RAYLEIGH SCHOOLS TRUST

Complaints Policy

Reviewed: September 2023

Review: Autumn 2024

1 ABOUT THIS POLICY

1.1 The aim of the policy is to ensure that any complaints are responded to in a way that is fair, reasonable and proportionate. At all stages the desire is to achieve a solution in a way that is consistent with the School and Trust's legal responsibilities. At the end of this document is a specific section on Complaints about Governors and Trustees.

1.2 The trust may consider complaints about its specific operation outside of its school's operation. Complains about its school's shall only normally consider whether or not the complaint process has been followed correctly.

GENERAL PRINCIPLES

1.3 We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. As such, it is our expectations that complaints should be made as soon as possible. Complaints made after a significant period of time (for example 3 months) will still be considered but may require this policy to be adapted to address any specific issues raised.

1.4 We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

1.5 We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of others (especially pupils) or in any other public forum including social media.

1.6 All school staff, teaching and non-teaching; and members of the Governing Body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required.

1.7 At all times any decisions made in accordance with this policy should have regard to any particular circumstances of a person making a complaint or anyone involved in the process. This should include any particular issues around disability or any other protected characteristic set out in the Equality Act 2010. Advice should be sought from a member of the senior leadership team if anyone raises any concerns in respect of any such issues. Further, if any issues in relation to safeguarding become apparent, advice should be sought before making any decision.

1.8 It is important to understand that the purpose of the complaints process is to consider complaints and the role of the School/Trust may sometimes be limited to reviewing a decision rather than re-making it. For example, if there is a complaint about a disciplinary matter which has already been addressed by the School, then the review of the complaint will be primarily limited to reviewing the process rather than repeating investigations that have already been made. Also where complaints involve third parties (e.g. pupils other than the child of the parent) then there will be limits about how much information can be disclosed.

1.9 At all times the presumption is that this policy should be followed. However, the Trust/School reserves the right to adapt the policy and procedure as appropriate. This may include changes

to time scales and otherwise adapting the policy if necessary. Even if any adaptation to the policy and procedure is necessary it must be done in a way that is fair and full reasons will be given for any such decision. While we understand that parents may on occasion find the complaints process stressful, if a parent behaves in a way that is unreasonable, vexatious or otherwise inappropriate then the Trust/School reserves the right to suspend this policy. Further, if there are threats of legal action and/or other exceptional circumstances then the School reserves the right to suspend this policy.

1.10 Further, this policy shall not apply where there is a separate right of appeal and/or alternative method of resolution. For example, disputes about admissions/exclusions. Employees should also refer to the relevant employment policy.

1.11 The presumption is that information in this process shall be kept confidential to those involved in the process but information may be disclosed to third parties if required by law. Summary decisions will be available for inspection by the Governing Body and Directors of the Trust.

1.12 The school's procedures will be reviewed at least every three years and updated as necessary.

2 PROCEDURE

2.1 Complaint Stages

2.2 Our policy sets out four in-school stages for dealing with complaints:

Stage 1: Informal Complaint. We encourage complainants to meet to discuss a complaint/concern informally with an appropriate member of staff (although not the subject of the complaint) in the first instance.

Stage 2: Formal Complaint. Should the complainant be dissatisfied with the outcome of the first stage, a complaint can be made, in writing, to the CEO. The CEO will reply, wherever possible, within ten working days.

Stage 3: Complaint to the Chair of Trustees. Should the complainant be dissatisfied with the outcome of Stage 2, or if the complaint concerns the conduct of the CEO, a letter should be written to the Chair of Trustees, c/o The Sweyne Park School, and marked as 'Confidential', The Chair of Trustees will reply, wherever possible, within ten working days.

Stage 4: Formal Complaint Appeal Panel. A formal complaint to an Appeal Panel is the last in-school stage for complaints, or if the complaint concerns the Chair of Trustees, in this instance, a letter should be written to the Clerk to the Trustees of the Rayleigh Schools Trust, c/o The Sweyne Park School, and marked 'Confidential'

2.3 Stages 2 and 3 Formal Process

2.4 This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

2.5 Normally, your written complaint should be addressed to the CEO. If, however, your complaint concerns the CEO personally, it should be sent to the school marked "For the attention of the Chair of Trustees".

