



SECKFORD
EDUCATION TRUST

"Providing a foundation for life"

**PROCEDURE
DOCUMENT**

Complaints Procedure Manual

Document Owner:	Trust Board
Date Approved:	Trinity Term 2019 – updated Lent 2020 to v2
Review Date:	Trinity Term 2021

APPROVED Signature (Trust Board):	DATE ()
--	----------

1. Purpose of the manual

This document outlines the Complaints procedure in all Seckford Education Trust Schools. This document covers the Trust and all its Schools and as such there is no need for each School to have its own procedure.

This procedure document should be read in conjunction with the Complaints Policy which outlines the abbreviations and terms used, the principles and objectives of the policy, other relevant policies and the responsibilities of the Trust Board, Headteachers, staff, students and parents / carers in relation to concerns and complaints.

2. Stage 1 – Informal investigation of a concern by the Tutor or Class teacher

2.1 The Tutor/Class Teacher and/or other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The School values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

2.2 There is no right time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions; however it is expected that most concerns will be resolved within 10 school days. Should the nature or complexity of the concern mean that more time is required, the School will write to the Complainant within 10 school days informing them of the reason for the delay and confirming a revised date for resolution.

2.3 Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Appendix A will be forwarded to the Complainant for completion and return, together with a copy of this Complaints Policy.

3. Stage 2 – Formal complaint investigated by a relevant staff member (ie the line manager of the Tutor or Class teacher) or a member of the Senior Leadership Team

3.1 If the Complainant is dissatisfied with the way the concern was dealt with informally, the Complainant should complete the formal complaint form found in Appendix A and return it to the School or to the Trust.

3.2 Upon receipt of a completed formal complaint form, the Headteacher will identify the appropriate member of staff to investigate the complaint under Stage 2. If the complaint is about a member of staff, a line manager to that member of staff will normally

investigate the complaint. If the complaint is very serious, the Headteacher may, at their discretion, escalate the complaint directly to Stage 3.

3.3 The School will try to respect the views of a Complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred back to the Headteacher who may, if they feel it necessary, refer the complaint to another staff member for investigation.

3.4 Where the complaint concerns the Headteacher, the complaint will be referred to the Chief Executive Officer of the Seckford Foundation, who will investigate the complaint under Stage 3 of this Complaints Policy.

3.5 Where the first approach is made to a Local Advisory Body (LAB) member, the LAB member must refer the complaint to the Headteacher, who will allocate it to an appropriate member of staff for investigation under Stage 2 of this Complaints Policy.

3.6 The member of staff considering the complaint will write to the Complainant acknowledging the complaint within 7 school days of receipt. The acknowledgement will confirm under which stage of the Complaints Policy the complaint is being investigated and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within 15 school days of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within 10 school days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

3.7 The letter to the Complainant should notify them that if he or she is dissatisfied with the outcome of the Stage 2 investigation of the complaint, they should write to the Headteacher within 10 days of receiving the letter, requesting that the complaint is investigated under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within 10 days, the complaint will be deemed to have been resolved.

4. Stage 3 – Formal Complaint Investigated by the Headteacher or Chief Executive Officer of the Seckford Foundation

5.1 If the Complainant is dissatisfied with the outcome of the complaint under Stage 2, the Complainant should write to the Headteacher at the School asking for the complaint to be investigated under Stage 3 of this Complaints Policy.

5.2 The Headteacher will write to the Complainant acknowledging the complaint within 7 school days of receipt. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the Headteacher will write to the Complainant confirming the outcome within 15 school days

of the date that the letter was received from the Complainant. If this time limit cannot be met, the Headteacher will write to the Complainant within 10 school days of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.

5.3 The letter to the Complainant should notify them that if he or she is dissatisfied with the outcome of the Stage 3 investigation of the complaint, they should write to the Chief Executive Officer's Personal Assistant (PA) within 10 days of receiving the letter asking for the complaint to be heard before a Complaints Appeal Panel under Stage 4 of this Complaints Policy. If no further communication is received from the Complainant within 10 days, the complaint will be deemed to have been resolved.

5.4 As stated previously, where a formal complaint form is received making a complaint about the Headteacher, the complaint will be referred to the Chief Executive Officer of the Seckford Foundation for investigation under Stage 3 of this Complaints Policy, rather than Stage 2.

5. Stage 4 – Complaint Heard by Complaints Appeal Panel

5.1 If the Complainant is dissatisfied with the outcome of the complaint under Stage 3, the Complainant may request that a Complaints Appeal Panel be convened to consider their complaint. The Appeal Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with under an earlier stage of this procedure.

5.2 To request a hearing before the Complaints Appeal Panel, the Complainant should write to the Chief Executive Officer's PA, Seckford Education Trust, Marryott House, Burkitt Road, Woodbridge IP12 4JJ within 10 school days of receiving notice of the outcome of Stage 3. Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Complainant should provide copies of all relevant documents and state all the grounds for the complaint and the outcome sought.

