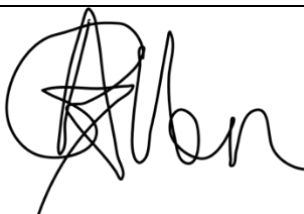


Name of Policy

Concerns and Complaints Policy Parents/Carers

<u>Concerns and Complaints Policy</u>	<u>Written By</u>	<u>Committee Responsible</u>	<u>Regularity of review</u>	STATUTORY	
	Harrison Clark Rickerbys Solicitors	Trust Board	Bi-Annual; or more frequent if required		
<u>Version</u>	<u>Date Proposed</u>	<u>Date Accepted</u>	<u>Date of next review</u>	<u>Signature (Chair of Trust)</u>	<u>Reason for revision</u>
Version 0.01	25 th March 2019	2 nd April 2019	Spring Term 2021		Reviewing early due to including Trustees in the policy (had previously been LGB policy).
Version 0.02	1 st December 2020	8 th December 2020	Autumn term 2022		Reviewing early due to a new DfE model for MAT's.
Version 0.03	29 th November 2022	6 th December 2022	Autumn term 2023		No amendments
Version 0.04	31 st January 2023	7 th February 2023	Spring term 2025		Complete re-draft by HCR Solicitors for Fioretti Trust

Concerns and Complaints Policy – Parents/Carers

Introduction

Fioretti Trust (the “Trust”) is committed to providing a high quality of education and pastoral care for its pupils. If parents (or legal guardians) of pupils have any concerns they can expect to be treated by the Trust fairly and any complaints will be dealt with in accordance with this procedure. The Trust aims to deal with complaints promptly; be impartial; ensure that an investigation is carried out; and provide redress where appropriate. Parents can be assured that all complaints will be treated confidentially.

This policy is consistent with the Education (Independent School Standards) (England) Regulations 2014 as amended. The Trust has also considered the Education and Skills Funding Agency’s (“ESFA”) guidance on handling complaints about academies.

For complaints from non-parents, you will need to follow our separate complaints policy for members of the public.

Is it a Concern or a Complaint?

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. If a concern is raised, then the Trust will endeavour to resolve it informally without recourse to this complaints’ procedure.

If you have difficulty discussing a concern with a particular member of staff, we will respect your view. In these cases, the Headteacher of the school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher of the school 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.

If, however, a parent raises a complaint, that is an expression of dissatisfaction, then this complaints policy will apply. It is likely to arise if a parent believes that the Trust has done something wrong, or has failed to do so something that it should have done or acted unfairly.

A complaint may be made about the Trust as a whole, one of our schools, or about an individual member of staff, a local governor or trustee. Complaints will be considered under this policy unless separate statutory procedures apply:

Exceptions	Who to contact
Admissions	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
Suspensions and Exclusions	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus</p> <p>Volunteer staff who have concerns about our school should complain through the Trust's complaint procedure. You may also be able to complain direct to the local authority or the Department for Education via the link above, depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievances procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

How to make a complaint

Parents must raise the complaint within three months of the incident (or last in a series of incidents). The Trust will only consider complaints made outside this timeframe if exceptional circumstances apply.

All complaints will be acknowledged within three school days if received during term time and as soon as practicable during holiday periods. We will consider complaints made out of term time to have been received on the first school day after the holiday period. The Trust's aim is to complete the first stage of the procedure within 10 school days of receipt of the complaint and as soon as practicable during holiday periods.

The Trust will aim to complete the second stage within a further 15 school days of receipt if the complaint is lodged during term time and as soon as practicable during holiday periods.

The Trust will endeavour to complete the third stage of the procedure within a further 20 school days of receipt if the appeal is lodged during term-time and as soon as practicable during holiday periods. If other organisations are investigating aspects of the complaint (for example, the police or local authority) this may impact on the Trust's ability to adhere to the timescales in the procedure. If this happens, we will inform you of our new timescales.

If legal proceedings are initiated, we may not continue with the complaints process until the legal process is completed.

We will not investigate anonymous complaints. However, the Headteacher or the Chair of the Board of Trustees, if appropriate, will determine whether in exceptional circumstances the complaint warrants an investigation.

A complaint may be made by a third party acting on behalf of the complainant, so long as they have appropriate consent to do so. If the complainant wants to withdraw their complaint, they must confirm this in writing.

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

Recording Complaints

The Trust will make its complaints procedure available on its website. It will ensure that anyone who requests it is sent a copy of this policy and details of the number of complaints dealt with under the formal procedure during the preceding academic year.

