



## The de Ferrers Trust

### COMPLAINTS PROCEDURE

Author:	Director of Governance and Compliance
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## **COMPLAINTS PROCEDURE**

### **Introduction**

The de Ferrers Trust endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised, the Trust intends for these to be dealt with fairly, openly, promptly and without prejudice.

In order to do so, the Trust Board for The de Ferrers Trust has approved the following procedure which explains what you should do if you have any concerns about the Trust or any of our academies.

### **Which procedure do I need?**

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the Trust or the academy websites, or alternatively ask any of our receptionists for a copy.

Nature of Concern	Appropriate Policy	Location
Student Admissions	Admissions Policy	Academy website
Student Exclusions	Behaviour Policy	Academy website
Complaints about services provided by other providers who may use academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.	
Subject Access Requests	Data Protection Policy	Trust website
Freedom of Information requests	Freedom of Information Policy	Academy website
Whistleblowing	Whistleblowing Policy	Trust website

### **Staff Conduct**

Concerns or complaints about staff conduct will not normally be handled under this complaints procedure. You will be advised that any staff conduct complaints will be

considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with you.

## **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the relevant academy is under a duty to report this immediately. Any action taken will be in accordance with the academy's Safeguarding Policy, a copy of which can be located on the relevant academy's website.

### **The difference between a concern and a complaint.**

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Trust takes concerns seriously and will make every effort to ensure that matters are resolved as quickly as possible.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of one of our academies or your child's education or wellbeing, please raise your concern with the academy's Support and Guidance Team (if in place), or alternatively your child's form tutor or class teacher. Should you have a non-academy specific concern, please contact a member of the Trust Team, using the contact information at the end of this policy.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of Data Protection and can be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

You should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints in the latter stages of this procedure.

For ease of use a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact one of our receptionists. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable you to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting you in raising a formal complaint or holding meetings in accessible locations.

### **Social media**

In order for complaints to be resolved as quickly and fairly as possible, The de Ferrers Trust requests that you do not discuss complaints publicly via social media such as Facebook or Twitter. Complaints will be dealt with confidentially for those involved, and we expect you to observe confidentiality also.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the relevant academy principal or the Chief Executive will determine whether the complaint warrants an investigation.

### **Complaint Campaigns**

Should the trust receive large volumes of complaints that are:

- all based on the same subject; or
- from complainants unconnected with the school

These will be investigated as a complaint campaign. The Chief Executive will:-

- acknowledge the complaint and inform you that it is part of a larger campaign; and
- publish a single response on the academy and trust website.

### **Procedure**

If you need to raise a concern in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **Complaints Co-Ordinator**

To ensure that timelines are adhered to, each academy will appoint an Academy Complaints Co-Ordinator to oversee the process.

The Trust will also appoint a Trust Complaints Co-Ordinator to oversee complaints that are not academy specific.

Each Complaints Co-Ordinator will:

- Nominate an appropriate person to investigate the complaint.
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000
- Keep up to date records throughout the procedure
- Liaise with all parties involved to ensure the complaints procedure runs smoothly.
- Be aware of issues in regard to sharing third party information.
- Understand your need for additional support i.e. an interpreter or other access arrangements.

### **Complaints Timescale**

Stage	Action	Timescale
Stage 1	Investigation by a nominated member of staff.  Where dissatisfied with outcome progress to Stage 2	20 working days total

Stage 2	Investigation by a member of the leadership team.  Where dissatisfied with outcome, progress to stage 3.	30 working days total
Stage 3	Appeal to a panel of governors/trustees and an independent member (independent to the running and management of the school) <sup>1</sup>	30 working days total

The de Ferrers Trust and all of its academies will endeavour to abide by this timeline but acknowledges that in some circumstances, this is not always possible due to the complexity of the information needed to review a complaint or difficulties regarding an individual's availability. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within the given timeframe, the relevant Complaints Co-Ordinator will contact you as soon as possible and come to an agreed timeframe that works for all parties involved.

If other bodies are investigating aspects of the complaint, for example, the police, this may impact our ability to adhere to timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If you commence legal action against the trust, or one of our academies, in relation to your complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Complaints against the Principal, Governors or Members of the Trust Leadership Team**

Where a complaint regards the Principal, you should first (if you feel able) directly approach the Principal in an attempt to resolve the issue. If you are not satisfied with this outcome you should contact the Trust Complaints Co-Ordinator. The Stage 2 process will then commence, but with a member of the Trust Leadership Team as the individual responsible for the investigation rather than a member of Academy Leadership.

Where a complaint regards a governor the same process applies as for the

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<sup>1</sup> Where the complaint does not refer to one of our academies, we will ensure that the independent panel member is independent from the running and management of the trust.

