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COMPLAINTS POLICY

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1. AIMS

1.1. Our trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school/college, and others. When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school/college and trust improvement evaluation processes.

1.2. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

1.3. The trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on our website, and on the websites of our schools/college.

1.4. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. LEGISLATION AND GUIDANCE

2.1. This document meets the requirements set out in part 7 of the schedule to the Education Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at school/college.

2.2. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

2.3. This policy complies with our funding agreement and articles of association.

2.4. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the trust's fulfilment of Early Years Foundation Stage (EYFS) requirements.

3. DEFINITIONS AND SCOPE

3.1. The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

3.2. This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint. Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

4. ROLES AND RESPONSIBILITIES

THE COMPLAINANT

4.1. The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Co-operate with the school/college or trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed.
- Treat all those involved with respect.
- Do not publish details about the complaint on social media

THE INVESTIGATOR

4.2. An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these securely.
- Prepare a comprehensive report to the executive headteacher/principal or complaints committee, which includes the facts and potential solutions

THE COMPLAINTS CO-ORDINATOR

4.3. The complaints co-ordinator can be:

- The executive headteacher/principal CEO
- The designated complaints governor
- Any other staff member providing administrative support.

4.4. The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure.
- Make sure the process runs smoothly by liaising with staff members
- Keep records.
- Be aware of issues relating to:
- Sharing third party information
- Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person

CLERK TO THE LOCAL GOVERNING BODY AND TRUST BOARD

4.5. The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing

COMMITTEE CHAIR

4.6. The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. PRINCIPLES FOR INVESTIGATION

5.1. When investigating a complaint, we will try to clarify:

- What has happened.
- Who was involved.
- What the complainant feels would put things right.

TIMESCALES

5.2. The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

5.3. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5.4. When complaints are made during half term, we will consider them to have been received on the first school/college day after the holiday period. If at any point we cannot meet the timescales we have set out in this policy, we will:

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

COMPLAINTS ABOUT OUR FULFILMENT OF EARLY YEARS REQUIREMENTS

5.5. We will investigate all written complaints relating to the trust's fulfilment of the EYFS requirements and notify the complainant of the outcome within 28 days of receiving the complaint. Schools/college will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

5.6. Parents and carers can notify Ofsted if they believe that a school is not meeting EYFS requirements.

5.7. Schools/college will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools/college will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. STAGES OF COMPLAINT - NOT COMPLAINTS AGAINST THE TRUST, CEO, OR TRUSTEES

6.1. We have adopted a three-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – local governing body panel hearing

STAGE 1: INFORMAL RESOLUTION

6.2. The trust will take informal concerns seriously and make every effort to resolve that matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

6.3. The complainant should raise the complaint as soon as possible with the relevant member of staff or the executive headteacher/principal, either in person or by letter, telephone, or email. If the complainant is unclear who to contact or how to contact them, they should contact the office:

- HIVE College: 0121 306 4800 or business@hivecollege.org.uk
- Wilson Stuart School: 0121 373 4475 or enquiry@wilsonstuart.co.uk
- Queensbury School: 0121 373 5731 or enquiry@queensbury.eiat.org.uk
- Mayfield School: 0121 809 2500 or enquiry@mayfield.eiat.org.uk
- Bluesky Nursery: 0121 306 4808 or hello@blueskynursery.co.uk
- Lime Tree Nursery: 0121 809 2555 or enquiry@lime-tree-nursery.co.uk

6.4. The school/college will acknowledge informal complaints within 5 school/college days and investigate and provide a response within 20 school/college days.

6.5. The informal stage will involve a meeting between the complainant and a member of the senior leadership team.

6.6. If the complaint is not resolved informally, it will be escalated to a formal complaint.

STAGE 2: FORMAL INVESTIGATION

6.7. The formal stage involves the complainant putting the complaint in writing, (unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this). This letter/ email should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint
- copies of any relevant documents.

ADDRESSING THE COMPLAINT

6.8. Complaints not involving the executive headteacher/principal or a member of the local governing body should be directed to the executive headteacher/principal. This can be done by using the school/college email address above or by letter addressed to the executive/ principal headteacher, delivered to the school/college office.