A written record will be kept of all complaints and at what stage of the procedure they are resolved. The Trust will keep records of the following information:

- Date when the complaint was raised
- Names of parent/pupil
- Description of the complaint
- Records of the investigations
- Witness statements
- Name of staff handling the issue at each stage
- Any action taken by the Trust as a result of the complaint
- Copies of all correspondence

Correspondence, statements, and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under s109 of the Education and Skills Act 2008 requests access.

Resolving complaints

The Trust will endeavour to resolve the complaint and if the complaint is upheld, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently
- Reassurance that we will endeavour to ensure that the incident does not reoccur and details of any actions put in place
- An undertaking to review school policies and/or procedures
- An apology

Stage 1 – Informal Resolution

- 1.1 The Trust will endeavour to resolve most complaints quickly and informally.
- 1.2 If parents have a complaint, they should normally contact their child's class teacher, year/phase leader, or appropriate member of staff (such as SENCO) in the first instance. Parents may raise a complaint in person, by telephone, by letter or email. The complaint will be investigated and, in the majority of cases, we hope that the matter will be resolved straightaway to the parents' satisfaction. If the member of staff cannot resolve the matter, it may be necessary for them to consult the Headteacher.

Complainants should not directly approach individual governors or trustees to raise concerns or complaints as it may prevent them from considering complaints at Stage 3 of the procedure.

- 1.3 The member of staff will make a written record of all complaints and the date on which they were received. Parents will usually be informed of the outcome of the complaint within 10 school days of receipt of their complaint. If the matter cannot be resolved to their satisfaction, then they will be advised that they can proceed with their complaint in accordance with Stage 2 of this Procedure.
- 1.4 If, however, the complaint is against the Headteacher or a local governor, complaints should be made directly to the Clerk to the Local Governing Body who will appoint an appropriate governor (not the Chair of the Local Governing Body) to seek to investigate and resolve the complaint as above.
- 1.5 If the complaint is about the CEO or a trustee, complaints should be made directly to the Clerk to the Board of Trustees who will appoint an appropriate trustee (not the Chair of the Board of Trustees) to seek to investigate and resolve the complaint as above.
- 1.6 Parents should contact the Local Authority Designated Officer at Birmingham City Council regarding any complaint concerning the welfare of a child.

Stage 2 – Formal Resolution

- 2.1 If the complaint cannot be resolved informally, parents should put their complaint in writing to the Headteacher using the Complaint Form attached to this policy at Appendix 1 within 5 school days of receiving the outcome of the informal complaint.

Please mark your complaint 'Private and Confidential'.

If you require help in completing the Complaint Form, please contact the relevant school office. You can also ask a third-party organisation, such as Citizens Advice, to help you.

The Headteacher will acknowledge the complaint within 3 school days of receipt of the complaint and will decide, after considering the complaint, the appropriate course of action to take.

- 2.2 In most cases, the Headteacher (or delegated nominee) will meet or speak to the parents to discuss the matter. Every attempt will be made to reach a resolution at this stage.
- 2.3 It may be necessary for the Headteacher (or nominee) to carry out further investigations. The Headteacher may delegate the investigation to another member of the Trust's senior leadership team, but not the decision to be taken.
- 2.4 The Headteacher (or nominee) will keep written records of all meetings and interviews held in relation to the complaint.
- 2.5 Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headteacher will also give reasons for the decision. Parents will usually be informed of the outcome of the stage 2 complaint within 15 school days of receipt of their complaint. If the Head teacher is unable to meet this deadline, they will provide the complainant with an update and a revised response date.
- 2.6 If the complaint is against the Headteacher, or a member of the local governing body, a suitably skilled governor or trustee will be appointed to complete all the actions at stage 2.
- 2.7 If the complaint is jointly about the Chair and Vice Chair of the local governing body, the entire local governing body, the majority of the local governing body, or about the Trust, the CEO of the Trust will complete all the actions at stage 2.
- 2.8 If the complaint is about the CEO or a trustee, an unconflicted trustee will complete all the actions at stage 2.
- 2.9 If the complaint is about the Chair of the Board of Trustees, an unconflicted trustee will complete all the actions at stage 2.
- 2.10 The Trust may engage an independent, external person to carry out the investigation into the Stage 2 complaint. This may be appropriate where the complaint is particularly complex or involves legal issues.
- 2.11 If the parents are not satisfied with the decision, they should proceed to Stage 3.

Stage 3 – Panel Hearing

- 3.1 If parents decide to proceed to Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Clerk to the Board of Trustees. Parents must make a request in writing within 10 school days of receipt the decision complained of, stating the grounds of the complaint and desired outcome. The Clerk will acknowledge receipt of the complaint within 3 school days.
- 3.2 The matter will be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the Trust. If the complaint is jointly about the Chair and Vice Chair of the local governing body; the majority or the entire local governing body then stage 3 will be heard by two trustees and an independent panel member.

