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Concerns and Complaints Policy

Introduction

Anthem Schools Trust (Anthem) and all our schools are committed to meeting the needs of pupils, parents and others within the school community. We believe that feedback is an important ingredient in self-improvement and raising standards. Parents who have concerns, difficulties, or complaints about their Anthem school should feel that these can be voiced and be confident that they will be considered seriously in a sympathetic, efficient manner and at the appropriate level.

This policy provides guidelines for handling concerns and complaints by parents and others and is drafted in accordance with the Education (Independent School Standards) Regulations 2014 and takes account of the school's equality duty under the Equality Act 2010.

If you are concerned about the safety of your child, you should immediately notify the person you believe is best placed to take urgent action and confirm this in writing to the Headteacher. Please refer to our Child Protection and Safeguarding Policy.

This policy complies with our funding agreement and articles of association.

Scope and publication

This policy applies to all sections of our schools and provides guidelines for handling concerns and complaints raised by current parents or legal guardians and others. It may, at the school's discretion, apply to a parent whose child has recently left the school. Separate procedures apply in the event of a child protection issue or in relation to admissions or exclusions. Staff wishing to raise a complaint should refer to the Grievance procedure. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Complaints about the school's support from parents of children with SEN are within the scope of this policy. Such complaints should first be made to the class teacher, special educational needs coordinator (SENCO), or the Headteacher. Where parents have specific complaints about the Education Health and Care Plan (EHCP) procedures, or about the content of their child's EHCP, the Local Authority should be contacted directly.

This Concerns and Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The policy is available on the school's website and can be made available in large print or other accessible formats if required.

Procedures

The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Please let us know if you are dissatisfied, or have any cause for concern, as soon as

possible. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to our school culture.

Four stages

The school's concerns and complaints procedure comprises four stages:

Stage 1: Concerns and difficulties, dealt with informally

Stage 2: Complaints formally investigated by the Headteacher (or designate)

Stage 3: Complaints formally reviewed by the Chair of the Local Governing Body (or designate)

Stage 4: Complaint Panel Hearing

Timescales

The school aims to resolve any concerns, difficulties and complaints in a timely manner. The timescales for each stage of the procedure are set out below under the relevant section. When this policy refers to school days, we mean Monday to Friday, when the school is open to children during term time. Some of the procedures may take longer during the holidays when personnel are likely to be on leave. The dates of each term are published on the school's website.

Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or quantity of matters raised, or due to the unavailability of the complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Complaints Coordinator

This could be the Headteacher/designated complaints Local Governor or other staff member providing administrative support.

The Complaints Coordinator will:

- keep records of each complaint and how matters proceed (including noting at which stage each complaint is resolved)
- coordinate the complaints procedure across the school
- arrange additional assistance for those raising a concern, difficulty or complaint when required
- maintain an ongoing training programme for all school staff regarding the complaints procedures and this policy
- monitor the level and type of complaints as well as the keeping, confidentiality and storage of records in relation to complaints, reporting to the Headteacher on a termly basis
- keep Anthem informed of any complaints being dealt with by the school at Stage 2 to 4.

Stage 1 – Concerns and difficulties, dealt with informally

The school expects that most concerns or difficulties can be resolved informally. Examples might include: dissatisfaction with an aspect of teaching provided, a class/group allocation, allocation of responsibilities or privileges, a timetable clash, a problem with the school's equipment or provision, or

an admin error. Certain serious complaints such as discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1. Complaints regarding the Headteacher should be dealt with at Stage 3.

Notification

The complainant should raise the concern or difficulty as soon as possible with the relevant member of the staff as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Concerns and Complaints Policy.

Unresolved concerns and difficulties

The school will aim to resolve a concern or difficulty within **15 school days** of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Concerns and Complaints Policy.

Record of concerns and difficulties

The member of staff dealing with a concern or difficulty will create a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

Stage 2: Complaints formally investigated by the Headteacher (or designate)

Notification

A concern or difficulty raised under Stage 1 of this Concerns and Complaints Policy which remains unresolved after **15 school days**, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Headteacher. Should a formal written complaint be received by another member of the staff, it will immediately be passed on to the Headteacher.

The complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the complainant believes the school should do to resolve the complaint. A template form is attached to this policy at **Appendix 1** to provide guidance on content of the formal written complaint. Any documentation relied upon by the complainant should be attached to the formal complaint.

If the complainant requires assistance with writing the formal complaint, because of, for example, a disability, he/she should contact the school office.

