



COMPLAINTS POLICY AND PROCEDURE

For the SOKE Education Trust and all associated academies

Date approved:	22 April 2021
Review Date:	
Chief Executive Officer (Sign and Date)	
Chair of the Board (Sign and Date)	



In the interests of ease in accessing this policy, at Northborough Primary School, the following people are those who hold positions referenced within this policy document:

The Headteacher is:

Stuart Mallott (E: head@northborough.peterborough.sch.uk)

The Chair of the Local Governing Body is:

Sean Rowcliffe (E: s.rowcliffe@northborough.peterborough.sch.uk)

The Clerk to the Local Governing Body is:

Isabel Clark (E: Isabel.clark@peterborough.gov.uk)

The Chief Executive of the Trust is:

Ben Wilding (E: CEO@sokeeducationtrust.co.uk)

The Chair of the Trust Board is:

Claire Spooner (E: chair@sokeeducationtrust.co.uk)

The Clerk to the Trust Board is:

George Hayes (E: George.Hayes@cambridgeshire.gov.uk)

This contact information should only be used at the appropriate outlined stage of the policy procedure within this document. Sharing your concerns/complaint to contacts who should not yet be receiving information regarding your complaint in the chronological course of events could prove to predicate and conflict the entire complaints process.

Rationale

This policy is intended to set out how academies referred to as schools within Soke Education Trust will deal with complaints from parents, students and the public, who should feel able to express their views about any provision of facilities or services that we provide knowing that they will be dealt with fairly. Staff wishing to make a complaint should follow the Grievance Resolution policy.

There are certain aspects of school life where the law sets out specific procedures (e.g. admissions and exclusions) which are covered by separate policies as outlined in Appendix 1.

Aims

This policy aims to provide all stakeholders with an accessible and easily understandable procedure for complaints. Schools would encourage parents to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

The school will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing systems and processes in light of the matters raised.

All processes outlined within this policy are expected to be approached in a calm, civil and reasonable manner. The school will not tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is considered abusive, offensive or threatening.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Soke Education Trust and its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Soke Education Trust School Headteachers will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff

member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Soke Education Trust schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period and timescales outlined in this policy shall be from such date in sitting school days following this.

Outcomes

Examples of outcomes may include (but not limited to);

- The complaint was substantiated in part or full. A description should be provided of the remedial action being taken as a consequence of the complaint;
- The matter being fully investigated and, as a consequence, further confidential procedures being pursued
- There being insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld and is dismissed
- Financial compensation is not a possible outcome at any stage of this policy

None of the above constitutes an admission of negligence or acceptance of liability on behalf of the school or SOKE Education Trust.

Details of any disciplinary action or sanctions to be made against a member of staff are strictly confidential and cannot be disclosed. This is in compliance with Employment Law.

Procedure

The expectation is that all concerns and complaints should be dealt with at Stage 1 in the first instance, via the school office made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

The School Office will direct it to the most appropriate member of staff. The majority of staff have full teaching timetables and may therefore not be able to respond immediately. However, if an acknowledgement is not received within 3 school days from raising your concern, please contact the office again to ask for a progress update on the concerns you have raised.

At any stage of the outlined process, the person dealing with the complaint may decide to appoint an Investigating Officer to gather evidence on their behalf. Electronic recordings of meetings or conversations are not normally permitted. Prior knowledge and consent of all parties must therefore be sought if meetings or conversations are going to be recorded.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them considering complaints at a later stage in the procedure. Mass emails to all Governors should also be avoided for the same reason.

Any complaints that are made directly to SOKE Education Trust and related to one of its schools, will be referred back to be dealt with by the school under this policy.