Principal.

Where a complaint regards a member of the Trust Leadership Team, the same process applies as for the Principal but with the Chief Executive responsible for the investigation rather than a member of Leadership.

### **Complaints about the Complaints Co-Ordinator**

Where a complaint regards the Academy Complaints Co-Ordinator, the complaint should be made to the Principal.

Where a complaint regards the Trust Complaints Co-Ordinator, the complaint should be made to the Chief Executive.

### **Complaints about the Chief Executive or members of the Trust Board**

Where a complaint regards the Chief Executive, you should first directly approach the Chief Executive in an attempt to resolve the issue informally (if you feel able). If you are not satisfied with this outcome you should contact the Complaints Co-Ordinator. Stage 2 of the process will then commence, but with the Chair of the Trust Board as the individual responsible for the investigation rather than a member of Leadership.

Where a complaint regards a member of the Trust Board, the same process applies as for the Chief Executive.

Where a complaint concerns the Chair of the Trust Board, the individual should contact the Trust Complaints Co-Ordinator. Informal resolution will be sought, if appropriate,, but where this fails, the complaints procedure at Stage 3 will take immediate effect. An independent investigator will be appointed to mediate proceedings.

### **Reporting**

The Academy Complaints Co-Ordinator will monitor the number and nature of complaints received and will report findings to the Local Governing Body.

The Trust Complaints Co-Ordinator will monitor the number and nature of complaints received across the Trust and will report findings to the Trust Board.

### **Stages of the Complaint**

#### **Stage One:**

- A complaint is made to the Complaints Co-Ordinator.

You must raise a complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

- The complaint may be made in person, in writing (preferably on the complaints form) or by telephone and must explain:
  - an overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action you would like to be taken to put things right.
- The Complaints Co-Ordinator will nominate a member of staff to investigate the complaint and will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint to explain what action they intend to take.
- Where the complaint is about a member of staff, the member of staff appointed to investigate the complaint will:
  - if deemed appropriate, arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
  - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- The member of staff appointed to investigate will provide written confirmation of the outcome of their investigation to the Complaints Co-Ordinator and will inform you of the outcome. This process must be completed within 15 working days (excluding those which fall in the school holidays) of the confirmation of the intended action.
- The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. You will be advised of how to escalate your complaint should you remain dissatisfied with the outcome of Stage 1.
- The Complaints Co-Ordinator will make a record of the complaint and the outcome which will be held centrally in line with the principles of Data Protection Act.

### **Stage Two:**

- If you are dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate the complaint to Stage 2. A request to escalate to Stage 2 must be made to the Complaints Co-Ordinator (Trust or Academy – whichever is deemed appropriate) within 10 school days of receipt of the Stage 1 response.

- The Complaints Co-Ordinator will nominate a member of the leadership team to investigate the complaint who will respond in writing within 10 working days (excluding those that fall in the school holidays) upon receipt of the complaint to acknowledge the complaint and explain what action will be taken, giving clear timeframes.
- The member of the leadership team will consider all relevant evidence; this may include but is not limited to:
  - A statement from you as the complainant
  - Where relevant a statement from an individual who is the subject of the complaint
  - Any previous correspondence regarding the complaint
  - Any supporting documents in either case
  - Interview with anyone related to the complaint
- The member of the leadership team may decide to have a meeting with you (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
- After considering the available evidence, the member of the leadership team may recommend that the Principal/Chief Executive (as appropriate):
  - Upholds the complaint and directs that certain action be taken to resolve it
  - Rejects the complaint and provides you with details of the stage three appeals process
  - Upholds the complaint in part: in other words, the member of the leadership team may find one aspect of the complaint to be valid, but not another aspect. They may recommend for certain action to be taken to resolve the aspect that they find in your favour.
- The member of the leadership team will provide written confirmation of the outcome of their investigation to the Principal or the Chief Executive (as appropriate) who will ultimately make the decision.
- The Principal or Chief Executive (as appropriate) must inform you of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the complaint explaining:
  - why they have come to the decision they made;
  - any agreed actions as a result of the complaint.
- Finally, they must provide you with details of how to progress the complaint to stage three if they are not satisfied providing you with the contact details of the Clerk to the relevant governing body.
- A copy of this letter, and all associated paperwork must be sent to the Complaints Co-Ordinator for them to file appropriately. A log of all

correspondence in relation to the complaint will be kept in accordance with the principles of Data Protection

### **Stage Three:**

If you wish to appeal a decision by the Principal or Chief Executive at Stage 2 of the procedure, or you are not satisfied with the action taken in relation to the complaint, you are able to appeal this decision.