Acknowledgement

The formal complaint will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

Investigation

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If additional information is required from the complainant, and others involved, this may be requested from them over the telephone or in writing.

If the Headteacher considers it to be appropriate the complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

Outcome

The Headteacher will write to the complainant confirming the outcome of the investigation within **20 school days** from the date the complaint was received. The letter will set out the individual matters raised by the complainant, the findings made by the Headteacher during the investigation, and the conclusion reached.

The letter will inform the complainant that, if they are dissatisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the Local Governing Body within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of the Local Governing Body under Stage 3 of this Concerns and Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Headteacher will endeavour to expedite the investigation wherever possible.

Delegation

The Headteacher may ask a senior member of the staff to act as Investigator and may involve one or more members of the Local Governing Body (but not all the Local Governors).

Stage 3 – Complaints formally reviewed by the Chair of the Local Governing Body (or designate)

Notification

If the complainant is dissatisfied with the outcome of the complaint under Stage 2 of this Concerns and Complaints Policy, the complainant may write to the Chair of the Local Governing Body (the Chair) within **five school days** of receiving the letter confirming the outcome following Stage 2. The complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out how and why the complainant does not accept the findings made under Stage 2.

If the complaint is regarding the Headteacher, the complainant should also write to the Chair. The complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the complainant believes the school should do to resolve the complaint. A template form is attached to this policy at **Appendix 1** to provide guidance on content of the formal written complaint. Any documentation relied upon by the complainant should be attached to the formal complaint.

Acknowledgement

The complainant's letter will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken, and the specified time limit.

Action by the Chair

The Chair will review all the documentation received and consider the matters raised in the complaint and the investigation carried out under Stage 2 (if applicable). If the Chair considers it to be appropriate the complainant will be offered a meeting to discuss the issues raised. The meeting will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

Outcome

The Chair will write to the complainant confirming the outcome of the review within **20 school days** from the date that the request for a review was received. The letter will set out whether the Chair agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

Where the request for a review was received during a school holiday, or within 20 days from the end of a term or half term, the Chair will endeavour to expedite the review wherever possible.

The letter will inform the complainant that, if they are dissatisfied with the outcome of the Stage 3 review, they should write to the Complaints Coordinator within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Concerns and Complaints Policy.

Delegation

In certain cases, the Chair may delegate the review to another member of the Local Governing Body to deal with in accordance with the procedure outlined above.

Stage 4 – Complaint Panel Hearing

Overview

A Complaint Panel (Panel) Hearing (Hearing) is a review of the decisions taken by the Headteacher and, where relevant, the Chair. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

Notification

If the complainant is dissatisfied with the outcome of the review under Stage 3, or the Headteacher's decision under Stage 2, and does not wish to invoke Stage 3, the complaint may be referred to the Panel Hearing by writing to the Complaints Coordinator within **five school days** of receiving the Chair's or Headteacher's decision.

The request will usually only be considered if the complainant has completed the procedures at Stages 1 and 2, and where appropriate, Stage 3.

The complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out how and why the complainant does not accept the findings made under Stages 2 and/or 3.

Acknowledgement

The school will write to the complainant within **five school days** acknowledging receipt of their request.

Composition of the Panel

The Complaints Coordinator will be responsible for convening the Panel as soon as reasonably practicable. The Panel will normally consist of a minimum of three individuals who were not directly involved in the matters detailed in the complaint. One member of the Panel will normally be from CST and one member will be independent of the management and running of the school.

Convening the Complaint Panel Hearing

The Complaints Coordinator will liaise with the Panel, the complainant and the school's representative to agree a mutually convenient date for the Panel Hearing, which will usually take place within **20 school days** of receipt of the complainant's request, unless there are exceptional circumstances. The Panel will not normally sit during half term or the school holidays.

The Complaints Coordinator will write to the complainant confirming the date, time and place of the Panel Hearing within **five school days** of the date that the acknowledgement letter was sent, together with brief details of the Panel members who will be present.

If the Panel Hearing will not take place within **20 school days** of receipt of the complainant's request, the letter will set out the exceptional circumstances involved.

The Panel reserves the right to convene at their convenience rather than that of the complainant.

Attendance

The complainant will be allowed to attend the Hearing and be accompanied if he/she wishes. For the avoidance of doubt, the complainant's companion will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Panel. The Panel Hearing is **not** a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.

The school will be represented at the Panel Hearing by the person who dealt with the complaint under Stage 3, which will usually be the Chair of the Local Governing Body, supported by the Headteacher where appropriate.

