



# Complaints Policy and Procedure

Document Name	Approval Date	Next Revision Date
Complaints Policy and Procedure		
- V1.0 based on DTC guidance	October 2015	October 2020
- V1.1 Include independent panel member	January 2018	October 2020
- V1.2 Updates following DfE comments	January 2019	January 2024

The Directors have paid due regard to the impact of all aspects of equality in the writing of this policy

## INTRODUCTION

This policy applies to all schools within the Saturn Education Trust and replaces all previous versions.

### Purpose

To establish a policy and procedure for dealing with complaints relating to the school. As an Academy Trust this policy must meet the standards set out in The Education (Independent School Standards) Regulations 2014, Part 7.

### Scope

This Complaints Policy and Procedure only applies where the complaint relates to the running of the Trust and its schools or to the application of its policies and procedures. For example, it should be used for complaints about:

- Teaching and Learning
- School uniform and jewellery
- Nature of and arrangements for school activities
- Application of medication to pupils
- Loss by pupils of personal items at school
- Application of policies covering pupil behaviour, sanction, bullying
- How the school consults with parents over pupil progress
- Arrangements for the supervision of pupils
- The suitability of school visits
- The use of mobile phones.

This policy should not be used where a complaint relates to:

Complaint regarding:	Relevant Policy:	Source
Admission of a child to a school	SET Admissions Policy	Trust website: <a href="http://www.saturneducation.org/document-zone/policies/">www.saturneducation.org/document-zone/policies/</a>
Exclusion of a child from a school	Statutory guidelines for exclusions, including processes for review and appeal are published by the Department for Education	<a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>
Whistleblowing	SET Whistleblowing Policy	Trust website: <a href="http://www.saturneducation.org/document-zone/policies/">www.saturneducation.org/document-zone/policies/</a>
Child Protection and Safeguarding	SET/School Child Protection and Safeguarding Policy for each school	School website
Statutory Assessments of Special Education Needs	In first instance this SET Complaints Policy may be used but where the complaint relates to the actions of Dorset County Council or other agencies then their processes may be followed	<a href="http://www.dorsetforyou.gov.uk/children-families/sen-and-disability-local-offer/comments-compliments-and-complaints-about-service/complain-about-send-services.aspx">www.dorsetforyou.gov.uk/children-families/sen-and-disability-local-offer/comments-compliments-and-complaints-about-service/complain-about-send-services.aspx</a>
Staff grievances and disciplinary procedures	SET policies	Available from Trust Administration
Third parties who hire or use Trust facilities	Third parties should have their own policies and procedures	

**POLICY STATEMENTS**

1. The Trust is committed to ensuring that, wherever possible, informal resolution is encouraged.
2. All stages of any complaint should be investigatory rather than adversarial.
3. The policy applies to anyone who may have a legitimate complaint relating to the school. It is anticipated that, primarily, this will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility as defined in the Children Act 1989.
4. The responsibility for dealing with general complaints lies solely with the Trust. The procedures of Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any non-statutory complaint received by them will be redirected to the Trust immediately and that the complainant be informed accordingly.
5. Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances, such as serious bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. Spurious complaints and those brought by vexatious complainants may be terminated at the discretion of the Trust. A complaint may be considered spurious or vexatious where the Trust considers that all reasonable steps have been taken to address matters, where there is a clear statement on the Trust's position, where the Trust is repeatedly contacted with the same points being raised or where the Trust has reasonable grounds to consider that the intent of the complaint is solely to cause inconvenience.
7. The complaints procedure is divided into three stages:
  - **Informal:** The initial aim is to resolve any concern through informal contact at the appropriate level in the school.
  - **Formal:** If the concern has not been resolved, a written complaint (see appendix A) should be submitted for consideration by:
    - the Head of School, where the complaint relates to a staff member reporting to the Head of School;
    - the CEO, where the complaint relates to a Head of School or a non-school staff member;
    - the Chair of the Trust Board, where the complaint relates to the CEO.
  - **Panel Hearing:** In the event that a complainant is not satisfied with the response to a formal complaint, they may request a panel hearing.
8. Complaints must be raised within 2 months of the event or events to which the complaint pertains, save in exceptional circumstances.
9. Investigation of any complaint or review request, at the informal, formal or panel hearing stage, shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, which shall normally be within 15 school days of commencement. A panel hearing will normally take place within 25 school days of the request being received.
10. The complainant and, where relevant, the person complained about will be provided with a copy of the findings and recommendations of any investigation or panel hearing. In advising the complainant of the outcome of their complaint, the Trust may limit information provided when to do otherwise may prejudice the ability of any employee complained about to continue in post. The Trust recognises that the release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment rights.
11. Written records pertaining to a formal complaint, its investigation, findings, recommendation and actions shall be stored securely for a period of six years and shall be available for inspection on the school premises by the Headteacher, CEO and Trust Board. All correspondence, statements and records relating to individual

complaints will remain confidential except where the Secretary of State for Education or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

