



Complaints Policy

Policy approved (DOT Finance, Audit and Operations Committee):	23 November 2021
Policy approved (Trustee)	2 December 2021
Date of next review:	23 November 2024
This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.	

1. Aims

Day One Trust and its schools aim to meet their obligations when responding to complaints from parents of students /trainees at the school, 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
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

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

Each school will aim to give the complainant the opportunity to complete the complaints procedure in full within the school.

To support this, schools will ensure they publicise the existence of this policy and make it available on the school website.

Only when school complaints processes are fully exhausted and the complainant is still dissatisfied will the Trustees of Day One Trust hear and consider a complaint.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that the Trust and its schools must have and make available a written procedure to deal with complaints from parents of pupils at one of the schools.

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).

3. Definitions and Scope

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”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Each school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see the separate policies for procedures relating to these types of complaints.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. An individual school's SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that the school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, each school will try to clarify:

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

The school will intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions to this time frame will be considered 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. Stages of complaint

Not complaints against the headteacher/principal or a governor

Stage 1: informal

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

The complainant should raise the complaint as soon as possible with the relevant member of staff or the head of school, 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 school office.

The school will acknowledge informal complaints within 3 days, and investigate and provide a response within 15 days.

The informal stage will involve a meeting between the complainant and an appropriate member of staff, usually a head of department, phase leader or head of year.

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

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, usually to the headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors of the school in writing within 5 days.

Stage 3: review panel

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.

The panel will be appointed by or on behalf of the Governing Body 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. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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

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.

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

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 proprietor and headteacher.

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

6. Complaints against the Principal or a Governor

Complaints made against the Principal should be directed to the Chair of Governors in writing.

The school will provide you with the Chair of Governors name (also available on website) and you should write to him or her at the school address, marking the correspondence 'urgent, private and confidential'.

The Chair of Governors should acknowledge receipt of the letter within 5 school days. The same processes as at Stages 1 to 3 will be followed so that if the Complaint can be resolved informally or by the Chair of Governors conducting an investigation in writing it will be. If it cannot then the Chair of Governors will convene a panel to hear the complaint in accordance with Stage 3 above.

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the clerk to the Governing Body in the first instance. The school will provide you with their details. The Clerk will forward the complaint to the Chair of the Trust Board.

The same processes as at Stages 1 to 3 will be followed so that if the Complaint can be resolved informally or by the Chair of the Trust Board conducting an investigation in writing it will be. If it cannot then the Chair of the Trust Board will convene a panel to hear the complaint in accordance with Stage 3 above, consisting of Trustees and one person independent of the Schools and of the operation of the Trust.

This is not intended to be a further appeal panel against the decision of a panel appointed by a school Governing Body and such appeals will not be considered. See section 8 for the process to follow in such circumstances.

7. Complaints against central trust staff or Trustees

Complaints made against central Trust staff or Trustees (those on the Trust Board of Directors) should be directed to the Clerk/Secretary of the Trust Board using the contact details on the Trust website.

The Clerk/Secretary of the Trust Board should acknowledge receipt of the letter within 5 school days. They will then forward it to the Chief Executive, if it is a Complaint against another member of staff or to the Chair of the Trust (or the Vice-Chair if the complaint is against the Chair), if the Complaint is against the Chief Executive or a Trustee .

The same processes as at Stages 1 to 3 in Section 6 above will be followed so that if the Complaint can be resolved informally or by the Chief Executive/Chair/Vice-Chair of the Trust Board (as appropriate) conducting an investigation in writing, it will be.

If it cannot be resolved following stages 1 and 2, such complaints will be considered by a panel convened by the Chair of the Trust Board following the rules and processes set out in the paragraphs on **stage 3: the review panel** above. If the complaint is against the Chair of the Trust Board the Vice-Chair or any other Trustee not named in the complaint will convene the Panel.

8. Referring complaints on completion of the school's or the Trust's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure or the Trust complaints procedure if that has been used, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school.

The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school or Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's or the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

9. Persistent complaints

Where a complainant tries to re-open the issue with a school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

The same principles will apply to further complaints by the same complainant made against central Trust staff or Trustees.

Unreasonably persistent complaints

If the behaviour is not modified the School and/or the Trust will take some or all of the following actions as necessary, having regard to the nature of the complaint's behaviour and the effect of this on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the School or the Trust to be unreasonable/unacceptable
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the Complainant to the School should be by letter only
- (in the case of physical or verbal aggression) consider warning the Complainant about being banned from the School site; or proceed straight to a temporary ban.

10. Record-keeping

The school and the Trust, where applicable, will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally in each school or the Trust, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the General Data Protection Regulations, or where the material must be made available during a school inspection.

Records of complaints will be kept for 7 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body – or Trust Board of Directors - in case a review panel needs to be organised at a later point.

Where the Governing Body, or Trust Board, is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 Governing Body or Trust Board, who will not unreasonably withhold consent.

11. Learning lessons

The Governing Body in each case (or the Trust Board) will review any underlying issues raised by complaints with the headteacher and central staff where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Governing Body and the Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body and the Trust Board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Business Support Manager in each school and by the Chief Executive at central Trust level.

This policy will be reviewed by the Trust Board every 3 years.

At each review, the policy will be approved by the Trust Board and each Governing Body.