

CMAT Schools - Complaints Policy

Current Approved by Board 8th May 2019

Updated March 21 (to reflect DfE Best Practice Guidance 12th March 21)

INTRODUCTION

The main purpose of a complaints' procedure is to solve problems and to give parents a means to raise issues of concern and have them addressed. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

Complainants should be treated respectfully during and after the course of any complaints' investigation.

All members of staff should be aware of the complaints procedure and understand:

- The importance of attempting to resolve problems before they become formal complaints.
- The importance of treating complaints respectfully.

Some types of complaint are covered by other procedures including:

- exclusions
- staff grievances
- disciplinary procedures

This policy is based on DfE Best Practice Guidance for Academies updated 12th March 2021 for academy trusts for complaints procedures and/or handling complaints and is consistent with the requirements set out in the standard at the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

It has been written to ensure that it:

- is simple to understand and use.
- is impartial.
- is non-adversarial.
- enables a full and fair investigation.
- where necessary respects confidentiality.
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary provides information to your senior management team so that services can be improved.

To ensure compliancy with [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#), the complaints procedure consists of at least three stages:

1. Informal (usually a meeting with the complainant and described as "Expressing Concerns" below).
2. Formal (the complaint is put in writing).

3. A panel hearing (referred to as Committee here), with an independent panel member.

Where the parent is not satisfied with the outcome of a response they receive following their complaint, they will be allowed to escalate to the next stage and be given the opportunity to complete the complaints procedure in full.

Generally, we outline the following:

Timescale - We aim to deal with the management of a complaint swiftly and efficiently and to reach a conclusion within three months if all stages of a complaint are utilised.

EXPRESSING CONCERNS & INFORMAL APPROACH INITIALLY

We encourage complaints to be made on an informal basis initially. Complainants must be able to initially raise the complaint in person, in writing or via a phone call with the appropriate person to resolve their initial complaint as outlined in this Policy. At this informal stage, the school will consider the best way of dealing with the concerns raised according to the circumstances. It is preferable for all concerned that concerns are resolved now rather than later.

FORMAL PROCEDURE- Where the parent is not satisfied with the response to the complaint, we have set out a formal procedure for the complaint to be made in writing; unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this. We will ensure that we have written consent from the complainant before disclosing information to a third party.

Where the parent is not satisfied with the response to the complaint made formally, this policy has made provision for a hearing before a panel consisting of at least three people who were not directly involved in the matters detailed in the complaint.

Action through a complaints' procedure may lead to action being initiated under other procedures. This may be disciplinary, or child protection procedures and consideration should be given to this possibility at the earliest stage. In these cases, the publicised complaints procedure will be suspended until action under the other procedures (including appeals) has been concluded. The complainant should be advised if this is the case and informed of the likely delay in the final resolution of their complaint.

STAGE 1 - THE HEADTEACHER

It may be that the headteacher has not been aware of the concern raised prior to this point. At this stage, the headteacher will, in most cases, resolve the matter to the satisfaction of all concerned without recourse to the complaints' procedure.

STAGE 2 - FORMAL COMPLAINT TO THE GOVERNING BODY

Where concerns cannot be resolved by the headteacher, each school must have a procedure for accepting formal complaints. These should, in the first instance, be to the chair of the governing body giving details of the complaint and should be accepted in writing or verbally. Where a complaint is accepted verbally it should be reported back to the complainant to ensure that details have been

collected correctly. Attached is a form that could be used for this purpose, and it would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage.

Details of a complaint should be kept confidential except in so far as they need to be shared with people who might contribute to their resolution.

THE ROLE OF THE CHAIR OF GOVERNORS

The chair of governors will need to consider whether it is appropriate for him/herself to investigate the complaint, or whether to refer it to a complaints committee of the governing body to undertake a review. If the latter course of action is followed the chair will need to convene a meeting of the complaints committee.

When considering a complaint, the chair of governors may wish to seek technical or procedural advice from officers of the County's Education Service on the appropriate course of action to be taken.