12. The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.
13. If a complainant believes that the Trust has acted inappropriately, illegally or arbitrarily in handling the complaint, then the complainant may raise a complaint through the Education and Standards Funding Agency. Further information can be found at [www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy](http://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy).
14. This Policy and Procedure will be published on School and Trust websites, be available in school office and be referenced in each School's Handbook to Parents and Carers.

## COMPLAINTS PROCEDURE

### Part A: Informal Stage

The complainant is normally expected to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns will be resolved by this informal stage. In the case of some concerns it may be appropriate to address concerns directly to the Head of School or the Chair of the Local Governing Body. Consideration of any concern should commence within five school days of notification and, except in exceptional circumstance, respond to the concern within 15 school days.

### Part B: Formal Stage

If the concern is not resolved at the informal stage, the complainant must within 20 days of the school's response put a complaint in writing to:

- the Head of School, where the complaint relates to a staff member who reports to the Head of School
- the CEO, where the complaint relates to a Head of School or a non-school staff member
- the Chair of the Trust Board, where the complaint relates to the CEO.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. See Appendix A for pro-forma.

The person to whom it is submitted will be accountable for its investigation but may delegate responsibility for investigation. If it is determined that the matter cannot be considered under this Complaints Policy and Procedure, he/she will inform the complainant in writing this decision, the reason for reaching that decision and appropriate process to pursue the complaint.

The person investigating the complaint may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend at any such meeting. He/She will collect such other evidence as deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if he/she wishes.

The investigation should begin within five school days of receipt of the written complaint and will be completed as soon as reasonably practicable, normally within 15 school days. When it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern is not substantiated by the evidence
- the concern was substantiated in part or in full. Some details may then be given of action the Trust may be taking as a result of the complaint but details of the investigation or of any disciplinary procedures will not be released
- the matter has been fully investigated and that appropriate procedures are being followed.

The complainant will be told that consideration of their formal complaint is now concluded. The letter will set out the action to be taken by the complainant if they wish to pursue the complaint further (Part C below).

### **Part C: Panel Hearing**

If a complainant is unhappy with the outcome of the formal stage then a written request for a Panel Hearing should be submitted to the Clerk to the Trust Board within 15 school days of the letter notifying the complainant of the outcome of the formal stage. This should include the reason for dispute of the findings of the formal stage, any additional evidence to be considered by the panel and any additional witnesses whose testimony the complainant may feel is relevant.

The Panel shall consist of two members of the Trust Board plus a person who is independent of the management and operation of the Trust. The Independent Person may not be a parent/carer of a child at the school, a Director or a member of staff of the Trust, or a Local Governing Body (LGB) member. Where the matter relates to a school within the Trust, an LGB member for another school in the Trust may be the Independent Person. No member of the Panel shall have been involved previously in the complaint or have prior knowledge of the complaint.

Investigations prior to the panel hearing will begin as soon as possible, usually within five school days of receipt of the written request, and will be completed as soon as reasonably practicable, normally within 20 school days. The Panel Hearing will normally be held within 25 days of the receipt of the request. It will be conducted through a consideration of written submissions, but reasonable requests to make oral representations shall be considered sympathetically.

The Panel will first receive written evidence from the complainant. The Panel will then invite the CEO or the Chair, as appropriate, to make a response to the complaint. The Panel will have access to all school and Trust records as deemed appropriate by the Panel. A written record of the panel hearing will be prepared and agreed by all Panel members.

The complainant, and the CEO or the Chair as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern is not substantiated by the evidence
- the concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- the concern was substantiated in part or in full and the Trust Board will take steps to prevent a recurrence or to rectify the situation where this is practicable.

**Appendix 1: Saturn Education Trust Complaint Form**

Please complete this form, or write providing the same information, and submit it to the school office

<b>Your Name:</b>	
<b>Pupil's Name:</b>	
<b>Your relationship to the pupil:</b>	
<b>Your Address:</b>	
<b>Contact details:</b> - phone number(s) - email	
<b>Details of Complaint:</b> Use additional sheets as required	
<b>What action have you taken to try to resolve the complaint and who have you spoken to? Are there witnesses you feel we should talk to?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Have you any supporting papers that you feel we should consider? If so, please list and attach.</b>	
<b>Signature:</b>	
<b>Date:</b>	