



## The Circle Trust Document: **Complaints Policy**

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Approver:	Trustees
Owner:	School Improvement Trustees
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### Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	14.6.17	Exec Head	New Document	First release
1.1	17.12.18	Exec Head	Clarification that at least one member of a Complaints Panel must be independent of the management and running of the school  Addition of Serial and Persistent (also known as vexatious complaints) section	Compliance with DfE new guidance
1.2				
1.3				

## **1. Purpose of the policy**

- 1.1. The purpose of this policy is to set out the procedures for making and dealing with complaints. The policy is for parents/carers or other stakeholders wishing to raise a concern, problem or complaint regarding a school or The Circle Trust.

## **2. Introduction**

- 2.1. This policy is written in compliance with and meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints.
- 2.2. A complaint is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in The Circle Trust or schools that are part of The Circle Trust.
- 2.3. The Circle Trust believes it is good practice that every effort should be made to resolve complaints by informal means.
- 2.4. Complainants should however be informed that formal procedures are available should they feel that their concerns cannot be resolved informally.
- 2.5. Complaints are not always easy to define. It is therefore important to keep in mind the distinction between concerns, problems and a complaint. It is not intended that the guidelines suggested in this document should replace the normal discussion, which takes place on day-to-day issues as they arise.
- 2.6. It is only where a Complainant remains dissatisfied with the outcome of such interaction that further steps may need to be taken.

## **3. The Aims and Objectives of the Complaints Policy**

- 3.1. The Circle Trust has developed this policy to ensure that any concern, problem or complaint is dealt with fairly and appropriately. This policy:
  - 3.1.1. Encourages the resolution of concerns, problems or complaints by informal means wherever possible
  - 3.1.2. Ensures that concerns, problems or complaints are dealt with fully and fairly and within clearly defined time limits
  - 3.1.3. Provides effective response and, if appropriate, redress
  - 3.1.4. Seeks to maintain positive relationships

3.1.5. Makes clear the responsibility and accountability of decision making with regards to complaints for Trustees, the Executive Headteacher, Local Advisory Boards and Headteachers

3.2. These aims and objectives will be achieved by:

3.2.1. Ensuring this Complaints Policy is clear and easy to follow

3.2.2. Consistency in the treatment and fairness of all complaints

#### **4. The Benefits of an effective Complaints Policy**

4.1. An effective Complaints Policy will add value to The Circle Trust, supporting the Trust's objectives by:

4.1.1. Building a reputation of trust and integrity

4.1.2. Ensuring that complaints are dealt with sensitively and in confidence

4.1.3. Enhancing a reflective ethos where there is a purposeful intention to learn from error

#### **5. The Structure and Administration of the Complaints policy**

5.1. The **Trustees** have a fundamental role to:

5.1.1. Agree the Complaints Policy, ensuring the policy is in line with The Circle Trust's core values

5.1.2. Regularly review the Complaints Policy and approve changes or improvements to key elements of its processes and procedures

5.1.3. Serve on a Complaints Panel if required

5.2. The **Executive Headteacher** will:

5.2.1. Operationally adhere to the Complaints Policy

5.2.2. Monitor and review the implementation of the Complaints Policy

5.3. **Local Advisors** will:

5.3.1. Adhere to the Complaints Policy

5.3.2. Seek advice and support from the Headteacher, Executive Headteacher and / or the Chair of the Trustees when dealing with a formal complaint

5.3.3. Serve on a Complaints Panel, if required

5.4. A **Headteacher** will:

5.4.1. Operationally adhere to the Complaints Policy

5.4.2. Insert to this policy the correct contact details for their school of the Headteacher, the Chair of the Local Advisors and the Clerk to the Trustees. Specifically sections: [7.1.1](#), [7.1.2](#) and [8.2](#)

5.4.3. Seek advice and support from the Executive Headteacher and / or the Chair of the Trustees when dealing with a formal complaint

5.4.4. Ensure all members of staff are aware of, understand and adhere to the Complaints Policy

5.4.5. Record and retain any formal complaints

## 6. Informal stage

6.1. The main aim at all stages of these guidelines will be to ensure that any concern, problem or complaint is fully considered and is resolved to the satisfaction of the Complainant.

6.2. The timescale for dealing with individual concerns, problems or complaints will differ according to the complexity of the issue concerned. It is however reasonable that Complainants, unless there is good reason not to do so, should receive an acknowledgement within three term time days of making initial contact.

6.3. The Complainant will have opportunity to discuss informally the concern, problem or complaint with an appropriate member of staff. This may be the class teacher or another member of staff who is most suited to resolve the issue. This discussion may be by email, phone or face-to-face meeting.

6.4. The purpose of the discussion is for the member of staff to understand fully the concern, problem, or complaint. At the conclusion of the discussion, the member of staff will agree the actions they will take. This may include gathering information, consulting with the Headteacher/Senior Staff or other actions that may lead to the resolution of the issue. The member of staff will also confirm the timeframe within which the Complainant can expect feedback and by what method of communication.