2.6 We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.

2.7 We will enclose a copy of these procedures with the acknowledgement.

2.8 Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

2.9 As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

2.10 The CEO, or chair of Trustees may also be accompanied by a suitable person if they wish.

2.11 Any person who accompanies is there to provide support as part of the process and will need to understand their obligation to act appropriately and reasonable at all times.

2.12 Following the meeting, the CEO or chair of trustees will, where necessary, talk to witnesses and take statements from others involved. This may include discussions with students.

2.13 We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

2.14 If the complaint is against a member of staff, it is highly likely to be dealt with under the school's internal confidential procedures, as required by law and as such this policy will need to be adapted accordingly.

2.15 The CEO or chair of trustees will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

2.16 Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the CEO/chair of trustees decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

2.17 The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.

3 CLOSURE OF COMPLAINT AFTER STAGE 2/3.

3.1 We will do all we can to help to resolve a complaint against the Trust/School but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree". Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

3.2 The School/Trust have a duty of care to all students and therefore its consideration of individual complaints must be proportionate and reasonable. If a complainant persists in making representations to the school – to the CEO, chair of Trustees or anyone else which in the judgment of the School/Trust are unreasonable, vexatious and/or otherwise inappropriate

then it may close the complaint. This means that correspondence may not be responded to and the School/Trust reserve the right to consider any other options in order to ensure that pupils, staff and anyone else are treated properly and appropriately.

3.3 In exceptional circumstances, closure may occur before a complaint has reached Stage 4 of the procedures described in this document. The Chair of Trustees may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to resolve the complaint. If this is necessary full reasons will be given for any decision reached.

3.4 If we do not close the complaint after Stages 2/3, you may wish to proceed to Stage 4, as set out below.

4.1 STAGE 4 CONSIDERATION BY A COMPLAINT PANEL

4.2 If your concern has already been through Stages 1, 2 3 and you are not happy with the outcome, we may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Chair of Trustees has discretion to agree to this form of meeting where he or she feels it would be helpful in resolving the complaint.

4.3 The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice. One member of the panel will be independent to the school.

4.4 The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

4.5 The complaints review panel will operate as follows:

4.6 The clerk to the governing body will aim to arrange for the panel meeting to take place within 20 working days.

4.7 The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or request that witnesses give evidence in person. The chair of the panel will determine whether or not it is necessary for evidence to be given in person.

4.8 The CEO will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.

4.9 The clerk will inform you, the CEO, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.

4.10 With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.

4.11 The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.

4.12 With the agreement of the chair of the panel, the CEO may invite members of staff directly involved in matters raised by you to attend the meeting,

4.13 The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.

4.14 As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

4.15 The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a complete copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature. If a copy of the minutes is requested then this request will be considered. You will be provided with a copy of any decision made which, should give you all the information you require.

4.16 During the meeting, you can expect there to be opportunities for:

- you to explain your complaint;
- you to hear the Trusts response from the CEO;
- you to question the CEO about the complaint;
- you to be questioned by the CEO about the complaint;
- the panel members to be able to question you and the CEO;
- any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
- you and the CEO to make a final statement.

4.17 In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the CEO and yourself as soon as possible but within a maximum of two weeks. All participants other than the panel and the clerk will then leave.

4.18 The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the complaint;
- decide on the appropriate action to be taken to resolve the complaint;

- recommend, where appropriate, to the governing body changes to the Trusts systems or procedures to ensure that similar problems do not happen again.

4.19 The clerk will send you and the CEO a written statement outlining the decision of the panel within two weeks. The letter will explain what further recourse, beyond the governing body, is available to you.

4.20 We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

4.21 N.B. The Appeal Panel must include one independent member and, if the Chair of Trustees has already been involved, the Chair must not be a member of the panel.

5 COMPLAINT TO THE TRUST

5.1 There are now no further stages of complaint within the Trust.

6 FURTHER STAGES OUTSIDE OF THE TRUST

6.1 After all the above stages have been exhausted, if a complainant is still dissatisfied, they can access information about complaints below. They can also contact the Department for Education/Education and Skills Funding Agency.

6.2 https://www.gov.uk/complain-about-school/state-schools

6.3 Other sources of information and advice

6.4 If your concern is about an aspect of special needs provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the Parent Partnership team on their helpline: 01245 436036.