



KALEIDOSCOPE
Multi Academy Trust

COMPLAINTS POLICY and PROCEDURE

JULY 2019
(This policy will be reviewed annually)

This Policy applies to all schools and employees within the Kaleidoscope Multi-Academy Trust.

COMPLAINTS POLICY & PROCEDURE

1. Introduction

Kaleidoscope Multi-Academy Trust (KMAT) is required to have a Complaints Policy and Procedure meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014, and to make the procedure available to parents and carers of pupils and prospective pupils.

Our Trust is committed to developing a strong sense of partnership with parents and carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

The policy and procedures are in place to ensure that parents and carers and others are able to express their concerns in an open and honest way in accordance with a published procedure.

The complaints procedure is designed to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and well-publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling, with established time limits for action, and keep people informed of progress;
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality;
- address all the points at issue, and provide an effective response and appropriate redress, where necessary;
- provide information to school's leadership team so that services can be improved.

Complaints or concerns relating to Child Protection/Safeguarding matters will be recorded on a separate log. Such matters will be passed to the designated Safeguarding Lead and handled through the Safeguarding Policy and procedures.

2. Investigating Complaints

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;

- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

3. Confidentiality

All conversations and correspondence will be treated with discretion. Where the complaint is raised by a parent they need to feel confident that their complaint will not penalise their child. From the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It is at the discretion of the Headteacher as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared and able, to substantiate them.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State, or a body conducting an inspection under section 109 of the Education Act 2008, request access to them.

4. Record keeping

Complaints will be recorded in writing and monitored termly by members of the Senior Leadership Team. Recording will begin at the point when a broad concern has become a specific issue that cannot be resolved instantly, but needs investigation. Recording at the earliest stages need only be a basic record with the date, name and nature of the complaint. The record will detail whether the complaints were resolved at the preliminary/informal stage or whether they had to proceed to the formal stages of the procedure. The school will record the action that they took as a result of the complaint (regardless of whether the complaint was upheld).

5. Levels of response

The complaints procedure follows a number of stages:

Informal Complaint - an opportunity to resolve the complaint with the school on an informal basis

Stage 1- Formal complaint stage when the complaint is made in writing and usually responded to by the Headteacher (or designated senior member of staff or Chair of Governors);

Stage 2 – Review by governors. A formal complaint stage when the complainant has not been satisfied by the school’s response to the complaint at earlier stages and the matter is referred to a panel of the Local Governing Body;

Stage 3 - Appeal heard by a panel appointed by the Board of Trustees; and

Stage 4 – Referral to the Department of Education (Education and Skills Funding Agency).

5.1 Informal Complaints

We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting of the key people involved.

An opportunity to resolve the complaint with the school on an informal basis, for example through discussion/correspondence with a senior member of staff should be offered to all those raising an issue. There are many occasions where concerns are resolved immediately through the class teacher, line manager or senior member of staff

Individuals must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.

There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is required, the Academy will write to the Complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

At first, it may be unclear whether an individual is asking a question or expressing an opinion rather than making a complaint. An individual may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. These should take place within 5 working days of the concern or query being raised.

If the first member of staff to be contacted regarding a concern is unable to deal with it, they should make a note of the date, the name, contact number and address of the concerned person and refer them on to the appropriate person. They should check later to make sure the matter has been pursued.

If the concern cannot be resolved through informal dialogue the person raising the concerns should be referred to the Complaints Policy and advised that they have the right to make a formal complaint in writing.

5.2 Formal Complaints

Individuals have the right to raise a formal complaint or to ask for an informal concern to be looked at formally. This should be done in writing.

The school will acknowledge complaints within 5 school working days and give a full written response to complainants within 10 school working days. If the complaint is judged to involve complex issues, complainants will be informed within 10 school working days when they can expect a full response. Complainants will be kept informed of progress if a lengthy investigation is involved. The main aim throughout the process is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

6. Guidelines for Each Formal Stage

6.1 Stage 1

A formal complaint stage when the complaint is made in writing and usually responded to by the Headteacher (or designated senior member of staff or Chair of Governors if the complaint is against the Headteacher). At this stage it has become clear that informal steps to address the problem have not been successful or acceptable and the concern is a definite complaint. One of the reasons for having graduated stages in the procedure is to reassure complainants that their grievance is being taken to the appropriate level of management. At this point the school/Headteacher/ Chair of Governors will clarify with the complainant if the complaint has moved to a formal complaint procedure.