6.5. The member of staff will provide feedback to the Complainant as agreed in 6.4. At this point, if the Complainant is satisfied with the feedback, the concern, problem or complaint ceases at this point.

- 6.6. It may however be the case during the feedback that it is apparent that there needs to be further action required to satisfy the issue. Once again, the member of staff will also confirm the timeframe when the Complainant can expect feedback and by what method of communication.
- 6.7. Whilst there are no strict periods regarding the informal stage, it is hoped that any concerns, problems or complaints will be resolved within 5 - 10 term time days. This may not always be possible and delays may take place. If this is the case, the member of staff dealing with the concern, problem or complaint will keep the Complainant fully informed and be clear when they can expect to receive feedback. If the Complainant feels the time dealing with the concern, problem or complaint is excessive or unreasonable, they can at any time request the complaint is dealt with via the formal complaints stage.
- 6.8. If this informal process has been exhausted and the issue remains unresolved to the Complainant's satisfaction, they should be advised of the avenues available to enable the complaint to be resolved formally. The Complainant should be referred to a copy of this policy, which outlines dealing with complaints via the formal process

## 7. Formal stage 1

- 7.1. If the Complainant is dissatisfied with the action or response from the informal stage, then the Complainant must write a letter (if they have not already done so) detailing the complaint and address it to the Headteacher. If the Headteacher has already led the informal stage, the letter should be addressed to the Chair of the Local Advisors and sent to the school via the normal postal address or email address. For this school, this is:

### 7.1.1. Shinfield Infant and Nursery School

School Green

Shinfield

Reading

RG2 9EH

- 7.1.2. Contact the Clerk to Local Advisors [fsewell@thecircletrust.co.uk](mailto:fsewell@thecircletrust.co.uk) or the Chair of Local Advisors [cyoung@thecircletrust.co.uk](mailto:cyoung@thecircletrust.co.uk)

- 7.2. The letter of complaint will be formally acknowledged within three term time days.
- 7.3. The Headteacher or Chair of the Local Advisors will investigate the complaint and review any relevant documentation and information.
- 7.4. The Headteacher or the Chair of the Local Advisors will decide whether the complaint should be dealt with via formal letter or formal meeting.

- 7.5. If the Headteacher or Chair of the Local Advisors decides to deal with the complaint by formal letter, then they will respond in writing to the Complainant within five school term days.
- 7.6. If it is decided that the complaint is best handled by first convening a formal meeting, then contact will be made with the Complainant within five school term days to agree a mutually convenient time and date. The Complainant will be advised that they may, if they wish, have someone of their choice to accompany and assist them at the formal meeting.
- 7.7. The formal meeting will take place within ten term days of receiving notification of the formal complaint. At the formal meeting, the complaint will be considered in full and thereafter the Headteacher or Chair of the Local Advisors will confirm in writing the outcome of the formal meeting to the Complainant within five school term days of the meeting

## **8. Formal Stage 2**

- 8.1. In the event that the Complainant remains dissatisfied with the formal written response from the Headteacher or the Chair of the Local Advisors, the Complainant can ask for the complaint to be heard by a Complaints Panel.
- 8.2. This request should be made in writing to the Clerk to the Trustees via [clerktothetrustees@thecircletrust.co.uk](mailto:clerktothetrustees@thecircletrust.co.uk)
- 8.3. The Clerk to the Trustees will convene a Complaints Panel
- 8.4. The Complaints Panel will be made up of two Local Advisors and an Independent Person.
- 8.5. It is a matter for The Circle Trust to identify a suitable Independent Person. The Independent Person may not be in the employment or involved in the governance of The Circle Trust. The Independent Person may be for example a Headteacher (serving or retired) or a person experienced in governance such as a serving Trustee or Governor.
- 8.6. No member of the Complaints Panel may be directly or indirectly involved in the complaint.
- 8.7. Complaints Panel hearing will be convened within 15 term time days of the Complainant informing the Clerk to the Local Advisors that they are still unsatisfied with the response.
- 8.8. The Complainant will be informed in writing of the Complaints Panel hearing time, date and location and advised that they may, if they wish, have someone of their choice to accompany and assist them. The letter will also outline the arrangements for the Complainant calling witnesses should they wish to do so. [The Circle Trust's standard letter informing the Complainant regarding a Complaints Panel Hearing here](#)
- 8.9. The Complaints Panel will listen to the complaint and make findings and recommendations. The agenda for the complaints panel hearing can be found in [The Circle Trust's Complaints Panel Hearing Agenda here](#)

8.10. A letter outlining the Complaints Panel findings and recommendations will be sent to the Complainant, the Headteacher and or/other appropriate parties; this includes the Chair of the Trustees. [The Circle Trust's standard letter informing the Complainant regarding a complaints panel hearing outcome here](#)

## 9. Formal Stage 3 – Appeal

9.1. In the event that the Complainant remains dissatisfied with the Complaints Panel findings and recommendations, the Complainant can ask for the complaint to be heard by a Complaints Appeal Panel. This request should be made in writing to the Clerk to the Trustees via [clerktothetrustees@thecircletrust.co.uk](mailto:clerktothetrustees@thecircletrust.co.uk)

9.2. The Clerk to the Trustees will convene an Complaints Appeal Panel

9.3. The Appeal Complaints Panel will be made up of two Trustees and an Independent Person.

9.4. It is a matter for The Circle Trust to identify a suitable Independent Person. The Independent Person may not be in the employment or involved in the governance of The Circle Trust. The Independent Person may be for example a Headteacher (serving or retired) or a person experienced in governance such as a serving Trustee or Governor.