6.9. Complaints involving the executive headteacher/principal should be directed to the CEO; complaints involving a member of the local governing body should be directed to the Chair of the Trust . This can be done by:

- Email: enquiry@educationimpact.org.uk
- Letter addressed to the CEO ~~chair of the local governing body~~, delivered to the Trust office: EIAT Head Office, Wood End Road, Birmingham B24 8BL

6.10. Complaints involving the chair of the local governing body should be directed to the chair of the board of trustees. This can be done by:

- Email: enquiry@educationimpact.org.uk
- Letter: EIAT Head Office, Wood End Road, Birmingham B24 8BL

6.11. If complainants need assistance raising a formal complaint, they can contact the school/college office using the relevant details above.

INVESTIGATION

6.12. The complainant will receive written acknowledgement of their complaint (either by letter or email) within 5 school/college days.

6.13. The executive headteacher/principal or the CEO will then conduct their own investigation.

6.14. If the complaint is:

- Jointly about the chair and vice-chair or
- The entire local governing body or
- The majority of the local governing bodyThe CEO or trust board will conduct the investigation.

6.15. The written conclusion of this investigation will be sent to the complainant within 20 school/college days. If we are unable to meet this deadline, we will provide the complainant with an update and revised response date.

6.16. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

6.17. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 10 school/college days.

STAGE 3: LOCAL GOVERNING BODY PANEL HEARING

CONVENING THE PANEL

6.18. Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

6.19. The panel will be appointed by or on behalf of the trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school/college. The panel cannot be made up solely of local governing body members, as they are not independent of the management and running of the school/college.

6.20. If the complaint is:

- Jointly about the chair and vice-chair or
- The entire local governing body or
- The majority of the local governing body

6.21. The panel will be made up of trustees and an independent panel member (The independent panel member may be a Governor from another school). The panel will have access to the existing record of the complaint's progress (see section 10).

6.22. The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school/college days of the request, where possible.

6.23. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

6.24. Any written material will be circulated to all parties at least 5 school/college days before the date of the meeting.

AT THE MEETING

6.25. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

6.26. At the review panel meeting, the complainant and representatives from the school/college, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

6.27. The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school/college employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

6.28. Representatives from the media are not permitted to attend.

6.29. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

6.30. The panel, the complainant and the school/college representative(s) will be given the chance to ask and reply to questions. Once the complainant and school/college representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

6.31. The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust and executive headteacher/principal.

THE OUTCOME

6.32. The committee can:

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part

6.33. If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint.
- Where appropriate, recommend changes to the school's/college systems or procedures to prevent similar issues in the future

6.34. The school/college will inform those involved of the decision in writing within 5 school/college days.

7. COMPLAINTS ABOUT THE TRUST, CEO OR TRUSTEES

STAGE 1: INFORMAL

7.1. We make every effort to address any concerns or complaints early through informal measures. The complainant should raise any concerns as soon as possible with a member of the central team, or the chief executive officer (CEO).

7.2. If the concern regards the CEO, the complainant should contact the chair of the board of trustees.

7.3. If the complainant is unsure who to contact or needs to contact the chair of the board of trustees, they should contact the trust office. This can be done by:

- Email: enquiry@educationimpact.org.uk
- Letter: EIAT Head Office, Wood End Road, Birmingham B24 8BL

7.4. The process for responding to and investigating an informal complaint about the trust, CEO or trustees is the same as that set out in section 6.

STAGE 2: FORMAL

7.5. If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

7.6. The complainant will receive written acknowledgement of their complaint within 5 school/college days.

7.7. The investigating officer will then investigate, in line with the process set out in section 6 above, providing a written response to the complainant within 20 school/college days.

STAGE 3: PANEL HEARING

CONVENING THE PANEL

7.8. Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

7.9. A panel will be appointed by the trust and will consist of 3 members of the board not involved in investigating the complaint in the formal stage.

7.10. If the complaint is:

- Jointly about the chair and vice-chair or
- The entire trust board or
- The majority of the trust board
- The panel will be entirely made up of independent members.