5.2 The Complainant's written request will be acknowledged within 7 school days of receipt.

5.3 Every effort will be made to enable the panel hearing to take place within 25 school days of the receipt of the request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, the Complainant will be sent written notification of the date, time and place of the hearing, together with brief details of the Committee members who will be present.

Appointment of the Complaints Appeal Panel

5.4 The Complaints Appeal Panel will consist of three members. None of the three members of the Complaints Appeal Panel will have been involved in the incidents or

events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

5.5 One of the Complaints Appeal Panel members will be independent of the management and running of the School. This means that the independent Complaints Appeal Panel member will not be a Trustee or an employee of the School or Trust. When appointing the independent Complaints Appeal Panel member, the Trust will bear in mind the non-statutory advice of the Department for Education, which states: 'Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views.'

5.6 One or both of the other two members of the Complaints Appeal Panel can be Trustees as long as they fulfil the requirements of paragraph 5.4 above and are not an employee of the School or Trust.

The Schools' Representative

5.7 The School/Trust will be represented at the Complaints Appeal Panel hearing by the person who investigated the complaint under the most recent stage of the procedure. If the Complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the School/Trust will not be represented by that person at the Complaints Appeal Panel hearing, and the School/Trust will nominate another person to represent the School/Trust.

Convening the Complaints Appeal Panel hearing

5.8 The Chief Executive Officer's PA will liaise with the School/Trust and convene the Complaints Appeal Panel hearing on a date and at a time which is convenient to the Complainant, the School's representative and the three Complaints Appeal Panel members.

Witnesses

5.9 The Complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The Complainant should ask each witness to write down their account in a signed and dated statement and send it to the School/Trust at least 6 school days before the Complaints Appeal Panel hearing is due to take place.

5.10 The School/Trust may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigated (rather than simply disagreeing with the outcome of

the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Chief Executive Officer's PA at least 6 school days before the Complaints Appeal Panel hearing is due to take place.

5.11 The Complaints Appeal Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the School/Trust respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaints Appeal Panel will not be required.

5.12 All witnesses, whether they are for the Complainant or the School, will not be allowed to sit in on any part of the Complaints Appeal Panel hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.

Documents

5.13 The Chief Executive Officer's PA will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the School/Trust's representative and each Complaints Appeal panel member at least 5 school days before the Complaints Appeal Panel hearing is due to take place. These time scales may be altered with the permission of the Complaints Appeal Panel should the members require more time to consider the evidence.

Attendance at the hearing

5.14 The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaints Appeal Panel hearing. The friend or relative will attend for moral support only and will not play any part in the Complaints Appeal Panel hearing, unless invited to do so by the Complaints Appeal Panel if it appears to them it will improve the quality of the Complainant's representations. The Complaints Appeal panel is not a legal hearing and it is therefore not appropriate for either the Complainant or the School to be legally represented.

The Clerk to the Governors

5.15 A Clerk to the Governors will attend the Complaints Appeal Panel hearing and keep a written record of the proceedings. No audio recording of the proceedings will be permitted.

The Complaints Appeal Panel's Decision

5.16 The Complaints Appeal Panel will meet in private, either immediately after the Complaints Appeal Panel hearing or on a subsequent date, and will consider all of the documentation and evidence that they heard at the Complaints Appeal Panel hearing and make:

- Finding of facts

The Complaints Appeal Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaints Appeal Panel will not consider it further. The Complaints Appeal Panel will make a written record of facts that have been established, those which have not been established, and those which are not relevant, with reasons.

- Recommendations

The Complaints Appeal Panel will consider the facts, which they have established and will make their decision and any recommendations based upon them. For example, recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future, with reasons.

Notification of the Complaints Appeal Panel's decision

5.17 The Clerk to the Governors will write within 10 school days of the Complaints Appeal Panel hearing to the:

- Complainant
- The School's representative
- Any person complained about

The letter will identify the issues on which the complaint has been based and will confirm the Complaints Appeal Panel's findings of fact, their decision and recommendations, if any, with reasons. It will also advise the Complainant of how to escalate their complaint should they remain dissatisfied.

6. Next Steps

6.1 If the Complainant believes the School / Trust did not handle their complaint in accordance with the published complaints policy, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4 of this process.

6.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decision made by the School /Trust. They will consider whether the School / Trust has adhered to education legislation and any statutory policies connected with the complaint.

6.3 The Complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contact, by telephone on: 0370 002288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester
M1 2WD



SECKFORD EDUCATION TRUST

Appendix A Seckford Education Trust Formal Complaint Form – Stage 2

Name	
School attended	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	

What action, if any, have you already taken to try and resolve your complaint (for example, who have you spoken to and what was the response)?

Why this was not a satisfactory resolution for you

What action would you like to be taken to resolve the problem?

Are you attaching any paperwork? If so please give details

Official use
Date received:
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

--

Signed:					
Dated:					