

Alpha Trust  
Concerns and Complaints Policy



**CONCERNS AND COMPLAINTS PROCEDURES**

<b>COMMITTEE</b>	Trustees Resources Committee
<b>RESPONSIBILITY</b>	Mrs Gillian Marshall
<b>REVIEW</b>	Every 3 years
<b>POLICY REVIEWED</b>	July 2018
<b>REVIEW DUE</b>	November 2021
<b>APPROVED BY THE TRUSTEES</b>	July 2018

# Alpha Trust

## Concerns and Complaints Policy

### **Introduction**

This policy statement sets out the approach of every school in Alpha Trust to dealing with parental concerns and complaints, but it is not applicable to concerns or complaints relating to child protection issues, admissions or exclusions.

This Policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014.

The following people are recognised as being able to raise a concern or complaint under this policy: parents, carers, legal guardians, education guardians and third parties.

### **Policy Aim and Statement**

#### **Aim:**

Alpha Trust values good home/school relations and will do everything reasonable to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. Each school welcomes feedback on what parents feel is done well and also on where there may be a need for a different approach. Each school will consider all feedback carefully, whether positive or negative, and will review policies and practices accordingly.

Alpha Trust will ensure that a concern or complaint is managed sympathetically and efficiently, so that a resolution is achieved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in their school's ability to safeguard and promote welfare. Alpha Trust will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, will review systems and procedures in the light of any agreed outcomes.

#### **Statement:**

The trust's schools need to know as soon as possible if there is any cause for dissatisfaction; a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships between all stakeholders and also to Alpha Trust's culture. Parents and students should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a student or their opportunities. The policy, however, distinguishes between concerns and difficulties which can be resolved informally through contact with either the appropriate member of staff or his/her line manager and a formal complaint, which will require investigation. Alpha Trust will treat concerns and complaints seriously and courteously and will advise parents and others of the trust's procedures for dealing with their concerns. In return, each school expects parents and other complainants to behave respectfully towards all members of their school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of students.

In line with the General Data Protection regulations 2018 each school will ensure any personal or sensitive information that is collected and/or used as part of any complaint investigation shall be kept secure, not be excessive, will be accurate and will be deleted when the information has served its original purpose.

Staff and local governors will receive training in handling parental concerns and complaints as appropriate. All staff, together with members of the Local Governing Body, will receive a copy of this policy statement and will be familiar with the trust's procedures for dealing with parental concerns and complaints.

# Alpha Trust

## Concerns and Complaints Policy

### **The 4 Stages of Alpha Trust Concerns and Complaints Policy**

All concerns and complaints will be dealt with using the following 4 stage process, further details of which are set out in the body of this policy;

**Stage 1:** Concern or difficulty raised informally, either orally or in writing, to a member of staff.

**Stage 2:** Formal complaint in writing to the Principal/Headteacher and the Chair of the Governing Body.

**Stage 3:** A Complaints Panel Hearing with at least 3 panel members.

**Stage 4:** Appeal to the Chief Executive Officer

### **The Timescale**

The trust aims to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. References to 'Working Day', mean a weekday when the school is open during term time. The dates of terms are published on each school's website.

### **Stage 1: Informal Complaints**

#### **1. Notification**

- 1.1 Alpha Trust expects that most concerns, where a parent/carer, student or third party seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about an aspect of teaching or pastoral care, the allocation of privileges or responsibilities, a timetable clash or any other aspect of a school's systems or equipment.
- 1.2 The concern should be raised initially with the subject teacher, Class Tutor, Head of Year (or equivalent), Head of Department or Principal/Headteacher, as the complainant feels appropriate.

#### **2. Timescale**

- 2.1 All informal complaints will be dealt with within 15 Working Days from receipt of the complaint.
- 2.2 A Complaints Form will be completed, and a copy of it will be sent to the Complaints Co-ordinator (current contact details available from the Principal/Headteacher's Office); an example of this Complaints Form can be found at Appendix A.

