



# KALEIDOSCOPE LEARNING TRUST

## Complaints Procedure

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## **1. Introduction**

All academies must establish a complaints procedure which meets the requirements of the standards set out in the Education (Independent School Standards (England) Regulations 2014 and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and in the school office.

The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

The procedure takes into account the principles laid down in the EFA guidance "Creating an academy complaints procedure", updated January 2015.

All references to working days refer to days on which the school is open to pupils and for staff training days.

## **2. Scope of the Procedure**

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, Child Protection issues and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedures, full details of which are available from the school.

## **3. General Principles**

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

The Board of Directors should ensure that it has made appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least once per school year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by directors' appeal panels have been addressed.

There may be rare occasions when, despite all the stages of the procedure having been followed, a complainant remains dissatisfied. If s/he subsequently seeks to re-open the same issue, the Chair of Directors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

#### **4. Resolving Complaints**

At each stage in the procedure the academy will want to consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

#### **5. Stages of the Procedure**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

##### **Informal Stage**

If the concern/complaint is not resolved through such discussion, the complainant should contact the Principal. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email).

The Principal, or other member of staff nominated by him/her, should meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint. Where necessary the Principal, or other nominated member of staff, should carry out a full investigation into the issues raised. The Principal will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure.

Where the complaint is against the Principal the informal stage should be conducted by the Chair of Directors. If the complaint progresses to the formal stage this will be conducted by the Vice Chair or other nominated director.

Where the complaint is against the Chair of Directors the informal stage should be conducted by the Vice Chair of Directors, or another director nominated by him/her. If the complaint progresses to the formal stage this will be conducted by another nominated director.

### **Formal Stage**

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing to the Chair of Directors (or Vice Chair/ nominated director where the complaint is against the Principal/Chair of Directors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated director should meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair/Vice Chair/nominated director will review the investigation and Principal's decision and may confirm this decision or reach a different decision.

The Chair/Vice Chair will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

### **Appeal Stage**

The complainant should send a written appeal to the Chair of Directors, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated director. This should state the original complaint and the reasons for ongoing dissatisfaction. The Chair of Directors, or nominated director, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been wholly upheld at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

A directors' panel should be convened, consisting of two directors who have had no previous involvement in consideration of the complaint and one person who is independent of the management and running of the academy. Where the complainant is a parent, directors may wish to consider the possible advantages of this panel including a parent director. The parent must be allowed to attend and be accompanied if they wish. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the directors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The directors' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision.

## **6. Opportunities to Request a Review**

Before complaining to the EFA or Ofsted, it would usually be expected that all stages of this procedure had been exhausted.

## **Complaining to the Education and Skills Funding Agency (ESFA)**

If a complainant believes that their complaint has not been handled properly, s/he can complain in writing to the ESFA via the School Complaints Form which can be found at

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#complain-about-an-academy-or-free-school>

## **Complaining to Ofsted**

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

## **7. Serial and Vexatious Complaints and Unreasonable Behaviour**

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. In cases where the academy is contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, we will take appropriate action as, if the academy is certain it has done everything it can in response to a complaint, it is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points.

If a complainant tries to re-open the same issue, the Chair of Directors will inform them that the procedure has been completed and that the matter is now closed.

In addition, the Board of Directors does not expect the Academy's staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive or threatening. Please see Appendix B for examples of such behaviour and the action we will take if a complainant behaves unacceptably.

## **8. Record Keeping**

A written record should be kept of all complaints and whether they are resolved at the preliminary stage or proceed to an Appeals hearing.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or Ofsted request access to them.

## **9. The Role of the Cheshire West and Chester Information Advice and Support Service (formerly Parent Partnership Service)**

The Information Advice and Support Service helps parents and carers, children and young people who have difficulties with learning, and or a disability from birth to 25 years. The service is confidential and offers impartial advice and information to enable parents and carers to make informed decisions. This includes supporting parents with complaints to schools or the Local Authority.

The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a

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letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.

Contact details for the service are 0300 123 7001

[iasservice@cheshirewestandchester.gov.uk](mailto:iasservice@cheshirewestandchester.gov.uk)

## **APPENDIX A: Conduct of Complaints Appeal Meetings**

- 1 Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
- 2 The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
- 3 The meeting should be minuted.
- 4 The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Principal and/or Chair of Directors, as appropriate;
  - the members of the Directors' Complaints Panel;
  - A person independent of the management and running of the academy;
  - a minute taker, appointed by the directors.

Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the directors.

- 5 The directors will select a Chair from amongst their number.
- 6 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
- 7 The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- 8 The Principal and the directors will have the opportunity to ask questions of the complainant.
- 9 The Principal and/or the Chair of Directors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Principal and/or Chair of Directors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties
- 10 The complainant and the directors will have the opportunity to ask questions of the Principal and/or Chair of Directors.
- 11 In the event of unacceptable behaviour from complainants (e.g. foul and abusive language), the panel will request a change in behaviour and may adjourn the hearing. See Appendix B for further details.
- 12 The directors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
- 13 Both parties will leave the meeting and the directors will consider the information that has been put to them.

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- 14 The directors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a director or a member of the school staff. Normally the directors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
- 15 The directors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The directors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which directors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.
- 16 Any findings or recommendations will be made available for inspection on the school premises.

## **APPENDIX B: Policy on unacceptable behaviour**

The Board of Directors recognises that it is the last resort for complainants. It also has a duty to ensure the safety and welfare of students, parents and staff.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Board of Directors does not expect the Academy's staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive or threatening. The Board of Directors will take action to protect staff from such behaviour. This applies to unacceptable behaviour on any part of the school premises.

If the Principal considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Principal will take action to restrict the complainant's contact with the academy.

### ***Unacceptable actions and behaviours***

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which the academy often finds problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- Foul and abusive language towards staff, other parents and students.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication.
- Undermining school policies by actively encouraging students to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff, for example by excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to the academy will be taken by the Principal. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Directors will seek to limit any detriment to any students who attend the academy, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the academy's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.