



# COMPLAINTS POLICY & PROCEDURE

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Name of policy writer	Debbie Howard
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## Policy Aim and Statement

SHARE Multi-Academy Trust aims to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level. It aims to resolve all complaints as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and pupils' confidence in the trust's ability to safeguard and promote welfare.

## Application

This Complaints Policy applies to all concerns and complaints of the parents of students at a school within the trust, other than those involving child protection issues, or relating to admissions, exclusions and SEN, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

## Procedure

SHARE MAT's complaints procedure consists of five stages and is set out in Appendix A.

## Time Limits

SHARE MAT aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on each school's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the MAT to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

## Outcome Principles

Examples of outcomes following complaint investigation include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld.
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.



## Retention of Records

A full written record of all complaints resolved under Stage 2 to 5 will be maintained in accordance with the Trust's Records Retention Schedule.

For complaints relating to pupils, complaint records will be destroyed when the pupil concerned reaches the age of twenty-five years or, in the case of a student with a statement of special educational needs, until the student reaches the age of thirty years.

## Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

## Publication and Review

This Complaints Policy has been ratified by the Board of Directors of SHARE MAT, and will be reviewed every two (2) years. It will be published on the trust and each school's website and provided to parents and students on request. A copy of this Complaints Policy will be provided to a complainant when a concern, difficulty or complaint is first raised.

## Stage 1: Informal Contact

SHARE MAT expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

Where a complaint or difficulty concerns a child attending a school, it is normally appropriate to communicate directly with the child's teacher.

Where the complaint is about a member of school staff, it is normally appropriate to communicate directly with them in the first instance so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. This may be by email, letter, by telephone or in person by appointment, requested via the school office.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the complainant that they should put their complaint in writing to the relevant person under stage 2 of this Complaints Policy as set out in Appendix A.

SHARE MAT will aim to resolve a concern or difficulty within **fifteen (15) school days** of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this stated time the complainant has the right to submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

## Stage 2: Formal Complaint

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **fifteen (15) school days**, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the relevant person as set out in Appendix A.

The complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the complainant believes should be done to resolve the



complaint. Any documentation relied upon by the complainant should be attached to the formal complaint.

The formal complaint will be acknowledged in writing within **five (5) school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit for the final response.

The relevant person will be provided with the records of the Stage 1 informal procedure (if applicable) within **five (5) school days** of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the complainant, this may be requested from them over the telephone or in writing.

The relevant person will speak to the persons who were involved in the matters raised by the complainant. Pupils will only be spoken to with an independent member of staff present to support them.

If the relevant person deems it to be appropriate in relation to the matters raised, the complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

We will aim to notify the Complainant in writing of the outcome of the investigation within **twenty school days** from the date that the complaint was received. The letter will set out the individual matters raised by the complainant, the findings made by the relevant person during the course of the investigation, and the conclusion reached.

The letter will inform the complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the relevant person in stage 3 of Appendix A within **five (5) school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the relevant person under Stage 3 of this Complaints Policy.

In appropriate cases, the complaint may be delegated to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

### **Stage 3: Further Formal Complaint**

The complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not agree with the findings made under Stage 2.

The complainant's letter will be acknowledged within **five (5) school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

The relevant person will be provided with all documentation relating to the complaint **within five (5) school days** of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint, any documentation provided by the complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.



The relevant person will review all of the documentation received and consider the matters raised in the complaint and the investigation carried out under Stage 2. The relevant person will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the relevant person needs to speak to a student or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the relevant person deems it to be appropriate, the complainant will be offered a meeting to discuss the issues raised. A meeting where deemed appropriate, will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

We will aim to notify the complainant in writing of the outcome of the review within **twenty (20) school days** from the date that the request for a review was received.

The letter will inform the complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Executive PA to the CEO within **five (5) school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

In appropriate cases, the complaint may be delegated to a member of the senior leadership team to deal with in accordance with the procedure outlined above.

#### **Stage 4: Complaint Panel Hearing**

If the complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the complainant may write to the Executive PA to the CEO requesting a Complaint Panel Hearing within **five (5) school days** of receiving the letter confirming the outcome following Stage 3.

The complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not accept the findings made under Stages 2 and 3.

The complaint panel will consist of three (3) persons appointed by or on behalf of the MAT. None of the three complaint panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint and one (1) of the persons appointed will be independent of the management and running of the school. Complaint panel members may (but do not have to) be directors.

The aim of the complaint panel hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the complaint panel does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The Chair will play a key part at the complaint panel hearing, ensuring that:

- The remit of the complaint panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;



- Each party treats the other with respect and courtesy;
- The complaint panel is open minded and acts independently of the school;
- No member of the complaint panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the complaint panel hearing, it would be useful to give all parties the opportunity to consider and comment on it.

The complainant may attend the complaint panel hearing, and may be accompanied by another person ('complainant's supporter'). For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair, entirely at his or her discretion and for a good reason. The complaint panel hearing is **not** a legal hearing and it is therefore not appropriate for either the complainant or the school to be legally represented.

The school will be represented at the complaint panel hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the "school's representative" for the purposes of Stage 4.

The complaint panel hearing will be minuted by the Clerk to the complaint panel, who will usually be the Clerk to the Directors.

After selecting the complaint panel members, the Clerk to the Directors will write to the complainant within **five (5) school days** informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the complaint panel, they should notify the Clerk to the Directors within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the complaint panel.

The Clerk to the Directors will liaise with the complaint panel, the complainant and the school's representative to agree a mutually convenient date for the complaint panel hearing, which will usually take place within **twenty school days** of receipt of the complainant's request, unless there are exceptional circumstances.

The Clerk to the Directors will aim to write to the complainant confirming the date of the complaint panel hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new complaint panel member was selected, if an objection was received and upheld). If the complaint panel hearing will not take place within **twenty school days** of receipt of the complainant's request, the letter will set out the exceptional circumstances involved.

The Clerk to the Directors will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint, any documentation provided by the complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the complainant's letter requesting a complaint panel hearing and accompanying documents) to the complainant, the school's representative and the three complaint panel members.

The names of individuals other than the complainant, the complainant's family, members of the school's staff and directors, will be redacted unless the individual(s) have provided their written consent for their name to be disclosed.



If the complainant wishes the complaint panel to consider any additional information, they should forward this documentation to the Clerk to the Directors to arrive **at least five (5) school days** before the complaint panel hearing, to enable the Clerk to the Directors to forward it to the school's representative and the complaint panel members.

The Chair will decide, at his or her absolute discretion, which witnesses will be permitted to attend the complaint panel hearing to give a verbal statement rather than the complaint panel relying on a written statement or record of meeting by the witness.

If the complainant wishes to rely on the account of a witness, they should ask the witness to record their account of events in writing, and send a signed and dated copy to the Clerk to the Directors **at least five school days** before the complaint panel hearing, to enable the Clerk to the Directors to forward it to the school's representative and the complaint panel members.

Witnesses under the age of eighteen other than the complainant's own family will only be allowed to attend the complaint panel hearing at the discretion of the Chair, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

Members of staff of the school involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties along with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the complaint panel hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the complainant should be allowed to ask that member of staff questions.

The complaint panel hearing will be conducted as follows:

- The Clerk will greet the complainant, the complainant's supporter and the school's representative and welcome them into the room where the complaint panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The complainant will be invited by the complaint panel to give an account of their complaint;
- The school's representative will be invited to ask the complainant questions, if any;
- The complaint panel will ask the complainant questions, if any;
- At the discretion of the Chair, the complainant's first witness will be invited into the room to give an account of what they saw or know;
- The school's representative will be invited to ask the complainant's witness questions, if any;
- The complaint panel will ask the complainant's witness questions, if any;
- The complainant's witness will be asked to leave the room;
- If the complainant has any further relevant witnesses, at the discretion of the Chair, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The school's representative will be invited by the complaint panel to respond to the complaint and make representations on behalf of the school;
- The complainant will be invited to ask the school's representative questions, if any;
- The complaint panel will ask the school's representative questions, if any;
- At the discretion of the Chair, the school's relevant first witness will be invited into the room to give an account or what they saw or know;
- The complainant will be invited to ask the school's witness questions, if any;



- The complaint panel will ask the school's witness questions, if any;
- The school's witness will be asked to leave the room;
- If the school has any further relevant witnesses, at the discretion of the Chair, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The complainant will be invited by the complaint panel to summarise their complaint;
- The school's representative will be invited by the complaint panel to summarise their response to the complaint and the school's stance;
- The complaint panel hearing will conclude and the complainant and the school's representative will be asked to leave.