7.11. The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school/college days of the request, where possible.

7.12. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

7.13. Any written material will be circulated to all parties at least 5 school/college days before the date of the meeting.

7.14. The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

7.15. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

7.16. The board will ensure that minutes are taken at the hearing.

AT THE MEETING

7.17. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

7.18. The panel, the complainant and the trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

7.19. The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust.

7.20. The panel will inform those involved of the decision in writing within 5 school/college days.

8. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL/COLLEGE AND TRUST PROCEDURES

8.1. If the complainant is unsatisfied with the outcome of the school/college or trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the school/college or trust's decision about a complaint but will intervene if a school/college or trust has:

- Breached a clause in its funding agreement.
- Failed to act in line with its duties under education law.
- Acted (or is proposing to act) unreasonably when exercising its functions.

8.2. If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

9. PERSISTENT COMPLAINTS

UNREASONABLY PERSISTENT COMPLAINTS

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

- Has made the same complaint before, and it's already been resolved by following this complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

STEPS THE SCHOOL/COLLEGE/TRUST WILL TAKE

9.2. The school/college/trust will take every reasonable step to address the complainant's concerns, and give them a clear statement of the school's/trust's position and their options. The school/college/trust will maintain the role of an objective arbiter throughout the process, including when meetings are held with individuals. The school/college/trust will follow this complaints procedure as normal (as outlined above) wherever possible.

9.3. If the complainant continues to contact the school/college/trust in a disruptive way, communication strategies may be put in place. The school/college/trust may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place, as necessary.

STOPPING RESPONDING

9.4. The school/college/trust may stop responding to the complainant when all of these factors are met:

- The school/college/trust has taken all reasonable steps to help address their concerns
- The complainant has received a clear statement of the school's/college's/trust's position and their options
- The complainant contacts the school/trust repeatedly, and the school/college/trust believes their intention is to cause disruption or inconvenience.

9.5. The school/college/trust will inform the individual that they intend to stop responding and explain that any new complaints will still be considered.

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

9.2 DUPLICATE COMPLAINTS

9.7. If the school/college/trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the school/college/trust will assess whether there are aspects that we hadn't previously considered, or any new information that needs to be taken into account.

9.8. If the school/college/trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint

9.9. If there are new aspects, this procedure will be repeated.

9.3 COMPLAINT CAMPAIGNS

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

- Publishing a single response on the school/college/trust website
- Sending a template response to all the complainants

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

10. RECORD-KEEPING AND CONFIDENTIALITY

10.1. The school/college will record the progress of all complaints, including information about:

- Actions taken at all stages.
- The stage at which the complaint was resolved.

- The outcome

10.2. The records will also include copies of letters and emails, and notes related to meetings and phone calls.

10.3. In the case of complaints about the trust or central staff, these records will be managed by the company secretary.

10.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our data retention policy.

10.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing body of the school/college (or the entire trust board) in case a review panel needs to be organised at a later point.

10.6. Where the local governing body is aware of the substance of the complaint before the review panel stage, the school/college will (where reasonably practicable) arrange for an independent panel to hear the complaint.

10.7. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the local governing body, who will not unreasonably withhold consent.

11. LEARNING LESSONS

11.1. We will review any underlying issues raised by complaints with the appropriate staff member respecting confidentiality, to determine whether there are any improvements that the school/college can make to its procedures or practice to help prevent similar events in the future.

11.2. The CEO and Trust board will receive regular reports on the types of complaints received in each school/college in order to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

12. MONITORING ARRANGEMENTS

12.1. The local governing body will monitor the effectiveness of the school/college complaints procedure in ensuring that complaints are handled properly.

12.2. The CEO will monitor the effectiveness of the complaint's procedure trust-wide.

12.3. This policy will be reviewed by [CEO every year. At each review, the policy will be approved by The Trust Board.

13. LINKS WITH OTHER POLICIES

13.1. Policies dealing with other forms of complaints include:

- Safeguarding and child protection policy
- Admissions policy
- Exclusion policy
- Staff grievance policy
- Staff disciplinary policy
- SEN information report