#### **3. Unresolved concerns**

- 3.1 A concern which has not been resolved by informal processes within 15 Working Days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

### **Stage 2: Formal Complaints**

#### **4. Notification**

- 4.1 An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction with an aspect of a school's policies, procedures, management, data

## Alpha Trust Concerns and Complaints Policy

handling or administration should be set out in writing, providing full details and documentation relating to the complaint, and sent with full contact details in an envelope addressed to the Principal/Headteacher and the Chair of the Local Governing Body. The complaint will be acknowledged by telephone, e-mail or letter within two Working Days, indicating the action that is being taken and the likely timescale for resolution.

- 4.2 A Complaints Form will be completed and sent to the Complaints Co-ordinator.

### **5. Investigation**

- 5.1 The Principal/Headteacher and the Chair of the Local Governing Body may either deal with the matter personally, or delegate the matter to a senior member of staff, data protection officer or one or more of the Local Governors who will act as investigators (“Investigators”). The Investigators may request additional information from the complainant and may wish to speak to the complainant personally and to others who have knowledge of the particular circumstances. The outcome of the investigation will be reported to the Principal/Headteacher and Chair of the Local Governing Body, who will then notify the complainant by telephone, email or letter of their decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to the complaint. They will be stored in a secure location.

### **6. Timescale**

- 6.1 The Principal/Headteacher will inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 Working Days from receipt of the complaint. However, if any complaint is received less than 28 Working Days before the end of term or half term, the complainant may receive a response after the school holidays.

### **7. Unresolved concerns**

- 7.1 Where a complaint has not been resolved by formal means within 28 Working Days, the complainant may request that a Panel Hearing is convened for the complaint to be considered.
- 7.2 Complaints relating to information handling may be referred to the Information Commissioner’s Office (the statutory regulator), [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113.

### **Stage 3: Complaints Panel Hearing**

#### **8. Notification**

- 8.1 To request a Complaints Panel Hearing (“Hearing”), complainants should write to the Complaints Co-ordinator within 10 Working Days of the disputed decision. A copy of all relevant documents and the complainant’s full contact details must accompany any letter to the Complaints Co-ordinator. The letter should state the desired outcome and detail all the grounds for complaint. The Complaints Co-ordinator must also be sent a list of the documents which the complainant believes to be in the school’s possession and that they wish the Complaints Panel to see.

# Alpha Trust

## Concerns and Complaints Policy

In line with the General Data Protection Regulations 2018 the complainant has a right to request information held about them by the school (Subject Access Request), including any information relevant to the complaint. A school must respond within one calendar month of clarification of the information sought. Please see the school's Data Protection Policy for further information.

### **9. Acknowledgment**

- 9.1 The Complaints Co-ordinator will acknowledge the complainant's request in writing within 2 Working Days of receipt, and will confirm to the complainant that the complaint has been passed to an appropriate Local Governor. This local governor will convene the members of the Complaints Panel and determine a date for the Hearing.
- 9.2 If assistance is required with a request, for example, due to disability, the complainant should contact the Complaints Co-ordinator who will make appropriate arrangements.

### **10. Timescale**

- 10.1 The Hearing will be within 30 Working Days of receipt of any request for a Hearing and the complainant will be notified by the Local Governor convening the Hearing of the date of the Hearing not less than 10 Working Days prior to the Hearing.

### **11. Members of the Panel**

- 11.1 There will be at least 3 members of the Complaints Panel, and the Complaints Panel will usually consist of 2 Local Governors of the particular school and 1 member who is independent of the governance and management of the school.
- 11.2 The members of the Complaints Panel will have no detailed prior knowledge of the circumstances of the complaint.
- 11.3 When the complainant receives notification of the Hearing date, they will also receive brief information on who has been appointed to sit on the Complaints Panel. This would consist of the name and role or individuals, indicating any connection with the particular school or whether they are independent.
- 11.4 The meeting of the Complaints Panel will be clerked.

