



# Complaints Procedure for Parents and Carers

Last reviewed: February 2021

This document applies to all schools and operations of the Vale Academy Trust. [www.vale-academy.org](http://www.vale-academy.org)

Document Control			
Review period	12 Months	Next review	February 2022
Owner	Chief Executive	Approver	Board of Directors
Category	Public	Type	Global

## Introduction

This procedure is for parents and carers of pupils currently registered at a school of the Vale Academy Trust ('the Trust').

Anyone other than parents and carers of currently registered pupils should instead use the **Complaints Procedure for Public Use**, which can be found on the school website, or a copy can be obtained from the school office.

For complaints about the Trust's Chief Executive Officer, or members of the Board of Directors or its Chair, please note the process to follow is set out on page 7 of this procedure.

## Principles

All schools in the Trust are required to provide a complaints procedure that gives parents and carers of current pupils a formal structure to complain about school-related issues. We seek to ensure that all reasonable concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

This procedure meets the standards set out in the Education (Independent School Standards) (England) Regulations 2014 and the requirements set out by the Education and Skills Funding Agency (ESFA).

## Exceptions to Complaints Procedure

This procedure covers all complaints about any provision of facilities or services at school as they relate to current pupils, however, the exceptions listed below are not covered because separate procedures exist.

In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, the school's own process may be suspended until those investigations are concluded.

Exceptions	What you should do
Allegations of child abuse /other child protection issues Other safeguarding issues	Immediately report your concern to the class teacher, Designated Safeguarding Lead or Headteacher and check the school's safeguarding policy.
Statutory Assessment of SEN	Check the school's SEND offer and report your concern to the SENCO or Headteacher
School Admissions including appeals	Check the Admissions information on the school's website.
Where a currently registered pupil wishes to personally raise a concern or make a complaint	He or she should talk to an appropriate teacher or member of staff and follow in-school procedures for dealing with pupil concerns and complaints.
Pupil Exclusions	Check the school's Behaviour Management and Exclusions Policies.
Whistleblowing ( <i>for financial or other regulatory malpractice</i> )	Check the school's Whistleblowing Procedure.

Staff grievances /disciplinary procedures	These matters will invoke the school's internal grievance procedures. Staff should refer to the school's Staff Grievance Policy.
---	--

If your complaint relates to an external service provider, this should be raised with the Headteacher of the school in the first instance, but it might be that you or the school will have to follow the provider's own complaints procedures thereafter.

## Safeguarding

**If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Headteacher or Deputy Head should be informed immediately. The appropriate policy and procedures must be followed and the School's Designated Safeguarding Lead (DSL) must also be informed.**

## How to get the best from this complaints procedure

The person making the complaint (referred to as the 'complainant' in this document) will receive a more effective and satisfactory response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a resolution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from posting any details of the complaint on social media and respect confidentiality.

## Raising a concern or complaint

### Stage 1 - Informal Resolution

It is important that the school knows of a concern or complaint at the earliest opportunity. In the first instance it is usually the class teacher who can best deal with the problem although there may be situations where a senior member of staff or the Headteacher would need to discuss the matter (or the Chair of the Local Governing Body (LGB) if the complaint is about the Headteacher, or the Chair of the Trust's Board of Directors if the complaint is about the Chair of the LGB). Experience shows that nearly all concerns raised by parents can be dealt with quickly and efficiently at this informal stage.

If you are uncertain about who you should contact and how to contact them, please seek advice from the school office or find contact details on the school or Trust website.

It is a precondition to the operation of this procedure that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of the Local Governing Body shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent or carer may wish to elevate it to the formal stage.

## **Stage 2 – Formal Resolution: Investigation by a member of the Senior Leadership Team**

1. The complainant must put the complaint in writing, addressed to the Headteacher\* of the school, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.

\*Headteacher contact details available from the school office or on the school website.

The complainant may choose to use the Complaint Form (Appendix 1 of this document), or write the complaint in an email to the Headteacher, including the following information:

- Your name
- Pupil's name and class/tutor group
- Your relationship to the pupil
- Your home address and the best telephone number(s) for reaching you
- Details about the complaint, including relevant dates and whether you have spoken to anybody at the school about it
- What actions you feel might resolve the problem at this stage
- Are you attaching any paperwork? If so, please give details

Note: To avoid misunderstanding, the date the complaint becomes 'formal' will be determined as the day on which the Headteacher received the written complaint (not including weekends and school holidays).