9.5. No member of the Complaints Panel may be directly or indirectly involved in the complaint.

9.6. The Trustees' Complaints Appeal Panel hearing will be convened within 15 term time days of the Complainant informing the Chair of the Trustees that they are still unsatisfied with the response of the Local Advisors' Complaints Panel.

9.7. The Complainant will be informed in writing of the Complaints Appeal Panel hearing time, date and location and advised that they may, if they wish, have someone of their choice to accompany and assist them. The letter will also outline the arrangements for the Complainant calling witnesses, should they wish to do so. [The Circle Trust's standard letter informing the Complainant regarding a Complaints Panel Hearing here](#)

9.8. The Trustees' Complaints Appeal Panel will re-hear all the facts of the case. If the Complainant has fresh evidence to present, they may do so.

9.9. The Trustees' Complaints Appeal Panel can make one of two decisions: they may uphold the complaint and quash the decision made by the Complaints Panel; or uphold the decision made by the Complaints Panel.

9.10. The recommendations of the Complaints Appeal Panel will be final.

9.11. The agenda for the complaints panel hearing can be found in [The Circle Trust's complaints panel hearing agenda here](#)

9.12. A letter outlining the finding and recommendations will be sent to the Complainant, the person representing the Trust and / or other appropriate parties. The decision of the Complaints Appeal Panel is final. There is no further internal process available once the Appeal Stage has concluded. [The Circle Trust's standard letter informing the Complainant regarding a complaints panel hearing outcome here](#)

## 10. Options for Complainant

- 10.1. This is end of The Circle Trust's complaints process.
- 10.2. If the Complainant believes, a child is in danger they should contact the Local Authority or call the Local Police on 101.
- 10.3. If the Complainant is not satisfied, they can contact The Secretary of State. The Secretary of State has the power to consider complaints that The Circle Trust has acted unreasonably in the discharge of any of its statutory duties. Complainants may seek advice from the Department of Education at <https://www.gov.uk/government/organisations/department-for-education>
- 10.4. If the Complainant is not satisfied, they can contact OFSTED. <https://www.gov.uk/government/organisations/ofsted> OFSTED has the power to consider complaints if the Complainant believes a school is not run properly and needs inspecting. OFSTED will not look into problems with individual students.
- 10.5. If the Complainant is not satisfied, they can also complain to the Education Funding Standards Agency (EFSA) <https://www.gov.uk/government/organisations/education-funding-agency>
- 10.6. The EFA has the power to consider complaints if there is a problem with the Trust's Complaints process or if the Trust is not following the terms of its funding agreement.

## 11. Circumstance under which this procedure should not be used

- 11.1. This policy does not refer to areas for which separate statutory arrangements are provided. These include:
  - 11.1.1. Admissions
  - 11.1.2. Exclusions
  - 11.1.3. Statutory Assessment of Special Educational Needs
  - 11.1.4. Safeguarding

- 11.1.5. Employee grievance: the Complaints Policy is distinct from formal staff disciplinary proceedings

## **12. Serial, Persistent or Vexatious Complaints**

- 12.1. A Complainant that repeats the same or very similar complaint may be viewed as serial, persistent, or vexatious. The Circle Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. As such, the Trust will not normally limit the contact Complainants have with the school. Equally, the Trust does not expect members of staff to tolerate unacceptable behaviour and will take action to protect members of staff from that behaviour, including that which is abusive, offensive or threatening.
- 12.2. A complaint would be regarded as unreasonable when the person making the complaint:
- 12.2.1. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - 12.2.2. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
  - 12.2.3. Refuses to accept that certain issues are not within the scope of a complaints procedure
  - 12.2.4. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
  - 12.2.5. Introduces trivial or irrelevant information which the Complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - 12.2.6. Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - 12.2.7. Changes the basis of the complaint as the investigation proceeds
  - 12.2.8. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
  - 12.2.9. Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
  - 12.2.10. Seeks an unrealistic outcome

- 12.2.11. Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 12.3. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
- 12.3.1. Maliciously
  - 12.3.2. Aggressively
  - 12.3.3. Using threats, intimidation or violence
  - 12.3.4. Using abusive, offensive or discriminatory language
  - 12.3.5. Knowing it to be false
  - 12.3.6. Using falsified information
  - 12.3.7. Publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 12.4. Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (by either letter, phone, email or text) as it could delay the outcome being reached.
- 12.5. Whenever possible, the Executive Headteacher will discuss any concerns with the Complainant informally before applying an 'unreasonable' marking.
- 12.6. If the behaviour continues, the Executive Headteacher will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it.
- 12.7. For Complainants who excessively contact the School or the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- 12.8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from a specific site or sites.