### **12. The Role of the Complaints Panel**

- 12.1 The Complaints Panel is tasked with establishing the facts surrounding the complaint that has been made by considering:
  - 12.1.1 The documents provided by both parties; and
  - 12.1.2 Any representations made by the complainant, the Principal/Headteacher or the Chair of Local Governors.
- 12.2 The Complaints Panel can:

## Alpha Trust Concerns and Complaints Policy

12.2.1 Dismiss the complaint in whole or in part;

12.2.2 Uphold the complaint in whole or in part;

12.2.3 Decide on the appropriate action to be taken to resolve the complaint; and

12.2.4 Recommend changes to the trust's systems or procedures to ensure that problems of a similar nature do not reoccur.

12.3 It is not within the powers of the Complaints Panel to make any financial award, nor to impose sanctions. The Complaints Panel may make recommendations to the Principal/Headteacher or the Local Governors or Alpha Trust as appropriate, on what they consider appropriate sanctions or on any other issues.

### **13. Attendance**

13.1 The complainant may attend the Hearing and may be accompanied by one other person such as a relative or a friend. The complainant must notify the Local Governor convening the Hearing at least 5 working days before the Hearing, of the name of anyone accompanying the complainant and in what capacity they are known to the complainant.

13.2 If the complainant's child, to which the complaint relates, is aged eighteen and above, they may attend all or part of the Hearing at the discretion of the Chair.

13.3 The Principal/Headteacher may attend the Hearing, and at the discretion of the Complaints Panel, any other person may attend the Hearing if they have a reasonable and just interest in the outcome of the complaint; the panel should be given five working days' notice of this.

### **14. Evidence**

14.1 The Chair of the Complaints Panel will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner, as defined below in Point 16.

14.2 All parties may submit written evidence to the Complaints Panel in support of their position, and the Complaints Panel will consider all evidence provided. Such evidence should be provided to the Complaints Co-ordinator not less than 5 days prior to the Hearing.

14.3 The Complaints Co-ordinator will distribute all written evidence to the parties not less than 3 days prior to the Hearing date.

14.4 The Hearing is not a legal proceeding and the Complaints Panel shall be under no obligation to hear oral evidence from witnesses.

### **15. The Hearing**

15.1 The Hearing will be chaired by one member of the Panel and will be conducted in an informal manner. The School in question will be represented by the Principal/Headteacher, unless the complaint is against the Principal/Headteacher. If the complaint is against the Principal/Headteacher, a governor nominated by the Chair of Local Governors will represent the School.

## Alpha Trust Concerns and Complaints Policy

15.2 All statements made at the Hearing will be unsworn. All persons present will be entitled, should they so wish, to write their own notes for reference purposes. A handwritten minute of the proceedings will be taken during the Hearing. All notes and statements containing any personal or sensitive information must be kept secure, be accurate and be disposed of securely as soon as they have served their purpose.

### **16. Conduct**

16.1 All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If the Hearing is terminated due to the conduct of the parties, the Complaints Panel may either make their final decision if they are confident they have heard enough information to come to a decision, or they can arrange another Hearing.

16.2 Any person who is dissatisfied with any aspect of the way the Hearing is being conducted must say so before the proceedings go any further and such comments will be recorded.

### **17. Adjournment**

17.1 The Chair of the Complaints Panel may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. The Hearing will however, be reconvened within 10 Working Days of the adjournment.

### **18. Decision**

18.1 After consideration of the matters discussed at the Hearing, the Complaints Panel shall come to a decision, which will be communicated to the parties in writing within 10 Working Days, together with the reasons for the decision. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to the complainant.

18.2 The decisions, findings and any recommendations will be available for inspection on the particular school premises by the Local Governing Body and The Principal/Headteacher.

