



COMPLAINTS POLICY

Complaints Policy

This policy was originally written in the spring term 2018 by members of the board of trustees, and was reviewed in [November](#) 2019. It will be reviewed annually by the board of trustees.

Date of review: [November](#) 2019

Next review: [November](#) 2020

Introduction

This policy provides the framework within which parents/carers of pupils at the school and non-parents/carers may raise a complaint and have confidence that it will be considered seriously and dealt with appropriately.

This policy outlines the system and route for complainants to make the school aware of matters about which they are *seriously worried* about. The Samara Trust has a strong commitment towards working in positive partnership with the whole school community. We need to ensure that we comply with requirements about handling complaints. These are contained in The Education (Independent School Standards) (England) Regulations 2014 (Schedule 1, Part 7).

It is important for complainants to decide whether their complaint is worthy of using The Samara Trust complaints procedure. It is always worth asking the question, '**is this a concern or a complaint?**' The answer to this question should help a complainant know how best to deal with the issue. Not all concerns are complaints. A concern is defined by the Department for Education as "*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*". It may be raised by a parent, pupil or other person and can be resolved quickly and informally by the person to whom the concern is addressed, e.g. class teacher, key stage leader. However, that is not always the case and this complaints policy is to deal specifically with an issue which goes beyond the informal discussion route.

Whatever the answer, complainants should aim to deal with issues as informally as possible; ideally face to face with a member of staff at an appropriate time which has been mutually agreed.

Our formal complaints procedure will only be applied if efforts to resolve the concern informally are unsuccessful. Where an individual considers that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be investigated and followed up.

Policy principles

- To encourage resolution of problems by **informal** means wherever possible.
- To be easily **accessible** and **publicised**.
- To be **simple** to understand and use.
- To be **impartial**.
- To be **non-adversarial**.
- To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress.
- To ensure a full and **fair** investigation by an independent person where necessary.

- To respect people's desire for **confidentiality (use of social media to highlight a complaint is strongly discouraged)**.
- To address all the points at issue and provide an **effective** response and **appropriate** redress.

This policy will be applied in respect of all complaints against the school except in the following areas, where separate policies and procedures exist:

- Child protection allegations.
- Exclusions.
- Admissions.

Details of these policies and procedures can be found on the website for each school in the Trust.

Stages of complaint for parents/carers

There are four stages to The Samara Trust complaint procedure for parents/carers of pupils at our schools. [Stage one is informal](#). [Stages two, three and four are formal](#). Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

Stage one- informal

If you have concerns about any aspect of your child's education and/or welfare you should first raise these concerns with the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue. This can be done by seeing the member of staff at the end of the school day or by telephoning the school office to make an appointment.

No meetings will be tape recorded. This will be stated at the commencement of the meeting and that if the complainant does still go ahead and records the meeting it will not be considered as part of the investigation.

[If you are satisfied with the outcome of your stage one informal complaint, then you need do nothing further. A written record of informal complaints will not be kept. If you are not satisfied with the response to your informal complaint to the school, you may proceed to stage two in the process. This is the formal process for your complaint to be made in writing.](#)

Stage two- formal

If you are not satisfied after stage one, write to the principal/executive principal who will investigate the complaint and respond in writing within ten (10) school working days. [This is the formal process for your complaint to be made in writing.](#)

If your complaint relates to the principal/executive principal, write to the chair of the local governing body in a sealed envelope with 'confidential' written on it via the school office, and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. It is not necessary to use the complaint form ([appendix 1](#)) but you may find it helpful for the purposes of structuring your complaint.

The chair may call upon a governor with specific expertise to review or undertake the investigation.

Complainant has fifteen (15) school working days to consider the decision before implementing stage three. If no response is received within fifteen (15) school working days, it will be deemed that the decision is accepted and the case will be closed.

No meetings will be tape recorded. This will be stated at the commencement of the meeting and that if the complainant does still go ahead and records the meeting it will not be considered as part of the investigation.

A written record of the complaint will be kept including details of whether the complaint was resolved following the stage two formal procedure, whether it was taken to stage three formal with a panel hearing, and any action taken by the school as a result of the complaint.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

If you are not satisfied with the response from the principal or chair of the local governing body in stage two formal, then you may proceed to stage three formal. Stage two formal provides for the panel (stage three formal) to make findings and recommendations. A copy of those findings and recommendations is available for inspection on the school premises by the principal or proprietor.

Stage three- formal

If you are not satisfied after stage two, write to the chair of the local governing body by completing the 'complaint form' and sending it via the school office in a sealed envelope with 'confidential' written on it. The chair, will convene a complaints panel of at least three (3) people who were not directly involved in the matter being complained about; one of whom must be independent of the management and running of the school and one of whom must be a member of the board of trustees of The Samara Trust. The panel will hear the complaint within fifteen (15) school working days. Neither the principal/executive principal nor the chair of the local governing body can be members of the panel as they will already have been involved in handling the complaint.

The complaints panel is the last school/Trust based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. You will be entitled to attend the panel hearing and be accompanied if you so wish. This meeting will be clerked and those concerned will be allowed to bring witnesses if this is appropriate. The panel will give you a decision in writing without delay or within ten (10) school working days of the hearing. A copy of the decision will be forwarded to any persons who are the subject of your complaint and the principal/executive principal.

