

Create Partnership Trust

Creating futures

Complaints Policy

May 2019

Responsibility for this policy: Board of Directors (Trustees) Responsibility for monitoring/evaluation: CEO, DCEO and Headteachers
Date of next review: September 2020 or as necessary
Links to other policies: Whistleblowing

Creating futures through our shared values of excellence, partnership and perseverance



1.0 GENERAL

This policy is a guide for parents who have a concern or complaint. *Please note that if you are not a parent/guardian/carer of a pupil attending one of our Trust schools, you should contact the Headteacher of the school concerned.*

1.1 Schools are required by law to have a complaints procedure which aims to ensure that concerns and complaints are handled in a fair and non-adversarial manner. This procedure is intended to deal with concerns and complaints relating to the staff actions or the application of school procedures where they relate to individual pupils except in matters in relating to:

- a permanent exclusion
- a child protection issue
- a special educational needs health care plan
- an admission issue
- All of which are dealt with under separate procedures, details of which are available at each school in the Trust.

1.2 Create Partnership Trust is fully committed to dealing with complaints and concerns as promptly and efficiently as we can. We encourage complainants to speak initially and directly to the person who is most appropriate to respond – usually the class teacher, a senior member of staff or the Headteacher.

1.3 We are committed to an effective and fair education for all our pupils with a strong emphasis on pupils' safety, health, well-being, enjoyment, high achievement and positive contributions and relationships. We aim to resolve any issue through fair, open and honest dialogue and mutual understanding, placing the needs of our pupils as the paramount consideration.

1.4 Each school in Create Partnership Trust has named personnel to deal with various levels of complaints. These are recorded on each school's individual website.

1.5 At any stage, complainants are encouraged to suggest actions which might resolve a problem. We aim to identify areas of agreement between parties and clarify any misunderstandings. We believe in creating a positive atmosphere so that issues can be discussed.

2.0 POLICY STATEMENT

The Trust encourages anyone who wishes to raise a concern to make every effort to resolve the issue informally and to follow the steps below; i.e. Informal Stage 1 (raising a concern referring to the Headteacher, Deputy Headteacher, senior leader), Informal Stage 2 (referring to the Chief Executive Officer) and Formal (referring to the Chair of the Board of Directors).

Please note:

Any concern or complaint should be brought to the attention of the school at the earliest opportunity; any matter raised more than three months after the event will only be considered in exceptional circumstances. Anonymous complaints will not be dealt with unless there are exceptional circumstances.

- 2.1 Create Partnership Trust aims to work professionally, impartially and in a non-adversarial way. We aim to be reflective and open to learning from others.

3. INFORMAL STAGE 1: RAISING A CONCERN

In most cases the person most appropriate to respond to concerns is the class teacher or a senior leader, without the need to take the issue further. The school will attempt to arrange a meeting a mutually convenient time and to discuss concerns in a positive atmosphere. Sometimes the school or Trust may require further time for an internal investigation. Individual Trust Directors or members of the Local Advisory Board are not able to act unilaterally on an individual concern or complaint or be involved at an early stage because they may be asked to sit on a panel at a later stage of the procedure.

- 3.1 Where the first approach is made to a Trustee or the Board, they will refer the person raising the complaint to the Complaints Policy and Procedure. Trustees will not act unilaterally on an individual concern or complaint or be involved at the early stages of an issue in case they are needed to sit on a panel at a later stage of the procedure.
- 3.2 The Trust is committed to respecting the views of anyone raising a concern or complaint who may indicate that they are uncomfortable in discussing the matter with a particular member of staff. In these cases, they will be referred to another staff member. The Trust expects that all concerns and complaints will be considered objectively and impartially.
- 3.3 If the concern or complaint relates to the school's Headteacher, it should be directed to the Chief Executive Officer(CEO) in the first instance, who will deal with the query.
- 3.4 If the concern or complaint relates to the CEO, it should be directed to the Chair of the Board of Directors (Trustees) in the first instance, who will deal with the query.

4. INFORMALSTAGE 2: ISSUE REFERRED TO THE CEO

Complainants may be asked to put their concern or query in writing but in most cases a senior leader will be available to deal with queries face-to-face. The aim is to resolve concerns by either meeting with the complainant directly or delegating another senior member of staff to investigate. Reasonable time may need to be given to the school or Trust to investigate the matter or gather any further information. We are committed to good communications so that complainants are kept informed and receive feedback no later than 10 school days after details have been provided.

- 4.1 If the complainant remains dissatisfied with the outcome of the Informal Procedures, the process should move to the Formal Complaints Procedure.