If the complaint is jointly about the Chair and Vice Chair of the Board of Trustees, the majority of or the entire Board of Trustees, stage 3 will be heard by a completely independent Complaints Panel.

- 3.3 Parents are entitled to a fair review and can request an independent panel if they believe there is likely to be bias in the proceedings. Parents should provide us with evidence of bias in support of their request and we will decide whether to agree to it. Persons who have a conflict of interest must not take part in the complaints process. If there is any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint.
- 3.4 The Clerk to the Panel, on behalf of the Panel, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 15 school days. If the parent rejects three proposed dates without good reason, the hearing may proceed in their absence. If possible, the Panel will resolve the complaint without the need for further investigation. If it is required, the Panel will decide how it should be carried out. If the Panel considers it necessary, it may require that further particulars of the complaint be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than 5 school days prior to the hearing.
- 3.5 The Panel will not review any new complaints or allow information unrelated to the original complaint to be included at this stage. The Panel will not accept as evidence recordings of any conversations that were obtained covertly except in exceptional circumstances.
- 3.6 The hearing will be held in private. Electronic recordings are not normally permitted unless a parent's disability requires it and the consent of all parties must be obtained. The parents may attend the hearing and be accompanied by one other person if they wish. This may be a relative or friend. Legal representation will not normally be appropriate for any parties. Media representatives are not permitted to attend. Parents must confirm to the Clerk who will be attending at least 5 school days before the hearing.
- 3.7 At the meeting, each party will have the opportunity to give statements and present their evidence, and witnesses where appropriate will be called to present evidence. The Panel, the parent and the school representative(s) will be given the chance to ask and reply to questions. Once the parent and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered. After due consideration of all the relevant facts, the Panel will make findings and may make recommendations.

- 3.8 The Panel may either dismiss the complaint in whole or in part if the Panel considers the complaint is not made out; or uphold the complaint in whole or in part if the Panel considers the complaint is made out.
- 3.9 A written record will be kept of all complaints made, whether they are resolved following a formal procedure, or proceed to a panel hearing; and of any action taken by the Trust as a result of these complaints (regardless of whether they are upheld).
- 3.10 After the meeting, the Panel will consider their decision and inform you and, where relevant, the person complained about, of their decision in writing within five school days. The letter will set out the decision of the Panel together with the reasons underpinning that decision. The Panel can (by a majority if necessary):
- dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the academy or trust systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.11 It is not within the powers of the Panel to make any financial reward, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or other issues to the full Board of Trustees.

Unreasonable Complaints

A complaint may be regarded as unreasonable if the parent:

- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the parent expects to be taken into account and commented on;
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, sometimes immediately and to their own timescales;
- Requires answers in a set format, particularly where it impedes transparency.
- Makes unjustified complaints about staff who are trying to deal with the issues;
- Changes the basis of the complaint as the investigation proceeds;
- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Communicates the nature of their complaint with other parents, members of school staff, or other members of the school community, via WhatsApp or other social media;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the parent:

- Acts maliciously;

- Aggressively, using threats, intimidation or violence;
- Uses abusive, offensive or discriminatory language;
- Makes defamatory statements;
- Makes statements known to be false; or
- Publishes information or threatens to publish information such as on social media, including WhatsApp, websites and in newspapers.

Where, at any stage, a complaint is deemed by a Headteacher, Chair of the Board of Trustees or the CEO to be unreasonable, the Trust may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the parent's behalf; and/or
- Notify the parent that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the Trust may:

- Ask the parent to leave the Trust premises;
- Inform the police; and/or
- Bar them from being on the Trust premises.

Further Steps

If, following stage 3, the parent remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Chair of the Board of Trustees will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the parent regarding the complaint may be ignored by the Trust.

If a parent wishes to take the complaint further, they may contact the ESFA on 0370 000 2288 or online at: www.education.gov.uk/contactus.

The ESFA will consider complaints where there is:

- Undue delay or non-compliance with the Trust's own complaints procedure;
- Failure to comply with a duty imposed by virtue of the Trust's Funding Agreement;
- Failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If the ESFA upholds a complaint then it will not overturn the decision taken by the Trust. It may do one or both of the following:

- Ask the Trust to reconsider the complaint from an appropriate stage; and/or
- Ask the Trust to change its complaints procedure so that it complies with legal requirements.

Review

The Board of Trustees will monitor the nature and frequency of formal complaints.

This policy will be evaluated in the light of complaints made and their resolution to contribute to School improvement.

APPENDIX 1 – COMPLAINT FORM – PARENTS/CARERS

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

End of Policy