### **Stage 4: Appeal to the Chief Executive Officer**

19. The complainant has the right to appeal to the Chief Executive Officer (CEO) of Alpha Trust.

19.1 To request an appeal complainants should write to the CEO outlining the grounds for the appeal.

19.2 The CEO will review all available documentation and will make the decision as to the most appropriate actions to investigate the appeal. She may either deal with the matter personally, or delegate the matter to a senior colleague from another MAT school to act as investigator on her behalf (they will not have been involved in this issue previously). The CEO / investigator may request additional information, may speak to the complainant personally and others who have knowledge of the particular circumstances of the case. The outcome of the investigation will be reported to the CEO and the trustees. The CEO will then inform the complainant of their decision and the reason for it. Written records will be kept of all meetings and interviews held in relation to the appeal.

## Alpha Trust Concerns and Complaints Policy

- 19.3 The CEO will decide if it is appropriate to convene an Appeal Panel Hearing. If this should happen, it will follow the process outlined in the Stage 3: Complaints Panel Hearing.
- 19.4 The decision of the CEO is final. The decisions, findings and any recommendations will be available for inspection on the school premises by the trustees.
- 19.5 If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, no matter how good the concerns and complaints policy, there will be occasions when, despite all stages of the procedure having been correctly followed, the complainant remains dissatisfied with the outcome and/or the process. The complainant, in this case, may contact the Education Funding Agency.

### **20. Confidentiality**

- 20.1 The outcome of the Hearing and all documents and evidence presented at the Hearing are private and confidential as between the parties to the complaint, and should at all times, be treated as such. GDPR guidelines will be followed.
- 20.2 A written record will be kept of all correspondence, statements and records relating to individual complaints for a minimum of 1 year from the date of the complaint. This record will be kept confidential except to the extent required by paragraph 33 (k), Part 7, of the Schedule to the Education (Independent School Standards) Regulations 2014, that is where access is requested by the Secretary of State or where disclosure is required in the course of the school's inspection or under other legal authority.
- 20.3 In accordance with the General Data Protection regulations 2018, details of individual complaints will normally be destroyed following each investigation. However, where the complaint is related to a medical incident or a safeguarding concern then these details will be retained.

### **21. Unreasonable Complaints**

- 21.1 Please see Appendix C for examples of behaviour that will not be tolerated by the trust.

# Alpha Trust Concerns and Complaints Policy

## Appendix A: Complaints form

This form is to be completed by any member of staff who receives a complaint or a parent/carer who wishes to make a complaint. It should be passed to the Complaints Co-ordinator in a sealed envelope.

<b>What is the nature of the complaint? (Please tick)</b>	
<input type="checkbox"/> Staff conduct	<input type="checkbox"/> Parental/Carer conduct
<input type="checkbox"/> Teaching standards	<input type="checkbox"/> Pastoral care
<input type="checkbox"/> Condition of premises	<input type="checkbox"/> Timetabling
<input type="checkbox"/> Matters of regime and routine	<input type="checkbox"/> Access to or regulation of extra curricular activities
<input type="checkbox"/> Data Handling	
<input type="checkbox"/> Other (please give details)	
<b>Please give details of the complaint</b>	
Date[s] of incident	Time[s]
<b>If the complaint is about someone's behaviour please give the names of any witnesses to the incident[s]</b>	
<b>Action taken</b>	
Name	Position (staff or parent/carer)
Signed	Date

