

EXCELLENCE IN EDUCATION TRUST

COMPLAINTS PROCEDURE

Action/Notes
Approved by the board of EiE MAT : 30 th March 2021
Next review: March 2024

Please note that, during the Covid-19 restrictions, all stages of this procedure will be conducted remotely by video conference, and timescales may be subject to delay.

1. Introduction

- 1.1. The Furness and Oakington Manor Academies, which constitute the Excellence in Education Trust (from now on referred to as the **Trust**), are dedicated to providing the best possible education and support for all their pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the academies, so that any issues that arise can be dealt with as swiftly and effectively as possible.
- 1.2. The Trust welcomes feedback on the services they provide. Should anyone be unhappy with any aspect of the academies, it is important that the Trust learn about this. The Trust recognises there is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Trust aims to ensure that concerns are handled, if possible, without the need for formal procedures. The Trust's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel 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 looked into and followed up.
- 1.3. This policy outlines how complaints will be dealt with by the Trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended.
- 1.4. This policy will be followed in respect of all complaints by parents/carers against the academies except in the following areas (where separate policies exist):
 - (a) child protection allegations;
 - (b) exclusions;
 - (c) admissions;
 - (d) complaints about statements of Special Education Needs (SEN)/ Education, Health and Care (EHC) Plans;
 - (e) disciplinary issues relating to members of staff; and
 - (f) allegations of abuse.

Complaints relating to independent organisations or services who use the school premises should be referred directly to the organisation concerned.

- 1.5. Should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.
- 1.6. Please note that anonymous complaints will not be examined under this or any other complaints procedure and all complaints should be brought within three months of the date of the incident to which the complaint relates.
- 1.7. All staff members of the academies will be made aware of the Trust's complaints policy and expected to review this policy regularly in order that they are familiar with our
- 1.8. process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.
- 1.9. Complaints about the conduct of a governor or Trustee of the EiE Trust should be made directly to the Clerk to the Board of Trustees, in writing and in confidence.

2. Stage 1 - Informal Resolution

- 2.1. The class teacher, the head of year or other members of staff without the need to resort to a formal procedure can deal with many enquiries and concerns satisfactorily. The Trust values informal meetings and discussions and encourages parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. If an individual has a concern that they would like to take up with the school they should initially inform a member of staff in person, either over the telephone or in writing. The individual will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.
- 2.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days.
- 2.3. Should face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.
- 2.4. Complaints will be considered and managed as confidential proceedings. All parties concerned should, therefore respect the confidentiality of the case.

3. Stage 2 - Formal Written Complaints

- 3.1. If a complainant does not feel that her/his concern has been dealt with as s/he would like, is unhappy with the outcome of the informal meeting or feels that the issue is serious enough that it warrants it, the complainant should set out the precise nature of the complaint on the form at the end of this policy and return this to the Executive Head teacher (or the Chair of the Trust if the complaint is about the Executive Head teacher). The complainant should keep a copy of this form and all other relevant correspondence.
- 3.2. The Executive Head teacher (or the Chair of the Trust if the complaint is about the Executive Head teacher) will acknowledge the complaint in writing within five working days of receipt of the form. The Executive Head teacher or the Chair of the Trust (as applicable) will investigate the concerns and outline her/his decision if there is one to be made, and any action to be taken because of the complaint.
- 3.3. The Executive Head teacher or the Chair of the Trust (as applicable) may call the complainant in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen because of the complaint.
- 3.4. The Executive Head teacher or the Chair of the Trust (as applicable) will keep a record of all interactions with the complainant and other staff, meetings and decisions made with reference to the complaint.
- 3.5. If the complaint is an allegation of abuse, a formal investigation may be instigated by the Trust or external child welfare authorities to whom the Trust reports. Please refer to the Trust allegations of abuse against staff policy for an outline of this procedure.
- 3.6. The Executive Head teacher or the Chair of the Trust (as applicable) will aim to respond to the complainant in writing within 15 school days from acknowledgement of the complaint,

outlining her/his response to the complaint, and any action that has or will be taken. If this timescale is not possible, e.g., where further investigations are necessary, the Trust will keep the complainant informed of progress, details of new deadlines and an explanation for the delay.