The chair should write to the complainant following investigation into the complaint. If it is to be referred to a complaints committee then a letter should be sent explaining what will happen next, timescales involved, and the name of the person from whom they will next hear about the progress of the investigation.

THE ROLE OF THE GOVERNING BODY COMPLAINTS COMMITTEE

The procedure adopted by the committee for reviewing the complaint would normally be part of the school's formal procedure and membership should consist of three or five governors. This should be a cross-section of the different categories of governor, but the headteacher and chair of governors should not be members of this committee as the reviewing panel, which must be independent and seen to be impartial. The committee will elect their own chair.

The complainant must be given the opportunity to make representation in person. The committee should therefore meet at a time and a venue convenient to all parties.

THE ROLE OF THE CLERK TO THE GOVERNING BODY COMPLAINTS COMMITTEE

The DfE strongly recommends that any committee reviewing a complaint should have a clerk. Their role would be to:

- Set the time, date, and venue.
- Collate any written material and send to all parties in advance.
- Record the proceedings.
- Notify all parties of the decision.

Furthermore, we will ensure that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school; – The panel will consist of at least 3 members, who have had no prior connection with the complaint and at least one of these must be an independent panel member. This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The independent panel member should not be a member, trustee, or employee of the school. We will not use as an independent member any person who has a clear connection with the school (for example, a solicitor who routinely handles legal matters for the school).

A parent is invited to attend and be accompanied at a panel hearing if they wish but legal representation is discouraged as these committees are not a form of legal proceedings. The aim of the panel hearing is to ensure reconciliation and to put right things that may have gone wrong.

Record Taking

The panel will make findings and recommendations and a copy of those findings and recommendations along with any minutes will be provided to the complainant and, where relevant, the person complained about and made available for inspection on the school premises. All rationale for any decisions will be described too.

An appropriate written record will be kept of all complaints that are made including whether they have been resolved following a formal procedure or if they proceed to a panel hearing and any action taken by the school as a result of those complaints (regardless of whether they are upheld).

We will:

- record the progress of the complaint and the final outcome.
- record whether the case progressed to a panel hearing.
- record the action taken by the school or the trust, regardless of outcome.
- determine who is responsible for these records and make sure the data is kept secure.

OUTCOMES

In all cases where a complaint has been investigated by the governors, the complainant will be given a written response covering:

- The complaint
- The scope of the investigation
- The conclusion of the investigation
- Any action which has resulted
- The complainant may also be offered the opportunity to discuss the response.

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised the complainant might not be satisfied with the outcome if the governors do not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his/her complaint has been taken seriously.

If the investigation upholds the complaint, redress should be appropriate to the complaint and may include:

- An appropriate expression of regret
- Providing the solution desired by the complainant.
- Changing the procedures to avoid future problems.
- Each school will take responsibility for:
 - Deciding who can take remedial action
 - Ensuring that the remedy is carried out

- Ensuring that any remedy is within the school's powers.
- Ensuring the approach to remedies is reasonable and consistent.
- Where a complaint is not upheld the complainant must be given a response and informed of any further action that might be appropriate in their situation.

Stages 3 and 4 - The role of the CMAT Board

Parents do not have a general right of appeal should they disagree with the governors' decision. They may, however, raise the matter with the CMAT Board or Secretary of State if they consider the complaint was not investigated properly and fairly. If the governors have followed a proper procedure and considered the complaint reasonably, neither the CMAT Board nor the Secretary of State can reverse their decision.

COMPLAINTS POLICY AND PROCEDURE

Please complete this form and return it to the school who will then forward it to the chair of the governing body. Please continue a separate sheet if necessary.

1. Name

2. Address

3. Telephone Number (Home)

Telephone Number (Work)

4. Name of Child

5. Details of the Complaint *(please include the period of time to which your complaint relates and confirm whether you have already expressed your concerns informally, and to whom and when).*

6. Do you have a suggestion for change?

Please attach copies of any more information you have, to back up your complaint, such as letters or reports.

Signed **Date**