6.2 Stage 1 Procedure

If the first member of staff to be contacted regarding a concern is unable to deal with it, they should make a note of the date, the name, contact number and address of the concerned person and refer them on to the appropriate person. They should check later to make sure the matter has been pursued.

The senior staff member will acknowledge the complaint orally or in writing within 5 working days of its receipt. An opportunity will be given for the complainant to meet the Headteacher (or designate) to provide any supplementary information. The complainant may be accompanied at the meeting by a person of his or her own choice who is independent of the complaint.

The staff member dealing with the concern will make sure that the individual knows what action (if any), or monitoring of the situation, has been undertaken.

All complaints will be logged. The Headteacher (or designate) will interview any witnesses or others who can provide relevant information and take statements from those involved. If the complaint centres on a pupil, the pupil may also be interviewed, normally with the parents present. If a member of staff is complained against, the need to support that person should be borne in mind.

The Headteacher (or designate) will keep written records of meetings, telephone conversations and other documentation.

In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case, the complainant will be informed that the complaint will be pursued through disciplinary action. Under the KMAT's disciplinary procedures, the outcome of these procedures is confidential.

Once the facts have been established the Headteacher (or designate) will write a response or may meet the complainant to discuss / resolve the matter directly. The complainant will be advised that should they wish to take the complaint further they should write to the Chair of the Local Governing Body within two calendar weeks of receiving the outcome letter.

If the complaint is against the Headteacher, Stage 1 will be carried out by the Chair of the Local Governing Body who should make the Chief Executive Officer (CEO) aware in writing, or by email within 48 hours. In this situation a further review by a panel of the Local Governing Body will be convened through the CEO. If the complaint is against the Local Governing Body of the school then the complaint will be referred to the KMAT Board of Trustees in writing or by email within 48 hours. This should be addressed to the Clerk to the Kaleidoscope Board c/o St Martin's School, or clerk@kaleidoscopemat.co.uk. In either case, the CEO may be asked to investigate and manage the complaint.

If the complaint is against the CEO, Stage 1 and 2 will be carried out by the Board of Trustees. The Chair of Trustees may wish to delegate elements of investigation to a senior member of the trust or a school's staff.

6.3 Stage 2 - Review by the Governors

Complaints should only rarely reach Stage 2, where the complainant is not satisfied by the School's response. It may be appropriate that the Local Governing Body considers this now to be a complaint against the school, rather than against the member of staff/pupil whose alleged actions led to the original complaint.

6.4 Membership of Complaint Review Panels

Panels will consist of three persons who have not previously been involved in managing the complaint. For Stage 2 Panels two of the Panel Members will be drawn from the Local Governing Body. For Stage 3 Panels two of the Panel Members will be Trustees, Governors of other schools in the Trust or people in good standing in the community appointed by the Trustees. In each case one further Complaint Review Panel Member will be a person who is independent of the management and running of the school. This means that the Independent Complaint Panel Member will not be a Trustee, a Local Governor of the school, or an employee of either the Trust or the school. When appointing the independent Complaint Panel member, the Trust and the school will bear in mind the non-statutory advice of the Department for Education, which states:

“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views.”

For the avoidance of doubt, a Local Governor of other KMAT Schools may be the Independent Complaint Panel Member, as long as they are not an employee of that school or the Trust, and they are sufficiently removed from the management and running of the school to be considered truly independent.

6.5 Stage 2 Procedure

The Chair of the Local Governing Body will acknowledge the complaint in writing and will set up a hearing of a Local Governing Body Panel within 15

working days of receiving the complaint. It may be necessary for the Chair of Governors to meet with the complainant to understand the issues raised in a complaint prior to calling the hearing. The panel will consist of at least three governors who were not directly involved in the matters detailed in the complaint. The letter from the Chair of the Local Governing Body will also explain to the complainant that they may submit any further relevant documents in advance of the hearing. Governors hearing the complaint will have had no prior involvement with the complaint.

All parties will be given five working days' notice of a hearing. The complainant may be accompanied to the hearing by a person of their choice who is independent of the complaint.

If not the subject of the complaint, the Headteacher or senior member of staff may be invited to attend the hearing to offer advice and information. Involvement of other staff is subject to the discretion of the Chair of the Local Governing Body.

The aim of the hearing will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that it may only be possible to establish facts and make a determination. The hearing proceedings will be as informal as possible.

The hearing will allow for:

The complainant to explain their concern and for the school representative to explain the school's response.

The complainant and the Headteacher to ask questions of each other and for members of the hearing panel also to ask questions.