Complaints against school staff (except the Headteacher) should be made in the first instance, to Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust should be addressed to The Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Written Records

A written record will be kept of all complaints stating;

- Whether they are resolved following a formal procedure or proceed to a panel hearing
- Action taken by the school as a result of those complaints (regardless of whether they are upheld)

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage One: Raising a Concern / Informal Complaint

- 1.1. Minor concerns can often be resolved through direct engagement with the appropriate member of staff.
- 1.2. If the person first contacted cannot deal with the concern immediately or is not the appropriate person to deal with it, they will refer the matter to the appropriate member of the middle of Senior Leadership Team available at the time. The complainant can also request that their concern is referred to a specific member of staff, whilst keeping the matter informal.
- 1.3. In certain circumstances, the Headteacher may personally decide to deal with concerns at this stage
- 1.4. If the complaint relates to the Headteacher, the Complainant can contact the Headteacher to enable the complaint to be resolved informally. If this is not possible or the complaint cannot be resolved informally, the Complainant should contact the Chair of Governors, who will investigate the complaint under Stage 2 of this policy instead of the Headteacher
- 1.5. The person dealing with the complaint must make clear to the Complainant what action or monitoring of the situation will take place. Where appropriate, this will include what action will be taken in response to the concern and could include an explanation, a specific outcome, an apology, or a revision of procedure. This will only be put in writing to the Complainant if it seems the best way of making points clear.
- 1.6. Where no satisfactory resolution has been found, or if the member of staff considers the concerns should be raised as a formal complaint, the Complainant will be advised that they should put their complaint in writing to the Headteacher, as outlined in Stage 2 below.

Stage 2: Formal Complaint to the Headteacher

- 2.1 Formal complaints under Stage 2 should be made in writing to the Headteacher. The Complainant should clearly set out the nature of the complaint and outline how they would like to see the matter resolved. In the interests of simplicity and consistency, this should be using the complaints form in Appendix 2. Where the complaint is about the Headteacher, this should be submitted to the Chair of Governors.
- 2.2 The Headteacher will acknowledge receipt of the complaint in writing within 5 school days from receiving the written complaint. The acknowledgement should provide a brief explanation of the procedure for dealing with the complaint and confirm a date for providing a response, which will be within no more than 15 school days. If it is not possible to comply with these timescales,

the Complainant should receive an explanation regarding the reason for the delay and providing a revised target date.

- 2.3 Where complaints are received during school holidays or within 15 school days of the end of term or half term, the Headteacher will endeavour to expedite the investigation, but this can be from when the new term begins.
- 2.4 The Headteacher (or Investigating Officer) will be provided with any documentation from Stage 1 (where applicable) and will then proceed to investigate. The Headteacher (or Investigating Officer) is expected to document records of their work including records of meetings, telephone conversations and any other relevant documentation.
- 2.5 Once the investigation is concluded, the Headteacher will provide a written response to the Complainant. The written response will set out individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation and the conclusion reached. Where appropriate and necessary, this will include what action has been taken in response to the complaint and may go on to include an explanation, specific outcome, apology or revision of procedure.
- 2.6 The letter will inform the Complainant that, if they remain unsatisfied following the outcome of the Stage 2 investigation, they should write to the Clerk to the Local Governing Body within 10 school days from receipt of the letter to request their complaint and the Stage 2 investigation be reviewed by the Chair of the Local Governing Body under Stage 3 of the Complaints Policy. Any requests made outside of this timeframe will only be considered in exceptional circumstances.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

Stage 3: Review by the Chair of the Local Governing Body (*or their appointed representative from within the Local Governing Body)

- 3.1 The Complainant should not repeat matters raised in their original complaint and does not need to resubmit any documentation previously provided as this will be shared. The complainant should clearly set out how and why the Complainant does not accept the findings made in the Stage 2 investigation and how the Complainant feels that matters could be resolved.
- 3.2 Upon receipt of the request for Stage 3 review, the Chair of the Local Governing Body (or their appointed representative from within the LGB) will acknowledge the request in writing within no more than 5 school days. The acknowledgement will provide a brief explanation of the review procedure and confirm a date for providing a response. This will normally be within 20 school days. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date.
- 3.3 The Chair of the Local Governing Body or designate will be provided with all relevant paperwork relating to the complaint. The Chair will focus upon deciding whether the findings and conclusion under Stage 2 were reasonable, making specific reference to any points raised by the Complainant. Should the Chair require further clarification, they may (but do not have to) speak to the Complainant and any others (e.g. staff and students) who were part of the Stage 2 investigation process.
- 3.4 The Chair of the Local Governing Body or designate must keep a written record of any meetings or telephone conversations, as well as all other relevant documentation.
- 3.5 Once the review has been completed, the Chair of the Local Governing Body or designate may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. This meeting may result in an agreed outcome, which the Chair or designate will confirm in writing and the complaint would then be considered resolved.
- 3.6 The Chair of the Local Governing Body or designate will provide a written response which will set out whether they agree with the findings and conclusion of the Stage 2 investigation, and give reasons, as well as responding to any concerns raised about the Stage 2 investigation.
- 3.7 Where appropriate and necessary, this will include what action will be taken to resolve the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure.
- 3.8 The letter will inform the Complainant that, if they remain unsatisfied with the outcome of the Stage 3 review, they should again write to the Clerk to the

Local Governing Body within 10 school days of receiving the outcome letter to request a Complaint Panel Hearing (escalation to Stage 4 as outlined below).

Stage 4: Complaint Panel Hearing

- 4.1 The Complainant should not repeat the matters raised in their earlier letters or attach documentation already provided, as this will have already been shared through the process. The Complainant should clearly set out how and why they do not accept the findings made under Stages 2 and 3.
- 4.2 The Clerk to the Local Governing Body will write to acknowledge receipt of the request within no more than 5 school days of receiving the letter. The letter will inform the Complainant that arrangements will be made to hear the complaint at a Panel Hearing within 20 school days of receiving the request.
- 4.3 The letter will also confirm that the Complainant has the right to submit any further documents relevant to the complaint and request the attendance of witnesses on their behalf. These will be requested to be shared with the Clerk within no more than 5 school days of receipt of the acknowledgement letter.
- 4.4 If the Complainant wishes to rely upon the account of a witness, they should provide a written, signed and dated account included within the documentation provided to the Clerk. Any written accounts provided by those under the age of 18 must also be countersigned by their parent/carer to be considered.
- 4.5 The Complainant should also provide, within the same 5 school days as outlined above, the names of any witnesses they would like to attend the hearing to give a verbal statement, stating why their attendance is required. The Chair of the Complaint Panel reserves the right to make the final decision on who may or may not attend the panel hearing. Where a witness has previously given a written account which is largely undisputed, the Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to also give a verbal statement.
- 4.6 The Clerk to the Local Governing Body will make arrangements to convene the Complaint Panel within 20 school days of receiving the request. The panel will consist of three members who have had no prior involvement or knowledge of the subject matter of the complaint, nor been involved in any of the earlier stages.
- 4.7 The panel will be independent of the running and management of the particular school (i.e. they will not be a Governor of the Local Governing Body) but two members may be a governor of another school within the Trust or a Director of the Trust Board. The Clerk will ask the members of the panel to decide who will act as Chair of the Panel.

- 4.8 The Clerk to the Local Governing Body will write to the Complainant, the school's representative, any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least 5 school days in advance.
- 4.9 The letter will inform all parties of the names of those attending and their roles. This will also confirm that the Complainant has the right to be accompanied by a friend or relative for support. The letter will also explain how the Complaint Panel Hearing will be conducted and will include the details of the procedure to be followed at the meeting.
- 4.10 If the Complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 4.11 All relevant correspondence and documentation regarding the complaint will be provided to all parties at least 5 school days prior to the panel hearing. This should include all letters and relevant documentation/witnesses statements from Stage 2 onwards.
- 4.12 The school will usually be represented at the Complaint Panel Hearing by the people who have dealt with the complaint at Stages 2 and 3. The subject of the complaint should not necessarily expect to attend the hearing.
- 4.13 Members of staff involved in matters which gave rise to any complaint will usually have provided a signed, written account or have signed a note of a meeting during the previous stages. Any witnesses under the age of eighteen will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers.
- 4.14 The Complainant and school witnesses will only attend the Complaint Panel for the part of it where they give their verbal statements and answer questions. Otherwise, they will be asked to remain outside.
- 4.15 The Clerk to the Complaints Panel will record minutes of the panel hearing, however proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the Complainant and the school.
- 4.16 After the panel hearing has closed, the panel will meet in private to discuss the complaint, assisted by the Clerk. The Complaint Panel's decision will be confirmed in writing within 10 school days.
- 4.17 The Complaint Panel will make findings of fact, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The panel will decide what recommendations to make, if

any. These may include recommendations aimed at achieving reconciliation between the Complainant and the school, or recommendations for the school to follow aimed at improving the school's procedures and preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.

- 4.18 The Clerk to the Panel will then write to the Complainant, the Headteacher (in all cases, where or not they were represented), the Chair of the Local Governing Body (if they represented the school) and where relevant, any persons complained about. This will confirm the findings of facts and recommendations and will be shared within 10 school days of the Complaint Panel Hearing.
- 4.19 The letter will confirm that the panel's decision is final, but if the Complainant believes that this Complaints Policy does not comply with Regulations, or that it has not been followed, the Complainant may refer their complaint to the Education and Skills Funding Agency (ESFA).

Referral to the Education and Skills Funding Agency

If a complainant is not satisfied that;

- the Complaints Policy complies with regulations governing academies,
- Or that the Academy has not followed the procedure outlined in this policy correctly
- Or that the Academy has acted unlawfully or failed to comply with a contractual duty imposed by its Funding Agreement with the Secretary of State or any other legal obligation

They have the right to refer their complaint to the Education and Skills Funding Agency (part of the Department for Education).

The Education and Skills Funding Agency will not ordinarily review or overturn decisions made by academies about a complaint. They will usually only investigate whether an academy has considered a complaint appropriate.

If the Education and Skills Funding Agency finds that an academy did not consider a complaint appropriately, it can request the academy carries out an investigation under that stage of the complaints procedure again.

The contact details for the Education and Skills Funding Agency are as follows;

ESFA – Academies Complaint and Customer Insight Unit
Cheylesmore House
Quinton Road

Coventry
CV1 2WT

The complainant can find further information about referring a complaint to the Education and Skills Funding Agency at the following web address:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Misconceived or otherwise unreasonable complaints

The Trust and its schools reserves the right (in exceptional cases) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the complaints procedure will therefore not be followed. The reasons below outline circumstances where this may apply;

Vexatious or Repeated Complaints

A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint. Unreasonable, persistent complaints, trivial complaints and/or complaints that do not affect the Complainant may be regarded as vexatious.

Late Complaints

Where a complaint is submitted more than 3 months after the incident or event in question, this may be regarded as unreasonable to consider. Requests received outside of this timeframe will only be considered where exceptional circumstances apply.

Anonymous or Fictitious Complaints

The SOKE Education Trust, nor any of its schools, will investigate anonymous complaints or those found to be fictitious under the procedure of this Complaints Policy. Anonymous or fictitious complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

In any of the above cases, the Complainant is entitled to write to the Chair of the Local Governing Body asking for them to review the decision to regard the complaint as misconceived or otherwise unreasonable. The Chair of the Local Governing Body will respond to such request within 10 school days of receipt, confirming the outcome of the review. The complaint itself will not be reviewed for the purpose of this request.

If the Chair of the Local Governing Body or their designate quashes the decision not to investigate the complaint, it will be referred back to the appropriate stage of this policy. If the Chair of the Local Governing Body

upholds not to investigate the complaint, the Complainant may refer the concern to the Education Funding Agency using the information referenced above.

Record Keeping

The academy will keep a record of all concerns and complaints received and their outcomes, whether or not they were detail with formally or informally, aligned to the Trust's policy on documentation retention and the General Data Protection Regulation (GDPR).

The academy will keep all correspondence and documentation relating to individual concerns or complaints confidentially, except where the Secretary of State or OFSTED requests access to them.

This policy will be reviewed at least every two years by the full Trust Board.

Appendix 1

Scope of Complaints Policy

This procedure covers all complaints about any provision of facilities and services by the academy, other than those dealt with under other statutory procedures as outlined below;

Exceptions	Who to contact
- School Admissions	Refer to Admissions Policy
- Statutory Assessment of Special Educational Needs	
- Matters likely to require Child Protection investigations	Complaints regarding matters of Child Protection are handled under our Safeguarding and Child Protection policy, in accordance with relevant statutory guidance.
- Exclusions of a child from school	Refer to Exclusions Policy (Appeals)
- Whistleblowing	Internal whistleblowing policies are in place for all employees, including temporary staff and contractors.
- Staff Grievances	Complaints from staff will be dealt with via the Grievance Policy
- Staff Conduct	Complaints about staff will be dealt with under the disciplinary process, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of their complaint
- Complaints about services provided by providers other than the school who may use the school premises or facilities	These providers are expected to have their own complaints procedures and should be contacted directly

Please note: if other bodies are investigating aspects of any complaint raised including (but not limited to) the police, the Local Authority or tribunal processes, this may impact upon the ability to adhere to the timescales within this policy or result in this policy being suspended until such time that other public bodies have concluded their investigations.

If a complainant is minded to commence legal action against the Academy Trust in relation to their complaint, consideration will be given as to whether to suspend the complaints procedure in relation to their complaint, until such time that legal proceedings have concluded.



**Formal Complaint Form
SOKE EDUCATION TRUST**

Please complete and return this form to the Academy, who will acknowledge receipt and outline the onward process to be taken.

Your Name:	Student Name (if applicable):
Your relationship to student (if applicable):	Students DoB and Class (if applicable):
Home Address and Postcode:	Daytime Telephone Number:
Full details of the complaint (including names of all persons involved and the dates of incidents referred to):	
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?)	

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

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Are you attaching any paperwork? If so – please detail here:

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Signature:	Date:
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For office use only:

Date Received:

Date Acknowledgement Sent:

Name of Person Complaint

Referred to:

Signature

Date

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The Stages of the Complaints Process

Complaint is about	Stage 1	Stage 2	Stage 3	Stage 4
General issue, or member of staff below the Headteacher	Relevant member of staff	Headteacher	Chair of LGB	Panel of Governors with one independent member
Headteacher	Headteacher	Chair of Local Governing Body	A director of the Trust Board	Panel of Governors with one independent member
Individual Governor	Headteacher	Chair of Local Governing Body	A director of the Trust Board	Panel of Governors with one independent member
Chair of Local Governing Body	Chair of Local Governing Body	Vice Chair of Local Governing Body	A director of the Trust Board	Panel of Governors with one independent member
Local Governing Body as a whole	Not applicable	Trust Chief Executive	A director of the Trust Board	Panel of Governors with one independent member
Trust Employees (e.g. CEO/CFO)	Not applicable	A director of the Trust Board	Chair of the Trust Board	A panel of Directors with one independent member
A director of the Trust	Not applicable	Chair of the Trust Board	An externally appointed investigator	An independent panel (with no persons associated with the Trust)
Chair of the Trust	Not applicable	An externally appointed investigator	An independent panel (with no persons associated with the Trust)	The Education and Skills Funding Agency
The Trust Board as a whole	Not applicable	The Education and Skills Funding Agency	This would then follow ESFA escalation processes	