2. The Headteacher will assign a member of the School Leadership Team to investigate the complaint, which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received

Note: A 'school day' is a day the school is open and pupils are in attendance.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied she or he may request the complaint is dealt with at **Stage 3**. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

Any complaint relating to the Headteacher or a member of the Local Governing Body must be raised in the first instance with the Chair of the Local Governing Body who will, if an informal resolution cannot be reached, investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Headteacher or a member of the Local Governing Body.

Any complaint relating to the Chair of the Local Governing Body must be raised in the first instance with the Chair of the Trust's Board of Directors (using the contact details for the Vale Academy Trust which can be found on the [Trust's website](#) – please mark your correspondence 'For the Attention of the Chair of the Board of Directors'). The Chair will, if an informal

resolution cannot be reached, designate a member of the Board of Directors to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Chair of the Local Governing Body.

For complaints against members of the Trust's Board of Directors or its Chief Executive, please note the process to follow set out on page 7 of this document.

### **Stage 3 – Formal Resolution: Local Governing Body**

1. The complainant must put the complaint in writing, addressed to the Chair of the Local Governing Body, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. The Chair of the Local Governing Body may appoint a member of the Local Governing Body to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her or his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied she or he may request the complaint is dealt with at **Stage 4**. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to [enquiries@vale-academy.org](mailto:enquiries@vale-academy.org)

### **Stage 4 – Formal Resolution: Panel Hearing**

1. The Complaints Panel of the Vale Academy Trust will consider all complaints at Stage 4.
2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Trust and any of its schools.
3. The Complaints Panel may also include one or more persons from the following categories:
  - A member of the Local Governing Body of the school where the complaint emanated from
  - A member of a Local Governing Body from another school within the Trust
  - A member of the Trust's Board of Directors
4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
5. The Complaints Coordinator will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days. At the end of that period (whether or not the school has responded) the Complaints Coordinator will

convene a meeting of the Complaints Panel and a Clerk will be assigned to the panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

6. The meeting is not a court case; it will be held in private and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
7. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - (ii) made available for inspection on the school premises by the Headteacher or the Chair of the Local Governing Body, as appropriate.
8. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned. **Thereupon the Trust and school complaint process will be exhausted and no further correspondence will be entered into.**

#### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

#### **Serial or Persistent Complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Board of Directors may write to the complainant, explaining that the procedure has been exhausted and the matter closed, and that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

## **Complaint about the Trust's Chief Executive Officer, or Chair of the Board of Directors, or a member of the Board of Directors.**

If the complaint is against a member of the Trust's Board of Directors or the Trust Chief Executive, then the Chair of the Board, (or in the case of a complaint against the Chair, the Vice-chair) will investigate the complaint (or appoint another member of the Board to do so) in the same manner as in the process at **Stage 3**. **Stage 2** does not apply.

In exceptional circumstances the Chair of the Board of Directors (or Vice-chair if the complaint is about the Chair) may at their absolute discretion determine that the complaint should be dealt with by the whole Board and if so determined she or he will oversee.

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### **Education and Skills Funding Agency (ESFA)**

You may contact the ESFA if you are not happy with how your complaint was handled under these procedures, using this online form: [ESFA Schools Complaints Form](#)

If a complaint is received by the ESFA they will check whether the complaint has been dealt with properly by the school/Trust. They will consider complaints about schools/trusts that fall into any of the following three areas:

1. where there is undue delay or the school/trust did not comply with its own complaints procedure when considering a complaint
2. where the school/trust is in breach of its funding agreement with the Secretary of State
3. where a school/trust has failed to comply with any other legal obligation

The ESFA will not overturn a school/trust's decision about a complaint. However, if they find a school/trust did not deal with a complaint properly they will request the complaint is looked at again. If the school/trust's complaints procedure does not meet the Regulations, they will ask the school/trust to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## Appendix 1: Complaint Form

Please complete and return to the Headteacher, or other appropriate person as described above.

<b>Your name:</b>
<b>Pupil's name and class/tutor group</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including relevant dates and whether you have spoken to anybody at the school about it.</b>

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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**