No meetings will be tape recorded. This will be stated at the commencement of the meeting before the complaints panel and that if the complainant does still go ahead and records the meeting it will not be considered as part of the investigation.

A written record of the complaint will be kept including details of whether the complaint was resolved following the stage three formal procedure, and any action taken by the school as a result of the complaint.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. A copy of those findings and recommendations is available for inspection on the school premises by the principal or proprietor.

If you are not satisfied with the outcome of the hearing, then you may proceed to stage four formal.

Stage four- formal

The results of the hearing will be final and following ratification of the outcome, you will be advised that the matter is closed as far as the school/Trust is concerned.

Complaints about the school failing to comply with this procedure or failing to comply with the obligations in its funding agreement with The Secretary of State for Education may be made to the Education and Skills Funding Agency (EFA). The EFA will consider complaints that fall into any of the following three categories:

- Where there is undue delay or the school does not comply with its own complaints procedure when considering a complaint.
- Where the school is in breach of its funding agreement with the Secretary of State.
- Where a school has failed to comply with any of its legal obligations.

The EFA will normally only consider complaints when every stage of the above process has been completed. Further details can be found at www.education.gov.uk/aboutdfe/complaintsprocedure

Academy complaints procedure for those other than parents/carers

If you have concerns about the school, raise these concerns with the principal/executive principal in an attempt to resolve the issue, by telephoning the school office to make an appointment. If you are not satisfied by the response write to the chair of the local governing body in a sealed envelope with 'confidential' written on it via the school office and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. The chair may call upon a governor with specific expertise to review or undertake the investigation. There is no right to appeal at the end of this stage.

Investigating complaints

At each stage of the investigation process, the person investigating the complaint ensures that they establish what has happened so far, and who has been involved;

- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

Resolving concerns and complaints

When there are particular concerns which complainants wish to share, the school encourages them to contact the school by telephone or email/letter so that the matter can be dealt with quickly and informally.

For clarity: there is a difference between a concern and a complaint (as stated earlier in this document)

Concerns ought to be handled, if at all possible, without the need for formal procedures.

Complaints will be dealt with openly, fairly, promptly and without prejudice.

The school reserves the right to treat communications with parents as formal complaints even if parents/carers do not request this in the communication.

At each stage in the complaints procedure schools will keep in mind ways in which a concern or 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.
- Explanation as to why something happens in the way it does.
- Admission that the situation could have been handled differently or better.
- Assurance that the event complained of will not recur.
- Explanation of the steps that have been taken to ensure that it will not happen again.
- Undertaking to review school policies in light of the complaint.

Possible outcomes of a formal complaint

- Uphold the complaint in whole or part.
- Dismiss the complaint in whole or part.
- Recommend changes to school systems and procedures to ensure similar problems do not occur.
- Decide on an appropriate action to be taken to resolve the complaint.

Vexatious complaints

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same or substantially the same or any other issue where the chair of the local governing body reasonably believes that the aim of the complainant is to cause stress to the school or is unreasonably made, the chair of the local governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed in accordance with the following procedure:

Stage one- if the communication/complaint from a single person meets our definition of vexatious or persistent complaint (see below), a warning letter will be issued setting this out and expressing a view that if the behaviour does not change, we will deem the

complaints vexatious and that a person's right to access the complaints procedure or communicate with the school will be restricted.

Stage two - if the behaviour continues, the following restrictions will be put in place - email contact via a specific address or communication in writing only; meetings with two members of staff; calls to a specific person; no need to acknowledge letters etc. As long as parent still receives necessary information about the child, the other restrictions are within the school's discretion. Obviously, if the letters become threatening etc., then police involvement, action under Protection from Harassment Act 1997, would have to be considered.

Vexatious complaints - are complaints made, regardless of their merits, solely to harass, worry or annoy the person / organisation subject of the complaint. It may take the form of a primary frivolous complaint or may be the repetitive, burdensome, and unwarranted filing of meritless complaints. Filing vexatious complaints is considered an abuse of the school's complaints system and may result in stage 1 and/or stage 2 above being taken against the complainer.

A single complaint, even a frivolous one, is usually not enough to raise a complainant to the level of being declared vexatious.

Publication of Procedure

This procedure will be made available on the website for each school in The Samara Trust and will be made available in hard copy to anyone who asks for it.

Signed:



Dr Harry Ziman

Chair of the board of trustees

Signed:



Paula Conlin

CEO of The Samara Trust

Date: October 2019

Appendix 1

School Complaints Procedure for Pupils at a school within The Samara Trust

Please complete and return to the principal/executive principal (stage two [formal](#)) or the chair of the local governing body (stage three formal), who will acknowledge receipt and explain what action will be taken.

Your name:

Child's name:

Year:

Telephone number (daytime):

(evening):

Address:

Please give details of your complaint:

(Include details of actions already taken by the school to try to resolve the situation)

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use by school

Date acknowledgement sent:

By whom?

Complaint referred to:

Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.