The role of the Panel

The Panel's task is to establish the facts surrounding the complaints that have been made by considering the documents provided by both parties and any representations made by the complainant, the Headteacher or the Chair. If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel decide that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

Hearing

The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner. The Hearing will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and all statements made at the Hearing will be unsworn. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comments will be recorded.

Conduct

All those attending the Hearing are expected to be polite and show courtesy, restraint and good manners or after due warning, the Hearing may be adjourned or terminated at the discretion of the chair of the Panel. If terminated on the grounds of poor conduct, the previous decision regarding the complaint will stand.

Adjournment

The chair of the Panel may, at his/her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

Notes

All present will be entitled to make their own notes for reference purposes if they so wish. A handwritten minute of the proceedings will be taken during the Hearing.

Private proceeding

The Hearing is a private proceeding. No notes or other records, or oral statement, about any matter discussed in or arising from the Hearing shall be made available directly or indirectly to the press or other media.

Decision

After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations will be notified to the complainant within **10 school days** of the Hearing, as well as to Anthem, the school's representative, the Headteacher and where relevant, any person about whom the complaint has been made. The decision of the Panel will be final.

Referral to the ESFA

If the complainant is dissatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, however, it will look into:

- whether there was undue delay, or the school did not comply with its own complaints procedure
- whether the school was in breach of its funding agreement with the secretary of state
- whether the school has failed to comply with any other legal obligation.

For more information or to refer a complaint, see <http://www.gov.uk/complain-about-school>

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State (or someone acting on his or her behalf) requests access to them and except to the extent required by law.

Anthem Schools Trust

The school will ensure that the Education Director is informed of any complaints at Stage 2 to 4 without delay and is kept informed as to all stages of the complaint thereafter.

Record-keeping

A written record will be made about each concern and complaint received by the school and at which stage of the procedure each was resolved, the action taken by the school (whether or not the complaints were upheld), and the final outcome.

For further information please refer to our Retaining Records in Schools Policy.

Complaints against the Chair of the Local Governing Body

If a complaint is about the conduct of the Chair of the Local Governing Body, the Education Director will consider the complaint under Stage 2 of this Concerns and Complaints Policy as normal, and the Chief Executive will review the complaint under Stage 3.

Late complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the school reserves the right to refuse to investigate the complaint under this Concerns and Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the school decides that a complaint which was submitted late will not be investigated, the school will write to the complainant notifying them of the decision within **five school days** of the complaint being received.

If the complainant is dissatisfied with the decision not to investigate a complaint which was submitted late, the complainant may write to the Chair of the Local Governing Body asking for the decision to be reviewed. The Chair will be provided with all documentation relating to the complaint, together with the letter from the school to the complainant and will review the decision not to investigate the complaint. The Chair will **not** investigate the complaint itself during this review.

The Chair will write to the complainant with the outcome of the review within **10 school days** of the date that the letter from the complainant seeking the review was received and provide the school with a copy of the letter.

If the Chair quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Concerns and Complaints Policy in the usual way.

If the Chair upholds the decision not to investigate the complaint, the complainant may refer the concern or complaint to the Education and Skills Funding Agency.

Anonymous complaints

The school will not investigate anonymous complaints under the procedure in this Concerns and Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

Persistent or repetitive complaints

Where a complainant tries to re-open an issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of the Local Governing Body (or other appropriate person in the case of a complaint about the Chair) may inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, *and*
- the complainant has been given a clear statement of the school's position and their options (if any), *and*
- the complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening will not be accepted.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Monitoring and evaluation

A summary of complaints received will be included in the Headteacher's termly report to the Local Governing Body, with advice on any implications for policy.

This policy will be reviewed every two years.

Appendix 1 – Formal Complaint Form

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

| | |
|---|-------------------------------------|
| Your Name: | Student's Name: |
| Your Relationship to Student: | Student's DOB and Year/Form: |
| Address and Postcode: | Daytime Telephone Number: |
| | Evening Telephone Number: |
| Full details of complaint <i>(including the names of all persons involved and the dates of incidents referred to):</i> | |
| What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)? | |
| What actions do you feel might resolve the problem at this stage? | |

| | |
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| Are you attaching any paperwork? If so, please give details. | |
| | |
| Signature: | Date: |

| | |
|--------------------------------------|-------|
| <i>For Official Use:</i> | |
| Date Acknowledgement Sent | |
| Name of Person Complaint Referred To | |
| Signature: | Date: |