



# Complaints Procedure

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This document applies to all schools and operations of the Vale Academy Trust. [www.vale-academy.org](http://www.vale-academy.org)

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## Introduction

This complaints procedure is not limited to parents or carers of children that are registered at Vale Academy Trust (“the Trust”) schools. Any person, including members of the public, may make a complaint to us about any provision of facilities or services that we provide.

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

For complaints about the Trust’s Chief Executive Officer, or members of the Board of Directors or its Chair, please note the process to follow is set out on page 7 of this procedure.

## Principles

We seek to ensure that all reasonable concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

This procedure meets the standards set out in the Education (Independent School Standards) (England) Regulations 2014 and the requirements set out by the Education and Skills Funding Agency (ESFA).

## Definitions

The Department for Education (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”
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## Exceptions to Complaints Procedure

Aside from the exceptions described here, this procedure covers all complaints about any provision of facilities or services.

The exceptions listed below are not covered because separate procedures exist.

In certain circumstances, for example where a Local Authority or another public body is investigating the matters in a complaint, our own process may be suspended until those investigations are concluded.

<b>Exceptions</b>	<b>What you should do</b>
Allegations of child abuse /other child protection issues Other safeguarding issues	Immediately report your concern to the class teacher, Designated Safeguarding Lead or Headteacher and check the school’s safeguarding policy.
Statutory Assessment of SEN	Check the school’s SEND offer and report your concern to the SENCO or Headteacher
School Admissions including appeals	Check the Admissions information on the school’s website.

Where a currently registered pupil wishes to personally raise a concern or make a complaint	He or she should talk to an appropriate teacher or member of staff and follow in-school procedures for dealing with pupil concerns and complaints.
Pupil Suspensions & Permanent Exclusions	Check the school's Behaviour Management and Suspension and Exclusions Policy.
Whistleblowing ( <i>for financial or other regulatory malpractice</i> )	Check the school's Whistleblowing Procedure.
Staff grievances /disciplinary procedures	These matters will invoke the school's internal grievance procedures. Staff should refer to the school's Staff Grievance Policy.
Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of religious education, including the act of collective worship. They do not have to explain why.

If your complaint relates to an external service provider, this should be raised with the Headteacher of the school in the first instance, but it might be that you or ourselves will have to follow the provider's own complaints procedures thereafter.

### **Safeguarding**

**If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Headteacher or Deputy Head should be informed immediately. The appropriate policy and procedures must be followed and the School's Designated Safeguarding Lead (DSL) must also be informed.**

### **How to get the best from this complaints procedure**

The person making the complaint (referred to as the 'complainant' in this document) will receive a more effective and satisfactory response to the complaint if they:

- follow these procedures;
- explain the complaint in full as early as possible;
- co-operate with us in seeking a resolution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from posting any details of the complaint on social media and respect confidentiality.

### **The Complaints Co-ordinator**

The complaints co-ordinator can be:

- The headteacher or CEO
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- make sure the process runs smoothly by liaising with staff members, the head teacher, chair of governors, clerk and CEO and chair of Board of Directors
- Be aware of issues relating to:
  - Sharing third party information
  - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explained the delay

### **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting early years stage requirements by calling 0300 123 4666, or by emailing [enquiries@Ofsted.gov.uk](mailto:enquiries@Ofsted.gov.uk)

## **Raising a concern or complaint**

### **Stage 1 - Informal Resolution**

It is important that the school, or the Trust if the complaint is not about a particular individual school, is informed of a concern or complaint at the earliest opportunity. In school, this will usually be the class teacher who can best deal with the problem although there may be situations where a senior member of staff or the Headteacher would need to discuss the matter (or the Chair of the Local Governing Body (LGB) if the complaint is about the Headteacher, or the Chair of the Trust's Board of Directors if the complaint is about the Chair of the LGB). Experience shows that nearly all concerns can be dealt with quickly and efficiently at this informal stage.

If you are uncertain about who you should contact and how to contact them, please seek advice from the school or Trust offices or find contact details on the school or Trust website.

It is a precondition to the operation of this procedure that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. In school, the Chair of the Local Governing Body shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the complainant may wish to elevate it to the formal stage.

## **Stage 2 – Formal Resolution: Investigation by a member of the Senior Leadership Team**

1. For a complaint relating to a school, the complainant must put the complaint in writing, addressed to the Headteacher\* of the school, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.

\*Headteacher contact details available from the school office or on the school website.

*Complaints about the Trust should be addressed to [enquiries@vale-academy.org](mailto:enquiries@vale-academy.org)*

The complainant may choose to use the Complaint Form (Appendix 1 of this document), or write the complaint in an email to the Headteacher, including the following information:

- Your name
- Pupil's name and class/tutor group
- Your relationship to the pupil
- Your home address and the best telephone number(s) for reaching you
- Details about the complaint, including relevant dates and whether you have spoken to anybody at the school/Trust about it
- What actions you feel might resolve the problem at this stage
- Are you attaching any paperwork? If so, please give details

Note: To avoid misunderstanding, the date the complaint becomes 'formal' will be determined as the day on which the Headteacher received the written complaint (not including weekends and school holidays). The Headteacher will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

2. The Headteacher will assign a member of the School Leadership Team to investigate the complaint, which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

Note: A 'school day' is a day the school is open and pupils are in attendance.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied she or he may request the complaint is dealt with at **Stage 3**. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

Any complaint relating to the Headteacher or a member of the Local Governing Body must be raised in the first instance with the Chair of the Local Governing Body who will, if an informal

resolution cannot be reached, investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Headteacher or a member of the Local Governing Body.