- 3.7. If the Executive Head teacher or the Chair of Governors (as applicable) has decided not to take any further action on the issue, s/he will explain what s/he has decided, how s/he reached this decision, and will outline the complainant's right to take the matter further and the steps to be taken.
- 3.8. If in the early stages of the investigation, the Executive Head Teacher / Head Teacher considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of the Trust (or to the Clerk to the Trust) for the Chair's attention and the complainant will be informed of this action without delay.
- 3.9. The complainant has 15 school days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints panel hearing is received within 15 school days, it will be deemed that the decision is accepted and the complaint will be closed.

4. Stage 3 - Complaints Panel

- 4.1. If the complainant is dissatisfied with the outcome of their complaint at stage 2, s/he may lodge the complaint with the Chair of Trust (or to the Clerk to Trust) in writing, explaining the concern and the steps that have lead up to taking this course of action. Please use the complaint form in Appendix A
- 4.2. If the Chair of the Trust is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send the form directly to the Vice-Chair of Trust (or to the Clerk to the Trust for the Vice-Chair's attention) c/o the appropriate academy (Furness/Oakington Manor) marking the envelope 'private and confidential'. All *contact details are given on the complaint form.*
- 4.3. The Clerk of the Trust will convene a panel of at least three people who were not directly involved in the matters detailed in the complaint. This will comprise of at least one person independent of the management and running of the school.
- 4.4. The Trust shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties. The panel will aim to hear the complaint within 15 school days of the request for a panel hearing.
- 4.5. Both parties must submit any supporting documentation, other evidence and, if appropriate, a list of relevant witnesses to the panel at least five days before the panel hearing. The Trust may decide not to consent to members of staff being called as witnesses. It is the responsibility of the complainant to ensure that any witnesses they may call are available and/or compensated for loss of earnings or expenses they may incur.
- 4.6. Audio or video evidence may be considered under the following circumstances;
 - Any recordings were made with the consent of all parties concerned and are accompanied by written confirmation of this consent
 - Any CCTV or video footage cannot show any individual who is not directly involved in the complaint

- 4.7. The complainant is entitled to attend the panel hearing, and be accompanied by a friend. The complainant should notify the Clerk to Trust in advance if s/he intends to bring anyone to the hearing. *Please note that this is not a legal procedure, neither party should expect to bring legal representation.*
- 4.8. The procedure for an appeal is usually as follows:
- (a) The complainant and Executive Headteacher/Headteacher will enter the hearing together.
 - (b) The chair will introduce the panel members and outline the process.
 - (c) The complainant will explain the complaint.
 - (d) The Executive Headteacher/Headteacher and panel will question the complainant.
 - (e) The Executive Headteacher/Headteacher will explain the appropriate academy's actions.
 - (f) The complainant and panel will question the Executive Headteacher / Headteacher.
 - (g) The complainant will sum up her/his complaint.
 - (h) The Executive Headteacher/Headteacher will sum up the appropriate academy's actions.
 - (i) The Chair will explain that both parties will hear from the panel within five working days.
 - (j) Both parties will leave together while the panel decides.
 - (k) The Clerk will stay to assist the panel with its decision-making.
- 4.9. The Chair of the Panel/Clerk to the Trust will notify the complainant of the Panel's decision in writing within five working days of the Panel hearing. The letter will set out the decision of the Panel together with the reasons underpinning that decision. The letter may set out recommendations, which will be made to the Trust and will set out any further rights of appeal.
- 4.10. If the complaint concerns a member of staff, or any other individual, they will also be informed of the outcome of the panel hearing.
- 4.11. Minutes of the panel hearing will be made available to all parties as a confidential document.

5. Complaint to Secretary of State

- 5.1. If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, the complainant can write to the Secretary of State for Education via the Education Funding Agency (EFA).
- 5.2. The EFA will consider complaints that fall into any of the following three categories:
1. If the Trust has not allowed the complainant access to its complaint policy
 2. where there is undue delay, or the Trust did not comply with its own complaints procedures when considering a complaint;
 3. where the Trust is in breach of its funding agreement with the Secretary of State; or
 4. where the Trust has failed to comply with any other legal obligation.
- 5.3. The EFA will normally only consider complaints when every stage of the above process

has been completed.

- 5.4. Further details can be found at www.gov.uk/complain-about-school.

6. Record of complaints

- 6.1. All recommendations made by the complaint panel will be reported to the Board of Trustees, along with a record of what the complaint was about and how it was managed.
- 6.2. A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the Clerk to the Trust Board but may be inspected where appropriate by the Secretary of State or any inspection body.

7. Vexatious and persistent complaints and harassment

- 7.1. Whilst it is hoped that this policy will reduce any dissatisfaction with the academies, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the outcomes achieved under the complaints policy.
- 7.2. Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of the Trust will contact her/him to inform her/him that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the Trust will be under no obligation to respond to that correspondence.
- 7.3. A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the academies, and whose behaviour is unreasonable. Such behaviour may be characterised by:
- (a) actions which are obsessive, persistent, harassing, prolific, repetitious;
 - (b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
 - (c) uses Freedom of Information requests excessively and unreasonably;
 - (d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
 - (e) an insistence upon pursuing complaints in an unreasonable manner;
 - (f) an insistence on only dealing with the Executive Head teacher/Head of School on all occasions irrespective of the issue and the level of delegation in the Trust to deal with such matters;
 - (g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Trust because it is unlawful.
- 7.4. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in 7.3
- (a) to (g) above in such a way that it
 - (a) appears to be targeted over a significant period of time on one or more members of school staff and/or
 - (b) causes ongoing distress to individual member(s) of school staff and/or

- (c) has a significant adverse effect on the whole/parts of the school community and/or
- (d) is pursued in a manner which can be perceived as intimidating and oppressive by the recipient.

This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

- 7.5. In the case of persistent or vexatious complaints and/or harassment, the Trust will verbally inform the complainant that his/her behaviour is considered becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.
- 7.6. If the complainant's behaviour is not modified, the Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
 - (a) inform the complainant in writing that his/her behaviour is now considered by the Trust to be unreasonable/unacceptable and, therefore, to fall under the terms of this;
 - (b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
 - (c) inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust should be by letter only;
 - (d) in the case of physical, or verbal aggression warn the complainant about being banned from the academies' sites or proceed straight to a ban;
 - (e) consider informing the police who may seek to take further action under anti-harassment / malicious communication legislation;
 - (f) consider putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Executive Headteacher but only with a third person to be identified by the Trust, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Executive Headteacher accordingly.

8. Complaint Campaigns

8.1 Should there be a campaign or group complaint about either of the academies or the Trust the Board reserves the right to treat this as a single complaint and to respond accordingly. A complaint campaign would be a large number of complaints on the same subject and /or from complainants unconnected with the academies or Trust.

8.2 Possible actions may be

- to instigate an independent investigation of the complaint
- to convene a meeting for all of the complainants with the Executive Head Teacher / Chair of the Trust / a panel of Trustees, including somebody who is independent of the Trust and its academies.
- To provide a single written response on the Trust web-site
- To respond to every complainant with a template response

Signed (Chair of Excellence in Education Trust)

Date...30/01/2021

Signed(Executive Headteacher)

Date...30/01/2021

Appendix A.

Complaints Form

Your name:
Is this about Furness Oakington Manor Acorn Manor EiE Trust
Pupil's name:
Your relationship to pupil:
Your address and postcode:
Your telephone number:
Your email address:
Your complaint is... (Include details of actions already taken by the appropriate academy to try to resolve the situation)
What action have you already taken to try to resolve your complaint? (Whom did you speak to and what was the response?)
What would you like as an outcome from your complaint?

Are you attaching any paperwork? If so, give details here:

Your signature..... 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.

Please complete and return to the school office in a sealed envelope addressed to the Executive Head Teacher/Head Teacher, Chair of Trustees or Clerk to the Trust (as appropriate).

Office use only

Date received	
Date acknowledgement sent	
Responsible person	

Excellence in Education Trust

Telephone Numbers / Contact details

Furness Primary: admin@furness.brent.sch.uk ; 020 8965 5977 and 020 8965 4426;

Oakington Manor Primary: admin@oakmanor.brent.sch.uk ; 020 8902 2871

Chair of Excellence in Education Trust: chair@eietrust.co.uk

Clerk to the Board of Trustees: nickiparker@btinternet.com

Appendix B

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution 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 publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator *(to be appointed on a case by case basis, as appropriate, at Stage 2)*

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, EHT, Headteacher, Chair of the Trust and Clerk to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Board of Trustees

The Clerk is the contact point for the complainant and the committee, at Stage 3, and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale
- record the proceedings. The Clerk's record should be the only record taken during the meeting.
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child does not feel intimidated.

The committee should respect the views of the child and give them equal consideration to those of adults.

If the child is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the committee considers is not in the child's best interests.

- the welfare of the child is paramount.