



ATLAS Multi Academy Trust

COMPLAINTS POLICY AND PROCEDURE

Trust sub-committee: Standards Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: **Autumn 2020**

Next Review: **Autumn 2021**

St Albans Girls' School: Beech Hyde Primary School and Nursery : Adeyfield School

Signed by:
Margaret Chapman
Executive Head Teacher

Signed by:
Rachael Kenningham
Chair of ATLAS Board of Directors

1	INTRODUCTION
	This policy is for all schools within the ATLAS Multi Academy Trust (ATLAS MAT). This policy is available to parents of pupils on the website of each school within the ATLAS MAT and via the ATLAS MAT website
2	SCOPE OF THE POLICY
2.1	<p>This policy applies to any matter which has been raised with a school that is part of the ATLAS MAT by parents or carers of pupils at the school as a matter of concern but which has not been capable of resolution informally and which the complainant or the school considers should be dealt with on a formal basis.</p> <p>A 'concern' includes 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.</p> <p>A 'complaint' is an expression or statement of dissatisfaction about actions taken or a lack of action.</p> <p>It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. The schools in the ATLAS MAT take concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.</p>
2.2	Complaints covered by other statutory procedures
	This policy does not apply to complaints that are dealt with under other statutory procedures see list of such provisions in Appendix 2.
2.3	Complaints from parents of former pupils
	<p>Where the complaints process has been started (but not completed) whilst parents (or carers) have had children at the school, but the children have since left, the school should continue to follow this policy.</p> <p>Where complaints have been started by parents (or carers) of former pupils after they have left the school, albeit about incidents that arose during the pupil's time at the school, the school may use the shorter complaints policy (included in 2.4 below).</p>

2.4	Complaints from people who are not parents of pupils at the school
	<p>For the avoidance of doubt this policy does not apply to those who are not parents of pupils at a school within the ATLAS MAT. Complaints that fall into this category should first attempt to address their complaint to the school informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Executive Head Teacher, (if the complaint is about the school in general) or to the chair of the ATLAS MAT (if the complaint is about the Executive Head Teacher specifically). The PA to the Executive Head Teacher will acknowledge receipt of the complaint.</p> <p>The complaint will be considered by the Executive Head or (if it concerns the Executive Head) by the Chair of the ATLAS MAT Board. A final written response will be issued.</p>
3	USING THE PROCEDURE
3.1	How to raise a concern or make a complaint
	<p>A concern or complaint can be made by a parent or carer of a pupil at the school (the complainant) in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.</p> <p>Concerns should be raised with either the class teacher or Head Teacher/Principal. If the issue remains unresolved, the next step is to make a formal complaint.</p> <p>Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.</p> <p>Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher/Principal via the school office. Please mark them as Private and Confidential.</p> <p>Complaints that involve or are about the Head Teacher/Principal should be addressed to the Chair of Governors of the school , via the school office. Please mark them as Private and Confidential.</p> <p>Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the local governing body via the school office. Please mark them as Private and Confidential.</p> <p>For ease of use, a template complaint form is included in Appendix 2 at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.</p> <p>In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.</p>
3.2	Anonymous complaints
	We will not normally investigate anonymous complaints. However, the Head Teacher/Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.
3.3	Time scales
	You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

3.4	Complaints received outside of term time	
	We will consider complaints made outside of term time to have been received on the first school day after the holiday period.	
3.5	Resolving complaints	
	<p>At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:</p> <ul style="list-style-type: none"> • an explanation • an admission that the situation could have been handled differently or better • an assurance that we will try to ensure the event complained of will not recur • an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made • an undertaking to review school policies in light of the complaint • an apology 	
3.6	Withdrawal of a Complaint	
	<p>If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.</p> <p>However, there will be occasions when complainants want to raise their concerns formally. In those cases, this complaints procedure should be followed.</p>	
	THE PROCEDURE	
4.1	Stage 1 – Informal Resolution	
	<p>Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's form tutor, pastoral or senior leader, in the first instance before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a complainant may take it to the formal stage.</p> <p>It is a precondition to the operation of this policy 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 consistent with the school's behaviour code adopted from time to time. The Chair of the local governing body of the school shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.</p> <p>Where the matter is not resolved at the informal stage, the complainant may elevate it to the formal stage.</p>	
4.2	Stage 2 – Formal Resolution at Local Level: Investigation by a Nominated Individual	
	4.2.1	The complainant must put the complaint in writing, addressed to the Head Teacher/Principal 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.
	4.2.2	An investigation will be carried out by a nominated individual (the investigator), identified by the Head Teacher/Principal as appropriate. The investigator may offer the complainant a meeting. 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.
	4.3.3	The investigator will put their 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 25 school days of the written complaint being received.
	Where the complainant remains dissatisfied, he/she may request the complaint is dealt with at Stage 3 .	