Any complaint relating to the Chair of the Local Governing Body must be raised in the first instance with the Chair of the Trust's Board of Directors (using the contact details for the Trust which can be found on the [Trust's website](#) – please mark your correspondence 'Private & Confidential For the Attention of the Chair of the Board of Directors'). The Chair will, if an informal resolution cannot be reached, designate a member of the Board of Directors to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Chair of the Local Governing Body.

For complaints against members of the Trust's Board of Directors or its Chief Executive, please note the process to follow set out on page 10 of this document.

### **Stage 3 – Formal Resolution: Local Governing Body**

1. The complainant must put the complaint in writing, addressed to the Chair of the Local Governing Body, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. The Chair of the Local Governing Body may appoint a member of the Local Governing Body to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her or his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied she or he may request the complaint is dealt with at **Stage 4**. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to [enquiries@vale-academy.org](mailto:enquiries@vale-academy.org)

### **Stage 4 – Formal Resolution: Panel Hearing**

- The Complaints Panel of the Trust will consider all complaints at Stage 4.
- The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Trust and any of its schools.
- The Complaints Panel may also include one or more persons from the following categories:
  - A member of the Local Governing Body of the school where the complaint emanated from
  - A member of a Local Governing Body from another school within the Trust
  - A member of the Trust's Board of Directors

- None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 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.
- Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings.
  
- The Complaints Coordinator will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days. At the end of that period (whether or not the school has responded) the Complaints Coordinator will convene a meeting of the Complaints Panel and a Clerk will be assigned to the panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. Representatives from the media are not permitted to attend.
  
- The meeting is not a court case; it will be held in private and will be as informal as circumstances allow. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
  
- The Panel can:
  - Uphold the complaint, in whole or in part
  - Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the schools systems or procedures to prevent similar issues in the future
  
- The Panel will then put together its findings and recommendations and a copy of those findings and recommendations will be:

- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
- (ii) made available for inspection on the school premises by the Headteacher or the Chair of the Local Governing Body, as appropriate.

- The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned. **Thereupon the Trust and school complaint process will be exhausted and no further correspondence will be entered into.**

### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Persistent Complaints**

#### **Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- give the complainant a single point of contact via an e-mail address



- limit the number of times the complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary

### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or convenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with school's response, or wish to pursue the complaint further, the normal procedures will apply.

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Board of Directors may write to the complainant, explaining that the procedure has been exhausted and the matter closed, and that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

### **Complaint about the Trust's Chief Executive Officer, or Chair of the Board of Directors, or a member of the Board of Directors.**

If the complaint is against a member of the Trust's Board of Directors or the Trust Chief Executive, then the Chair of the Board, (or in the case of a complaint against the Chair, the Vice-chair) will investigate the complaint (or appoint another member of the Board to do so) in the same manner as in the process at **Stage 3**. **Stage 2** does not apply.

In exceptional circumstances the Chair of the Board of Directors (or Vice-chair if the complaint is about the Chair) may at their absolute discretion determine that the complaint should be dealt with by the whole Board and, if so determined she or he will oversee.

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **Confidentiality**

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 Education and Skills Act 2008 requests access to them.

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.

### **Referring complaints on completion of the school's/Trust's procedure**

You may contact the Education and Skills Funding Agency (ESFA) if you are not happy with how your complaint was handled under these procedures, using this online form: [ESFA Schools Complaints Form](#)

If a complaint is received by the ESFA they will check whether the complaint has been dealt with properly by the school/Trust. They will consider complaints about schools/trusts that fall into any of the following three areas:

1. where there is undue delay or the school/trust did not comply with its own complaints procedure when considering a complaint
2. where the school/trust is in breach of its funding agreement with the Secretary of State
3. where the school/trust has acted (or is proposing to act) unreasonably when exercising its functions
4. where a school/trust has failed to comply with any other legal obligation

The ESFA will not overturn a school/trust's decision about a complaint. However, if they find a school/trust did not deal with a complaint properly they will request the complaint is looked at again. If the school/trust's complaints procedure does not meet the Regulations, they will ask the school/trust to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## Appendix 1: Complaint Form

Please complete and return to the Headteacher, or other appropriate person as described above.

<b>Your name:</b>
<b>School</b>
<b>Pupil's name and class/tutor group (for school-related complaints)</b>
<b>Your relationship to the pupil: (for school-related complaints)</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including relevant dates and whether you have spoken to anybody at the school or Trust about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>

<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>