Any party to have the right to call witnesses (subject to the approval of the Chair of the panel) and all parties having the right to question all the witnesses.

Final statements by both the complainant and the Headteacher.

Following the hearing the panel considering the complaint will send their written decision by electronic mail or otherwise to both parties within 5 working days. The decision will detail the panel's findings and will make recommendations in regards to the complaint. The written decision will be made available for inspection on the school's premises by the Board of Trustees, CEO, Chair of the Local Governing Body and the Headteacher.

If the complaint is against the Headteacher, the CEO will attend the hearing to provide information on how the complaint was managed at stage 1.

If the complaint is against the CEO, the Board of Trustees appoint two panels, one acting to cover Stage 2 and the other to cover Stage 3 of the process.

6.6 Stage 3 - Review by panel appointed by the Board of Trustees

If the complaint is not resolved at the end of Stage 2 then the complainant may seek to address an independent panel appointed by the Board of Trustees with their complaint. They must make a written request for such a review within two calendar weeks of receiving the outcome letter from Stage 2. The Stage 3 Panel will follow the same timescales and format as at Stage 2. The panel will be comprised of Trustees or persons independent of the school such as Governors at another school in the Trust as described in section 6.4.

The decision of the Board of Trustees' Panel will be final from an internal perspective.

6.7 Stage 4 - Referral to the Department of Education / Education and Skills Funding Agency

Once a complaint has been through all the stages of the this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

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

The ESFA is not required to intervene in every case that is brought to their attention but must always consider whether, in light of the information provided they should exercise its powers.

If a complaint is forwarded to the ESFA, they will check whether the complaint has been dealt with properly by the school. They will consider complaints about schools that fall into any of the following three areas:

- where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint;
- where the academy is in breach of its funding agreement with the Secretary of State;
- where an academy has failed to comply with any other legal obligation.

The ESFA will not overturn a school's decision about a complaint. However, if they find the school did not deal with a complaint properly they will request that the complaint is looked at again and further procedures taken to meet the requirements set out in the Regulations.

If the school's complaints procedure does not meet the Regulations, the ESFA will ask the school to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

7. School Admissions and Exclusions

Separate complaint and appeal procedures exist for these matters, and information is published within the appropriate policy.

8. Late Complaints

Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the school or Trust reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the school decides that a concern or complaint which was raised late will not be investigated, the Academy will write to the Complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.

If the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of the Local Governing Body asking for the decision to be reviewed. The Chair of Local Governing Body will be provided with all documentation relating to the concern or complaint, together with the letter from the school to the Complainant, and will review the decision made. The Chair of Local Governing Body will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.

If the Chair of Local Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Local Governing Body upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Skills and Funding Agency using the procedure stated in section 6.7 of this Complaints Policy.

In exceptional circumstances, the Chair of Local Governing Body can delegate the responsibility for the review to the Vice-Chair of Local Governing Body.

9. Persistent or Vexatious Complaints

There will be some occasions when complainants are reluctant to accept the outcome of the process.

Should the complainant continue to make contact on the same issue, the Board of Trustees has the power to inform them that the process is complete and the matter is therefore closed.

In the context of Freedom of Information requests 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' KMAT

prefers the term 'serial' or 'persistent' complaints. KMAT may apply the following criteria in determining whether the situation may be defined as 'serial', 'persistent', 'manifestly unjustified', 'inappropriate' or 'improper':

- All reasonable steps have been taken to address matters;
- A clear statement has been provided of the school's position;
- The school is being repeatedly contacted with the same points being raised;
- The school has reasonable grounds for believing that the intention is to cause inconvenience;
- Communications are aggressive in tone or content;
- Abusive, derogatory and/or threatening comments are made.

The LSP may seek legal advice if they think that persistent contact by a complainant constitutes harassment.

9. Conclusion

By Kaleidoscope Multi-Academy Trust having a clear, published procedure, the Board of Trustees hope that this will help resolve problems and confirm good working relationships between all people involved with the school.

Complaints Procedure - Complaints Form



Please complete and return to the Headteacher or the Chair of Governors (please refer to the procedure guidelines) who will acknowledge receipt and explain what action will be taken.

Your name :

Pupil's name:

Your relationship to the pupil:

Address :

Postcode:

Daytime telephone number:

Evening telephone number:

Email:

Please give details of your complaint
(Include dates, names of witnesses etc. to allow the matter to be fully investigated)

(Please continue on a separate sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint (Who have you spoke with, or written to, and what was the outcome/response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signature:

Name in Block letters:

Date:

For official use only

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: