

## The Arthur Terry Learning Partnership

### Complaints procedure

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# 1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to any school within The Arthur Terry Learning Partnership (ATLP) about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

# 2. 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 complaint's procedure. The ATLP takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We actively encourage that any complaint be resolved informally.

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

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

# 3. How to raise a concern or make a complaint

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

Concerns should ideally be raised informally first with either the class teacher or headteacher. If the issue remains unresolved, within 10 working days, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the CEO – Richard Gill, via the ATLP Head Office at the Arthur Terry School address. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Claire Swann (PA to the CEO) via the ATLP Head Office at the Arthur Terry School Address. Please mark them as Private and Confidential.

*For complaints that involve senior members of staff from the ATLP central team – please see page 12.*

Where there are multiple complaints, from unconnected parties, but which are all based on the same subject or issue, we may decide to combine these in to one complaint and send one response to all complainants, or by publishing a response on the school's website, where this is the appropriate means of communication.

**A template complaint form is included at the end of this procedure which must be completed if raising a complaint under the stage one procedure. If you require help in completing the form, please contact the school office. 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 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.

## **4. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the recipient of a complaint, as appropriate, will determine whether the complaint warrants an investigation.

## **5. Time scales**

You must raise the 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. Exceptional circumstances will be determined by The ATLP and may include:

- a serious medical condition or a significant time in hospital.
- a serious medical condition of a close relative when you were the main carer, if this prevented you from making your complaint.
- certain personal circumstances that made complaining difficult – for example, serving in the armed forces in a war zone.

Exceptional circumstances **would not** normally include:

- not knowing about the time limits for a complaint or an appeal.
- a medical condition that only affected you for a short period of the time in question.
- a prolonged medical condition that would not have prevented you from making a complaint.
- being too busy to submit the complaint.

## **6. Complaints received outside of term time**

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

## 7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the ATLP, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the local authority team for your school.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<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) or Children’s Advice and Support Services (CASS).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to the LA or the Education Skills Funding Agency (ESFA) (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is</p>

	being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Education Skills Funding Agency at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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

If a complainant commences legal action against the ATLP, or one of its schools, in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 8. Resolving complaints

At each stage in the procedure, The ATLP wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

## 9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing.

## 10. Reporting

**All complaints received under this procedure as formal complaints, will be registered by the recipient of the complaint on the centrally held log. The log will detail whether a complaint was resolved following the Stage 1 process or progression to a Stage 2 panel hearing.**

Each school will also keep their own record of all informal complaints received. The school will record the action it takes as a result of complaints raised, regardless of whether they are upheld.

## 11. Confidentiality

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 or the 2008 Act requests access to them.

## 12. Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may initially be done in person. **However, it must be followed up by the completion of the Complaint Form – see page 10.**

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

***Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.***

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of.
- keep a written record of any meetings/interviews in relation to their investigation.

The member of staff can choose to be accompanied if they so wish. This must be communicated to the headteacher (or investigator) in advance of the meeting.

At the conclusion of their investigation, the headteacher will normally provide a formal written response within 20 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. In some circumstances a written response may not be necessary or appropriate. For example, some complaints are dealt with in a meeting and a written response is not required.

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. Where appropriate, it will include details of actions The ATLP or the school will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, a member of the governing body (including the Chair or Vice-Chair), a member of the Executive Team or the CEO, a suitable member of staff (taking into account the organisations structure) / governor /trustee will be appointed to complete all the actions at Stage 1.

If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the CEO or Chair of the Trust Board. This may be someone, from an alternative governing body from another school in the ATLP. At the conclusion of their investigation, the independent investigator will provide a formal written response to the CEO/Chair of the Trust Board.

## 13. Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with a complaints committee. The complaints committee will comprise of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

**A request to escalate to Stage 2 must be made to the PA to the CEO, via the ATLP Head Office at the Arthur Terry School address, within 10 school days of receipt of the Stage 1 response.**

The PA to the CEO will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply, (see guidance about exceptional circumstances above).

The PA to the CEO has 15 working days from receipt of the request to set up a panel and subsequently confirm the date and time of the meeting with the complainant. If this is not possible, the PA to the CEO will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the PA to the CEO will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors/trustees with no prior involvement or knowledge of the complaint. These can be drawn from any governing body within the ATLP, or from The Trust Board. Of these three people, at least one member will be independent of the management and running of the school/MAT. For a school complaint, with the exception of the MAT's trustees, the independent member could be a governor, from a local governing body at a different school within the MAT, who has no conflict of interest or prior knowledge of the complaint. This is because such person would have no direct involvement with the management and running of the school being complained about. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three ATLP governors available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Clerk will:

- confirm and notify the complainant 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 10 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 committee 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. Written notes of the meeting will be made. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any meeting notes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the School / ATLP with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education Skills Funding Agency if they are dissatisfied with the way their complaint has been handled.

If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire governing body or
- the majority of the governing body,

Stage 2 will be heard by a committee of independent governors or members of the Trust Board plus one person who is independent of the management and running of the MAT.

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. Where appropriate, it will include details of actions ATLP will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education Skills Funding Agency after they have completed Stage 2.

The Education Skills Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by The ATLP / School. They will consider whether The ATLP / School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education Skills Funding Agency online at:

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

Or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## Complaint Form

*Please complete and return to the Headteacher / CEO / PA to the CEO / CFOO as set out in Stage 1 of the Complaints Policy and Procedure, who will acknowledge receipt and explain what action will be taken.*

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

**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:**

**Date:**

## Complaints Regarding Senior Members of ATLP Central Team

- Complaints that involve the ATLP HR Director or the ATLP Estates and Operations Director should be addressed to the CFOO via the ATLP Head Office. Please mark them as Private and Confidential. Contact details:

Mr Simon Smith,

ATLP

Arthur Terry School

Kittoe Road

B74 4RZ

- Complaints that involve the CFOO, Primary Director of Education or a Secondary Strategic Leada should be addressed to the CEO via the ATLP Head Office. Please mark them as Private and Confidential. Contact details:

Mr Richard Gill,

ATLP

Arthur Terry School

Kittoe Road

B74 4RZ

- Complaints that involve the CEO should be addressed to the Chair of the Trust Board via the ATLP Head Office. Please mark them as Private and Confidential. Contact details:

Mr John Vickers,

ATLP

Arthur Terry School

Kittoe Road

B74 4RZ

# 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 notes 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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 headteacher / designated complaints governor 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, Director of Education, CEO, Chair of Governors, Clerk and other authorities (where appropriate) to ensure the smooth running of the complaint's 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, including
  - ensuring all parties are notified, by the Clerk, of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.
  - ensuring that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher, Director of Education and CEO.

## **Clerk to the Complaints Committee**

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 notes of the meeting
- notify all parties of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.
- ensure that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher, Director of Education and CEO.

## **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.
- 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
- notes of the meeting are taken
- 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 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 ATLP/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.

## **ADDENDUM - JUNE 2021**

Complaints about the award of Teacher Assessed Grades (“TAGs”) as part of the 2021 Summer Exam series are outside the scope of this Policy and will be considered under the separate Summer 2021 Exams Appeal Process (“SEAP”) only. This is save for where matters relate to TAGs but lie outside of the SEAP’s remit and at the express discretion of the Trust e.g.

- any decision to withdraw an entry due to insufficient evidence on which to determine a Teacher Assessed Grade, or not to make an entry in the first place
- any failure or delay in offering or following the SEAP

Any continuing concerns following completion of the ATLPs complaints process may subsequently be raised through the awarding organisation’s complaints process.