	<p>Any complaint relating to the Head Teacher/Principal of the school must be raised in the first instance with the Executive Head Teacher of the ATLAS MAT who will, if an informal resolution cannot be reached, appoint an Appeal Panel to investigate the complaint as per Stage 3. Stage 2 does not apply to a complaint against the Head Teacher / Principal.</p> <p>Any complaint relating to the Executive Head Teacher of the ATLAS MAT must be raised in the first instance with the Chair of the ATLAS MAT board who will, if an informal resolution cannot be reached, appoint an Appeal Panel to investigate the complaint as per Stage 3. Stage 2 does not apply to a complaint against the Executive Head Teacher.</p> <p>For complaints against members of the local governing body/ Board of Trustees please note the process to follow set out at the end of this policy (see paragraph 4.6)</p>
4.3	Stage 3 – Formal Resolution: Appeal Panel
4.3.1	The complainant must put the complaint in writing, addressed to the ATLAS MAT Business Manager, stating where the complainant remains dissatisfied, what remedies are being sought. The complaint must be lodged within 10 school days of the complainant receiving the Stage 2 findings in writing.
4.3.2	The complaints panel of the ATLAS MAT will consider all complaints at Stage 3 .
4.3.3	The complaints panel must comprise at least three people, and must include at least one person who is independent of the management and running of the ATLAS MAT and all of its schools
4.3.4	The complaints panel may also include one or more persons from the following categories: (i) A member of the local governing body of the school from which the complaint emanated; (ii) A member of a local governing body from another school within the ATLAS MAT; (iii) A member of the board of trustees from the ATLAS MAT.
4.3.5	None of the members of the complaints panel will have been involved in the matters detailed in the complaint or have any conflict of interest.
4.3.6	The clerk will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days of receiving the request. At the end of that period (whether or not the school has responded) the clerk will convene a hearing of the complaints panel. That hearing will be held on school premises 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 hearing will be held within 15 school days of the end of the school's response time. At any hearing, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
4.3.7	The hearing 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.
4.3.8	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) available for inspection on the school premises by a representative of ATLAS MAT, the Head Teacher/principal of the School concerned and the Executive Head Teacher of ATLAS MAT.

	4.3.9	The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days of the hearing, and the clerk will notify all concerned.
4.4	Attendance at a Complaints Panel Hearing	
	The complaints panel will proceed <i>irrespective of whether or not</i> the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will <i>still proceed in their absence and the process will continue to its conclusion</i> . Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section (see paragraph 4.6 below)	
4.5	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 ATLAS MAT may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the ATLAS MAT will not respond to any further correspondence on this issue or a closely related issue.	
4.6	Complaint against a member of a Local Governing Body / Chair of a Local Governing Body	
	<p>Where a complaint is brought against a member of the local governing body of a school, the chair of the local governing body will investigate the complaint (or appoint another member of the local governing body to do so) in the same way as in the first stage of the formal process at Stage 2.</p> <p>If the complaint is against the chair of the local governing body, then the vice chair of the local governing body will investigate the complaint (or appoint another member of the local governing body to do so) in the same way as in the first stage of the formal process at Stage 2.</p> <p>If the complaint is against a member of the board of trustees of ATLAS MAT, then the chair of the board of ATLAS MAT, (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 way as in the first stage of the formal process at Stage 2.</p> <p>Where the complainant remains dissatisfied, he/she may request the complaint is dealt with at Stage 3.</p> <p>In exceptional circumstances the chair of the board of trustees of ATLAS MAT may at his or her absolute discretion determine that a complaint against a member of the local governing body should be dealt with at Stage 3 without going through Stage 2.</p>	
4.8	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 , or whether it proceeded to a Stage 3 panel hearing. The action taken by the school or the ATLAS MAT as a result of a complaint (regardless of whether they are upheld) will also be recorded.	
4.9	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.	
4.10	Education and Skills Funding Agency (ESFA)	
	Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied, then they may contact the ESFA. There is an online procedure at: https://form.education.gov.uk or you may write to the Ministerial and Public	

	Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.
4.11	Complaints Relating to Fulfilment of the Early Years Foundation Stage (EYFS) Requirements
	<p>In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:</p> <ul style="list-style-type: none"> • The written concern/complaint will be acknowledged within 5 days; • The Head Teacher/Principal will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received. • Where the complainant remains dissatisfied, the Head Teacher/Principal will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy. <p>A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.</p> <p>Parents are further advised that where you have concerns regarding the School meeting EYFS requirements they may contact Ofsted on 0300 123 4666.</p>

Appendix 1

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information, documents 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 publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher/Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head Teacher/Principal, Chair of Governors, Clerk and ATLAS MAT to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information and confidentiality
 - additional support. This may be needed by complainants when making a complaint including interpretation support
- keep records

Clerk to the ATLAS MAT Board

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of meetings, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible

- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision

Complaints Panel Chair

The panel's chair, who is nominated in advance of the complaint hearing should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the hearing
- the hearings conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a hearing are put at ease.
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the hearing or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

Panel Member

Panel members should be aware that:

- The hearing must be independent and impartial, and should be seen to be so
- No-one may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the panel does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.

Appendix 2

Examples of complaints not covered by this policy because they are covered by other statutory procedures

<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the School.</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education.</p>
<ul style="list-style-type: none"> • Early Years Foundation Stage 	<p>Please see paragraph 4.11 above</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against an ATLAS MAT school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix 3

Complaint Form

Please complete and return to Head Teacher/Principal
who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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 who:

Complaint referred to:

Date:



ATLAS Multi Academy Trust

Equality Impact Analysis

When reviewing all Trust policies, the following Equality Impact Analysis (EIA) should be undertaken to ensure fairness of the new proposals/policy and to identify any action needed to redress any potential discrimination, positively promoting equal opportunities, improved access and participation for all.

Title of Policy:	Complaints Policy and Procedure
Date:	Autumn 2020
EIA carried out by:	Mrs M Chapman
EIA reviewed by:	Standards Committee

1. Identify the aims and objectives of the policy, what will be the proposed change and how will it be implemented	
<ul style="list-style-type: none"> Policy contains information about: <p>Overall aims and objectives? What is the proposed change? Who is intended to benefit from the proposal and in what way? Outcomes of the policy? How will it be put into practice and who is responsible for this?</p>	<p>This policy is for ATLAS Multi Academy Trust. To avoid having to use this policy for complaints received from those who are not parents of pupils at the school a shorter complaints process for those who are not parents of children at the school is incorporated in to the main policy.</p>

2. Assessment of Impact? <i>To include impact of policy, any plans needed to mitigate any negative impact, equality issues to be addressed</i>		
Characteristic	Group	Effect/Impact
<ul style="list-style-type: none"> Age Disability Gender reassignment Marriage/civil partnership Pregnancy/Maternity Race Religion or Belief Sex Sexual orientation 		<p>None required as all clarified within the policy</p>

3. Consultation	
<ul style="list-style-type: none"> New policy contains information about: <p>Policy audience, expected actions and outcomes Consultation and communication process Accessibility for all Fair access to the consultation process</p>	<p>Policy to be shared with each school SLT and LGB</p>

Lessons learnt from previous consultation, if appropriate	
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4. Decision	
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<ul style="list-style-type: none"> Should the new proposal/policy be agreed and any impacts identified following consultations? What reasonable adjustments are required? 	No
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5. Action Planning	
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<ul style="list-style-type: none"> Any actions identified to address inequality for different groups? Any actions identified to promote equality and diversity? Where are these actions recorded and who is responsible for them? 	N/A
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6. Monitoring and Review	
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<ul style="list-style-type: none"> When will the impact assessment be reviewed? Who is responsible? 	<p>Annually</p> <p>Executive Headteacher</p>
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7. Publication of the results of the impact assessment	
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<ul style="list-style-type: none"> Results of EIA are published – where and when? The results are kept as a public record of the EIA – where and when? 	With Policy
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