## Alpha Trust Concerns and Complaints Policy

<p style="text-align: center;"><b>Appendix B</b></p> <p style="text-align: center;"><b>Stage 1</b> Concern/complaint raised with subject teacher/class tutor/Head of Year (or equivalent)/HOD or Principal/Headteacher</p> <p style="text-align: center;"><b>If unresolved</b> ↓</p>	<ul style="list-style-type: none"> <li>• An informal complaint.</li> </ul> <p style="text-align: center;">-</p> <ul style="list-style-type: none"> <li>• Process completed with 15 Working Days from the receipt of the complaint.</li> </ul>
<p style="text-align: center;"><b>Stage 2</b>      Formal complaint raised with Principal/Headteacher and Chair of Local Governors</p> <p style="text-align: center;"><b>If unresolved</b> ↓</p>	<p style="text-align: center;">-</p> <ul style="list-style-type: none"> <li>• A written complaint should be sent to the Principal/Headteacher or Chair of Local Governors, receipt of which will be acknowledged within 2 Working Days.</li> <li>• The process will be completed within 28 Working Days from receipt of the complaint. (However, see section 6.1 concerning school holidays)</li> </ul>
<p style="text-align: center;"><b>Stage 3</b>      Formal complaint heard by the Complaints Panel</p> <p style="text-align: center;"><b>If unresolved</b> ↓</p> <p>All stages must be followed in the order presented in the table; stages cannot be missed.</p>	<p style="text-align: center;">-</p> <ul style="list-style-type: none"> <li>• Written notification of the request for a Complaints Panel Hearing should be sent to the Complaints Co-ordinator within 10 Working Days of the decision complained of.</li> <li>• The written request will be acknowledged by the Complaints Co-ordinator within 2 Working Days of receipt of the request.</li> <li>• The Hearing will be conducted within 30 Working Days of receipt of the request for the Hearing.</li> <li>• Notification to the complainant of the Hearing date will be provided not less than 10 Working Days prior to Hearing date.</li> <li>• The parties must inform the panel at least 5 Working Days before the Hearing if they intend to be accompanied by a legal representative.</li> <li>• All written evidence must be submitted to the Complaints Panel not less than 5 Working Days prior to the Hearing date.</li> <li>• All written evidence will be distributed to the parties not less than 3 Working Days prior to the Hearing date.</li> <li>• The parties will be notified of the Complaints Panel's decision within 10 Working Days of the Hearing.</li> </ul>
<p style="text-align: center;"><b>Stage 4</b></p>	<ul style="list-style-type: none"> <li>• CEO Review</li> </ul>

# Alpha Trust

## Concerns and Complaints Policy

### Appendix C

#### Unreasonable Complaints

- 1.1 Alpha Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The trust will not normally limit the contact complainants have with a school. However, the trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.
- 1.2 Alpha Trust defines unreasonable complainants as “those who, because of the frequency or nature of their contacts with one of its schools, hinder that school’s consideration of their or other people’s complaints”.
- 1.3 A complaint may be regarded as unreasonable when the person making the complaint:
  - 1.3.1 Refuses to articulate their complaint or specify the grounds of a complaint, or the outcome(s) sought by raising the complaint, despite offers of assistance;
  - 1.3.2 Refuses to co-operate with the complaints investigation process whilst still wishing for the complaint to be resolved;
  - 1.3.3 Refuses to accept that certain issues are not within the scope of a complaints procedure;
  - 1.3.4 Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - 1.3.5 Introduces trivial or irrelevant information which the complainant expects to be taken into account; or raises large numbers of detailed but unimportant questions, and insists they are fully answered immediately or to their own timescales;
  - 1.3.6 Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - 1.3.7 Changes the basis of the complaint as the investigation proceeds;
  - 1.3.8 Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - 1.3.9 Refuses to accept the findings of the investigation into that complaint where Alpha Trust’s complaint procedure has been fully and properly implemented and completed including referral to the Education Funding Agency.
  - 1.3.10 Seeks an unrealistic outcome; or
  - 1.3.11 Makes excessive demands on a school’s time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 1.4 A complaint may also be considered unreasonable if the person making the complaint does so either in person, by telephone or in writing or electronically:

## Alpha Trust Concerns and Complaints Policy

- 1.4.1 maliciously;
  - 1.4.2 aggressively;
  - 1.4.3 using threats, intimidation or violence;
  - 1.4.4. using abusive, offensive or discriminatory language;
  - 1.4.5. knowing it to be false;
  - 1.4.6. using falsified information; or
  - 1.4.7. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 1.5. Complainants should limit the numbers of communications they have with the school in question whilst their complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
  - 1.6. Whenever possible, the Principal/Headteacher or Chair of Local Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
  - 1.7. If the behaviour continues, the Principal/Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to refrain from such behaviour. For complainants who excessively contact a school and cause a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
  - 1.8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.