5. FORMAL COMPLAINTS PROCEDURE: ISSUE REFERRED TO THE CHAIR OF THE BOARD OF DIRECTORS (TRUSTEES)

If the complainant remains dissatisfied with the way the issue has been handled, the concern or complaint should be sent in writing to the Chair of the Board of Directors, Create Partnership Trust, c/o Cambrai Court, 1231 Stratford Road, Birmingham, B28 9AA. The envelope should be marked as "confidential". The Chair will decide on the appropriate course of action which might include a meeting in the first instance or reference to a Trust Complaints Panel.

6. COMPLAINTS PANEL

The Board of Directors will nominate three members to form a complaints panel. The panel have the delegated powers to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on appropriate action to resolve the complaint;
- recommend changes to the Trust's or school's procedure;
- recommend disciplinary action;
- identify any procedures to ensure that similar issues do not reoccur.

6.1 Complaints Panel members work within the following guidelines:

- They act independently and impartially.
- No panel member has any prior involvement in the complaint or circumstances surrounding it.
- Issues of equality are always considered.

6.2 The hearing is held in private and its aim is to achieve reconciliation between the school or Trust and the complainant. It is important to recognise that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that the concern has been taken seriously.

6.3 The panel acknowledges the nerves and inhibitions of complainants at a formal hearing. The panel Chair will ensure that proceedings are as considerate as possible. Panel members will be fully conversant with the complaint's procedure.

7. ROLES AND RESPONSIBILITIES

The Role of the CEO or Headteacher

- To ensure that the correct procedure is used, and appropriate action is taken as the result of a concern or complaint about staff or school procedures, within Informal Stage 1 and Stage 2.
- To ensure that all concerns and complaints are logged and responded to within a reasonable timeframe.
- To ensure that complainants are aware of the formal procedure if dissatisfied with the informal procedures.

The role of the clerk in supporting a complaints panel

- To support the group of Directors which forms a complaints panel and to act as a contact point for the complainant.
- To set the time, date and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that venues are accessible.
- To collate any written material and send it to the parties at least 5 days in advance of the hearing.
- To meet and welcome the parties as they arrive at the hearing.
- To record the proceedings.

- To notify all parties of the panel's decision.

The role of the Chair

- To chair the panel effectively, explaining the remit of the panel to all parties and ensuring that each party has the opportunity to put their case to the panel without undue interruption and that all parties are put at ease.
- To ensure that the key issues are addressed, and key findings of fact are made.
- To ensure that all parties are treated with courtesy and respect.
- To ensure that the panel is open-minded and acts independently.
- To ensure that no panel member has a vested interest in the outcome of the proceedings or has had any prior involvement in the matter.
- To ensure that written material is seen by all parties by the date specified by the clerk and that, if any new issue arises just prior to or during the hearing, that all parties are given an opportunity to consider and comment.

Notification of the panel's decision

- Witnesses are only required to attend for the part of the hearing in which they give evidence.
- Following introductions, the complainant is invited to explain their concern and use their witnesses, in turn, to support their case.
- The Headteacher or CEO may question the complainant.
- The Headteacher or CEO is invited to explain the school's actions and followed by school witnesses.
- The complainant may question the Headteacher, CEO and witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is invited to sum up their complaint.
- The Headteacher or CEO is invited to sum up the school's response to the complaint.
- The Chair explains that both parties will hear from the panel within a set timescale.
- The Headteacher or CEO and the complainant leave the hearing while the panel decides on the outcome.

8. POST HEARING ACTIONS

Create Partnership Trust encourages both parties to meet informally after the hearing to ensure an on-going positive and professional relationship.

- 8.1 Should the complainant remain dissatisfied with the outcome, they have the opportunity to take their complaint further to the Education and Skills Funding Agency (ESFA), an organisation which is part of the Department for Education (DfE).

- 8.2 The ESFA will consider complaints if there has been undue delay or that the Trust did not comply with its own complaints procedure; if the Trust is in breach of its funding agreement with the Secretary of State; if the Trust has failed to comply with any other legal obligation.
- 8.3 It is not the function of the ESFA to overturn any decision about a complaint; however, if it concludes that the Trust did not deal with a complaint properly, they will request that the complaint is looked at again from the appropriate stage, following a process which is set out in the regulations. If the Trust's complaints procedure does not meet the Regulations, the ESFA will ask the Trust to put this right and may, on behalf of the Secretary of State, seek to enforce the decision under the terms of the funding agreement.
- 8.4 The ESFA's remit is to review due process with no onus to reopen any investigation, unless they judge that due process has not been implemented.

9. UNREASONABLE COMPLAINTS

Create Partnership Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

- 9.1 Create Partnership Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.
- 9.2 A complaint may be regarded as unreasonable when the person making the complaint: -
- A. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - B. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
 - C. refuses to accept that certain issues are not within the scope of a complaints procedure;
 - D. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - E. 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;
 - F. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - G. changes the basis of the complaint as the investigation proceeds;
 - H. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - I. 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;
 - J. seeks an unrealistic outcome;
 - K. 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.

9.3 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: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as on social media websites and in newspapers.