- You must write to the Clerk (using the contact details provided in your outcome letter following Stage 2) within 20 school days of receiving notice of the decision, briefly outlining the content of the complaint and requesting that a Complaints Appeal Panel (the panel) is convened.
- On receipt of this written notification, the following steps will be followed:-
  - The Clerk will write to you within 5 working days (not including school holidays) to confirm receipt of the appeal request and detail further action to be taken.
  - The Clerk will convene a panel of one local governor, one trustee and one independent member (who is independent of the running and management of the school<sup>2</sup>). The panel will not exceed three members. All three members will have no prior knowledge of the complaint.
- The appeal meeting will take place within 20 working days (excluding those which fall in the school holidays) of the date of the letter from the Clerk acknowledging the appeal request.
- The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to your needs.
- If you are invited to attend the meeting, you may bring a companion with you to provide support. Where the subject of the complaint is a member of staff, that staff member may wish to be accompanied by their union representative.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. You will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with you.

- The companion will be a friend or a colleague. Neither party is able to bring legal representation with them.

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<sup>2</sup> Where the complaint does not refer to one of our academies, we will ensure that the independent panel member is independent from the running and management of the trust.

- If the attendance of any pupils is required at the meeting, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints meeting.
- Where the complaint is about a governor or a trustee, you may request that the appeal is heard by an entirely independent panel. Such requests should be made to the Trust Board. It is at the discretion of the Trust Board whether an independent panel is to be convened. The Trust Board will notify their Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Trust source appropriate individuals for the review.
- At least 10 school days before the meeting, the clerk will:
  - confirm and notify all parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
  - request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.
- Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private. Electronic recordings of the meetings or conversations are not normally permitted unless your own disability or special needs require it. Prior knowledge and consent of all parties must be sought before meetings or conversations take place and will be recorded in the minutes.
- The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate course of action to be taken to resolve the complaint
  - Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.
- All parties who attended the meeting will be informed by the chair of the appeals panel in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled, contact details can be located at the end of this document. The Trust will not consider the complaint beyond this point.

A copy of all documentation in relation to Stage 3 must be sealed, marked private and confidential and filed with governor records. Governor records should never be destroyed.

All documentation will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

### **Complaints made to Ofsted/ESFA**

Any correspondence from Ofsted, the ESFA or any other third party that details a complaint that has been made directly to them will be investigated as directed by them.

### **Unreasonable Complaints**

Where a complainant raises an issue that has already been dealt with via the complaints procedure, and that procedure has been exhausted, the complaint will not be reinvestigated except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Principal/Chief Executive will write to them explaining that the matter has been dealt with fully in line with the Complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details for the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the Academy or the Trust's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Principal/Chief Executive will use their discretion not to investigate these complaints. Where they decide to take this course of action, they must inform the complaints co-ordinator, who will document the reasons for doing so.

### **Contact Details and Next Steps**

If you would like to speak to a member of the Trust Team regarding a non-academy specific concern, please contact them at The de Ferrers Trust, C/O The de Ferrers Academy on 01283 372600 or via email at [MAToffice@deferrerstrust.com](mailto:MAToffice@deferrerstrust.com)

If you have any queries regarding any aspect of the complaints procedure please direct these to the Director of Governance and Compliance at [MAToffice@deferrers.com](mailto:MAToffice@deferrers.com)

If you feel that your complaint wasn't handled in accordance with the published complaints procedure or that the trust, or any of its academies, have acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Education and Skills Funding Agency (ESFA) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the trust or any of its academies. They will consider whether the trust has adhered to education legislation and any statutory policies connected with the complaint.

To complaint to the ESFA please complete their [schools complaints form](#).

Alternatively you may telephone them on 0370 000 2288 or by writing to them at [ESFA, Piccadilly Gate, Store Street, Manchester, M1 2WD](#)

Ofsted will also consider complaints about schools.

### **Monitoring and Review**

The Trust Board review this procedure as and when required, but at least every two years in order to ensure that all complaints are handled properly.



**The de Ferrers Trust**

**Complaints Form**

Please complete and return this form to the complaints co-ordinator (contact details can be obtained from any of our receptionists) who will acknowledge receipt and explain what action will be taken.

Name (please print):	
Academy(if applicable)	
Name of student, year group and your relationship to them (where applicable)	
Contact address:	
Contact telephone day	
Contact telephone mobile	
Contact email address	

Nature of the Complaint

Action taken so far (including staff member who has dealt with it so far) or solutions offered.

The reason that this was not a satisfactory resolution for you.

What action would you like to be taken to resolve the problem?

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Signed:	
Dated:	
Official Use Date received:	Signed:

Under Review