are subject to separate procedures, as described in section 2 below.

Any person, including a member of the public, is able to make a complaint about the provision of facilities that the school provides. This policy outlines the procedure that the complainant and the school must follow.

This policy is operated by all the schools in Unity Education Trust (as listed below) and complaints should be directed to the school concerned – normally to the Headteacher/Head of School:

- Beeston Primary
- Garvestone Primary
- Grove House Infant
- Kings Park Infant
- Northgate High School and Dereham Sixth Form College
- The Short Stay School for Norfolk
- The Pinetree School

## 2. Other complaints procedures

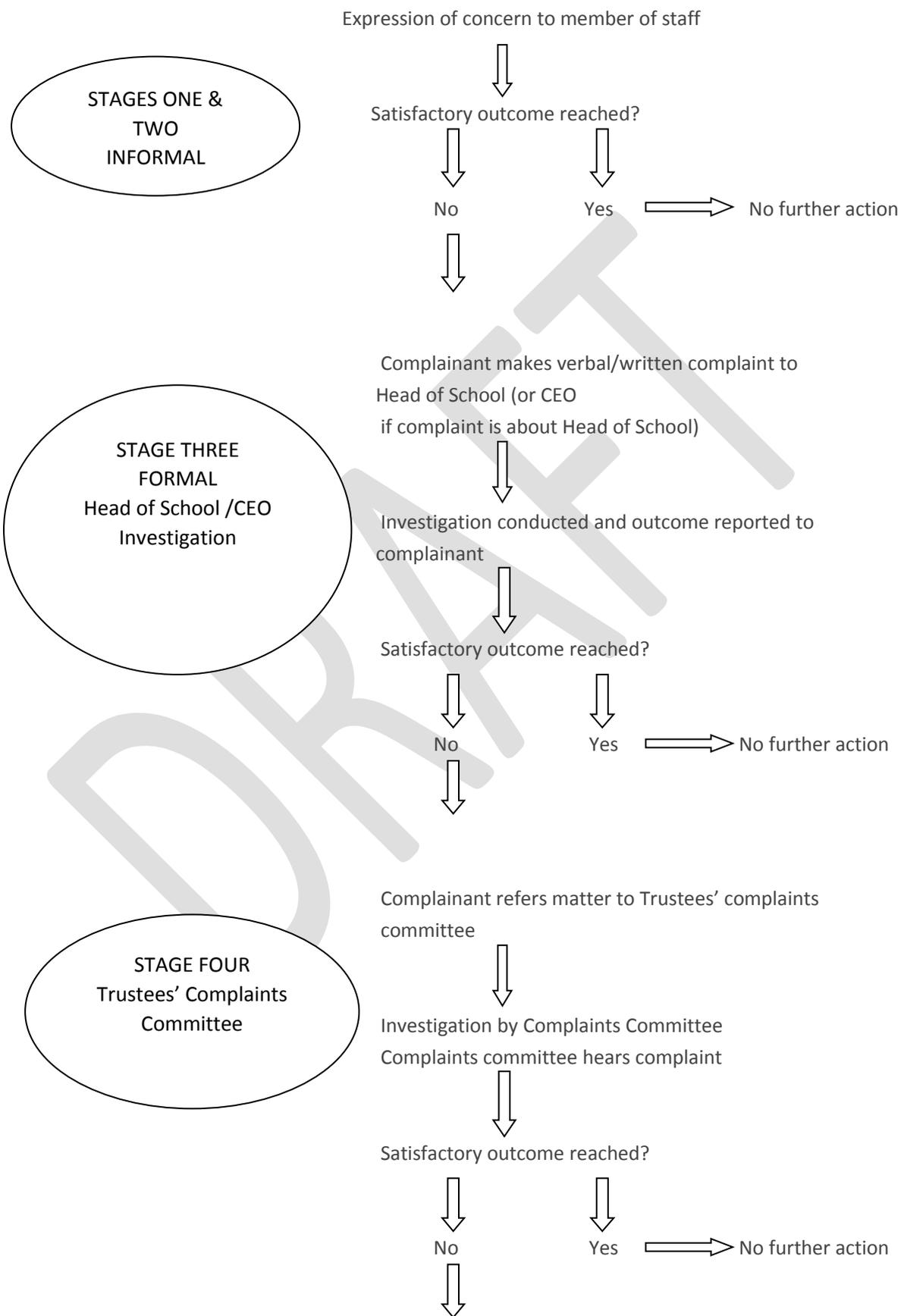
Some complaints are subject to separate statutory procedures instead of the general complaint's procedure.

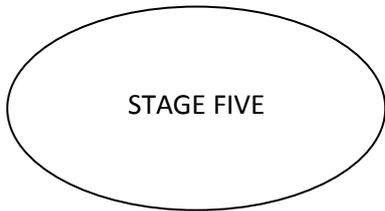
Complaint by member of school staff	School grievance procedure
Student exclusion	Right to make representations about fixed term exclusions to Governors' Student Discipline Committee. Right of appeal to independent panel for permanent exclusion
Admission to school	Norfolk County policy on school admissions with right of appeal to independent panel if admission refused
Child protection	School child protection procedures apply – contact Designated Safeguarding Lead for Child Protection
Education Health and Care Plans (EHCP)	LA statutory assessment procedures apply if parent requests an EHCP. Right of appeal to independent SEN Tribunal
Complaints about services provided a third party who may use the school premises or facilities	Address complaints to the service provider.

### Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### 3. Summary of Complaints Procedure





There is no further right of appeal, but if the complainant considers that the process followed by the Trustees' Complaints Committee has failed to comply with this policy they may refer to the Secretary of State for Education (DfE)

#### 4. General Principles

Any complaint raised needs to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be impartially investigated.

- The complaints procedure should be easily accessible and publicised.
- Complaints should be made as soon as possible after an incident arises in order to address the concern in an appropriate timescale.
- Complaints should be dealt with as quickly as possible, consistently and with fairness to all.
- Dates and times of conversations should always be recorded and made available to investigators as necessary.
- Every effort will be made to keep to stated timescales. However, if a complaint requires additional time to investigate thoroughly, you will be notified of the change in timescales.
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, it appears that disciplinary procedures should be initiated, that will be considered as a separate action, as there is an entirely separate procedure for schools to follow in terms of dealing with staff discipline.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a

complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.

- All staff and governors should have the opportunity to take part in training to raise awareness of the procedures and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school and the Trust.
- If a complaint is made initially to a governor, the complainant should be referred to the appropriate person as set out in this procedure. The governor concerned should not act alone on a complaint outside this procedure.
- Complaints beyond the informal stages (1 & 2) should normally be addressed to the Headteacher or Head of School.
- Any complaint made against the Headteacher/Head of School should be addressed to the CEO.
- Any complaint made against the Chair of Governors or any other member of the governing body should be made in writing to the Clerk to the Trustees.

### **1. The First Informal Stage for dealing with complaints and concerns**

- The complainant should discuss their concerns with the appropriate member of staff, for example, the classroom teacher, head of department, form tutor or head of year. The staff member will seek to clarify the nature of the concern and reassure you that the school wants to hear about it. The member of staff may explain to you how the situation arose. It may also be helpful at this point to identify what sort of outcome you are looking for.
- The member of staff will respond appropriately, taking into account the seriousness of the complaint. In many cases this will lead to immediate resolution of the issue.
- If the member of staff first contacted cannot deal immediately with the matter, or if they need to refer the matter to someone else, they will need to make a clear note of the date, complainant's name and contact address/phone number. In either case the member of staff will subsequently ensure that appropriate action is taken to deal with the matter speedily.
- Where the concern relates to the specific actions of the Headteacher/Head of School, you will be given the opportunity to meet with the Headteacher/Head of School to resolve the problem. In some circumstances you may prefer to contact the CEO; this will be respected.
- The staff member dealing with the complaint will make sure that you are clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.
- If the complainant is not satisfied with the outcome of stage 1 within 10 school working days of the date when they first raised their concern, they may proceed to stage 2.

## **2. The Second Informal Stage for dealing with complaints and concerns**

- Complainants who are not satisfied with the result of the stage 1 process should ask for an appointment to meet with the Headteacher/Head of School or a member of the Senior Leadership Team (Deputy Headteacher or Assistant Headteacher).
- Where the concern relates to the specific actions of the Headteacher/Head of School, complainants who are not satisfied with the result of the stage 1 process should ask for an appointment with the CEO.
- The parties involved will be encouraged to offer their view on what would be a realistic resolution to the problem.
- If resolution to the issue is proving difficult to find the Headteacher/Head of School or other person dealing with the complaint or concern may feel that input from the Trust would be helpful in finding a way forward and may, therefore, speak to a Trustee about the issue who may be willing to offer informal intervention.
- The aim should be that discussions end on a positive note with no bad feeling.
- The Headteacher/Head of School or other person dealing with the complaint or concern will write to the complainant summarising what has been agreed regarding the issue.

### **The Third Stage – Formal consideration by the Headteacher/Head of School (or other appropriate senior leader in the absence of the Head)**

- Stage three complaints should be in writing, preferably using the complaints form attached, unless you are unable to express the complaint in written form (advice and support is available from the LA's Equalities and SEN teams as appropriate). Your complaint should be addressed to the Headteacher/Head of School or to the CEO if your complaint relates to the Headteacher/Head of School.
- Your letter should be acknowledged in writing within five working days of receiving the stage three complaint. The acknowledgement will give you a brief explanation of the Trust's complaint procedure and a target date for providing a response. If a response cannot be given by the target date, a letter will be sent to you explaining the reasons for the delay and giving a revised target date.
- It should be possible even at this stage to reach an agreed solution to the problem. It needs to be considered that the aim is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved
- The Headteacher/Head of School (or designated senior member of staff) will need to provide an opportunity for the complainant to meet with them to supplement any of the information provided previously at the informal stages. It will be made clear to the complainant that they can, if they wish, be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. In some circumstances we will also provide interpreting facilities if so required.

- Where required, the school will interview witnesses and take statements from those involved. If the complaint centres on a student, they will also be interviewed. A member of staff who is known and trusted by the student should be invited to attend wherever possible.
- Once all relevant facts have been established, the Headteacher/Head of School will produce a written response to the complainant and may wish to meet with the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.
- Where the complaint at stage three is against the Headteacher/Head of School, arrangements will be made for the proceedings under this stage to be conducted by a single Trustee.



### **3. The Fourth Stage – Consideration by a Committee appointed by the Board of Trustees**

If the complainant is not satisfied with the response given under stage 3 they may refer the matter to the Trustees' Complaints Committee. They should set out their complaint in writing within ten school days of receiving the stage 3 outcome. The complaint should be addressed to the Clerk of the Trustees' Complaints Committee, c/o Unity Education Trust, Crown Road, Dereham, NR20 4AG preferably using the complaints form attached and marked for Urgent Attention.

Following receipt of a stage four appeal the procedures outlined below will be followed:

- The Clerk to the Trustees' Complaints Committee will write to the complainant to acknowledge receipt of the written request within five school days. The acknowledgement will inform the complainant that the complaint will be considered by the Trustees' Complaints Committee, within 20 school days of receiving the request.
- The letter will also explain that the complainant and the Headteacher/Head of School have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the Clerk at least eight school days before the meeting. All concerned, including the complainant should receive any relevant documents at least five school days prior to the meeting. The notification to the complainant will also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
- The Clerk to the Trustees' Complaints Committee will convene the meeting of the committee which will comprise three persons with no prior involvement of the complaint, or the circumstances surrounding it. One member of the committee will be independent of the management and running of the school. The committee will elect a chair for the hearing. The Headteacher/Head of School or other senior member of staff will not be a member of the Complaints Committee. The Trust will have regard to the need for ethnic, gender or other mix of members as appropriate.

- The Committee may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written report, or to attend the meeting.
  - It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
  - An officer from Children Services or other professional adviser may attend the meeting to advise the Committee (at the request of the committee).
  - A model procedure for conduct of the meeting is attached as Appendix 1.
- 
- The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action that will satisfy the complainant that their complaint has been taken seriously.
  - The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the Complaints committee ensures that the proceedings are as informal as the situation allows. Similarly, when a child is present at the hearing extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
  - At the conclusion of the meeting the chair should explain that the committee will consider its decision and write to both parties with the outcome within 15 school days.
  - All except the members of the Complaints Committee and any advisers should then withdraw to allow the committee to reach its decision. This should cover:
    - a. findings on the substantive complaint;
    - b. any appropriate action to be taken;
    - c. where appropriate, any suggested changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
  - A report and any recommendations should be reported to the school's governing body at the next full meeting, with the identity of all those taking part kept confidential.
  - A written statement outlining the decision of the Committee must be sent to the Trust, the complainant, the Headteacher/Head of School and, where relevant, the person complained about. If any disciplinary action is to be taken against a member of staff then, to protect their rights, only the phrase "appropriate action has or will be taken" will be used.

- The Trust will ensure that a copy of all correspondence, statements and records relating to the complaints is kept in a confidential file in the Trust’s records. These records should be kept separately from the student’s personal records.

#### 4. Further action

- Except in the circumstances outlined in the Complaints Policy overview (stage 4) there is no further right of appeal for complainants.
- Complainants may refer to the Education and Skills Funding Agency who will check whether the complaint has been dealt with properly by the academy and whether the complaint falls within the remit of the ESFA to investigate further. The ESFA will not overturn the academy’s decision about a complaint. However, it may: ask the academy to review its complaints procedure to ensure non-recurrence; ask the academy to review its decision in the individual case; consider invoking clauses from the funding agreements, financial memoranda and/or contracts between the ESFA and the academy. [www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure)

#### Unreasonably persistent complainants

- The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
  - a) treat all school staff with courtesy and respect
  - b) respect the needs of students and staff within the school;
  - c) avoid the use of violence (including threats of violence) towards people and property;
  - d) recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
  - e) recognise that resolving a specific problem can sometimes take some time;
  - f) follow the school’s complaints procedures
- However, a small number of complainants may be deemed “unreasonably persistent complainants”. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:
  - a) actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
  - b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
  - c) an insistence upon pursuing unmeritorious complaints and/or unrealistic and/or unreasonable outcomes; and/or
  - d) an insistence upon pursuing meritorious complaints in an unreasonable manner.
- Our procedure for identifying and responding to each complaint is attached as Appendix 2.

## Appendix 1

### A Model Procedure for the Conduct of a Complaint Hearing at Stage Three

1. The chair of the committee should invite everybody into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the meeting is to review the complaint, resolve any differences and achieve a reconciliation between the school and the complainant.
3. The chair should then outline the proposed procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
  - a. The complainant will outline the complaint and may call witnesses.
  - b. The Headteacher/Head of School (or senior member of staff) will be given the opportunity to seek clarification from the complainant and/or witnesses.
  - c. The committee may seek clarification from the complainant and/or witnesses.
  - d. The Headteacher/Head of School (or Senior member of staff) will be given the opportunity to respond and call witnesses.
  - e. The complainant will be given the opportunity to seek clarification from the Head of School (or senior member of staff) and/or witnesses.
  - f. The committee may seek clarification from the complainant and/or witnesses.
  - g. The complainant will be given the opportunity to sum up.
  - h. The Headteacher/Head of School (or senior member of staff) will be given the opportunity to sum up.
  - i. Both parties will then leave the room to allow the committee to deliberate.
4. The committee will then arrive at its decision. This will cover:
  - a) Findings on the complaint.
  - b) Appropriate action to be taken by the Trust or school.
  - c) Any recommended changes to the Trust or school's systems or procedures.
5. The decision will be notified to all parties, in writing, within 15 school day

## Appendix 2

### Procedure for Dealing with Unreasonably Persistent Complainants

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone 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.

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.

### **Deciding whether a complainant should be deemed an unreasonably persistent complainant**

Only the Headteacher/Head of School, with the agreement of the CEO, may deem a complainant an unreasonably persistent complainant.

The Headteacher/Head of School will ensure that there is sufficient evidence available to justify the decision. They will consult staff to confirm that the evidence is sufficient.

### **Action to be taken where a complainant is deemed an “unreasonably persistent complainant”**

The Headteacher/Head of School will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on his/her own;
- restricting telephone calls from the complainant to specified days and times;
- requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
- after consulting the CEO, banning the complainant from the school premises where the complainant’s behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher/Head of School.

However, all correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits

## COMPLAINT FORM

---



If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate the problem.

**It is however important that you attempt to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the school.**

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the Headteacher/Head of School, or, if your complaint relates to the Headteacher/Head of School, return the form to the CEO in an envelope marked URGENT.

Please note that should the complaint refer to more than one incident, you should complete a separate form for each incident; this is to clarify individual responsibility and maintain confidentiality, should the case result in a formal hearing.

<b>Your Name:</b>
-------------------

<b>Your Address:</b>
----------------------

<b>Your Tel. No:</b>	(Home)	(Work)
----------------------	--------	--------

<b>Child's Name and D.O.B:</b>	<b>Your relationship to child:</b>
--------------------------------	------------------------------------

<b>Please give a brief description of your concerns/complaint (continue on additional sheets, if necessary)</b>
---

<b>When did you report the problem to the school?</b>
---

<b>To whom at the school did you report the problem?</b>
--

What was the response?

Have you complained to the school about this before? YES/NO \*

If so, to whom and when?

What steps do you feel *should have been taken* by the school to resolve the matter?

What steps do you feel *should now be taken* by the school to resolve the matter?

Many complaints can be settled on an informal basis over the telephone by speaking directly with a member of staff or the Headteacher.

The School is collecting this data in order to meet its statutory responsibilities regarding the school's complaint procedures which have been set up in accordance with Section 7 of the Education (Independent School Standards) (England) Regulations 2010. This data may be shared with other agencies. Please sign below to give approval for this data to be shared as mentioned.

I do/do not\* wish my details to be shared with other agencies (\* please delete as appropriate).

Signature of Parent/Carer: \_\_\_\_\_

Date: \_\_\_\_\_