The complaint panel will convene in private, either immediately after the complaint panel hearing or on a subsequent date, and will consider all of the documentation and the verbal accounts and summaries given at the complainant panel hearing:

#### *A: Findings of Fact*

The complaint panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the complaint panel will not consider it further. The complaint panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

#### *B: Recommendations*

The complaint panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The complaint panel will keep a written record of their recommendations, with reasons.

The Clerk will write within **ten (10) school days** of the complaint panel hearing to the:

- complainant;
- the school's representative;
- any person complained about.

The letter will identify each of the issues complained about, summarise how the complaint panel hearing proceeded, and confirm each of the complaint panel's findings of fact and recommendations, if any, with reasons.

## **Stage 5: Process Review**

If the complainant is unsatisfied with the outcome of Stage 4 of this Complaints Policy, the complainant may write to the CEO to request a review of the complaint process through stages 1 to 4 within **five (5) school days** of receiving the letter confirming the outcome following Stage 4.

The complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not accept the findings made under Stages 2 and 4.

The CEO will be provided with all documentation relating to the complaint **within five (5) school**





**days** of receipt of the letter requesting a review under Stage 5, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 to 4, and the letters confirming the outcomes of those stages.

The CEO **will not** investigate the complaint but will carry out a process review to ensure that a fair and thorough investigation of the complaint has taken place. The CEO will not overturn the decision but may ask the complaint panel to reconsider where procedures may not have been followed correctly.

We will aim to notify the complainant will be notified in writing of the outcome of the review within **twenty (20) school days** from the date that the request for a review was received.

## Referral to the Education & Skills Funding Agency or OFSTED

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

The complainant should be aware that the Education & Skills Funding Agency and OFSTED will not usually investigate the complaint itself, or interfere with the findings of the complaint panel, unless the decision made was manifestly unreasonable.

### Late Complaints

Where a complaint is submitted more than six (6) months after an incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the MAT reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where it is decided that a complaint will not be investigated where it falls outside the time limit, the school will write to the complainant notifying them of the decision within **five (5) school days** of the complaint being received.

If the complainant is unhappy with the decision not to investigate a complaint which is outside of the stated time limit, the complainant may write to the appropriate person set out in stage 2 of appendix A asking for the decision to be reviewed. The decision will be reviewed after considering all documentation relating to the complaint and will confirm the outcome of their review to the complainant in writing no later than **ten (10) school days** after the receipt of the letter from the complainant seeking a review, and provide the school with a copy of the letter.

In the event that the decision not to investigate the complaint should be quashed, the complaint will be referred to the appropriate staff member to be dealt under this Complaints Policy in the usual way.

In the event that the decision not to investigate the complaint should be upheld, the complainant may refer their concern or complaint to the Education & Skills Funding Agency or OFSTED using the procedure identified on page 11.

### Persistent or Serial Complaints



There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the complainant persists in making the same complaint to the school. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a poor use of the school's resources to deal with it under the formal stages of the procedure.

In all of these cases, SHARE MAT reserves the right to regard the complaint as persistent or serial and to refuse to investigate it 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 it is decided that a complaint is persistent or serial and will not be investigated, we will write to the complainant within **five (5) school days** of the complaint being received to notify them of the decision.

The complainant may refer the concern or complaint to the Education & Skills Funding Agency or OFSTED using the procedure identified on page 11.

### **Anonymous Complaints**

SHARE MAT will not investigate anonymous complaints under the procedure in this Complaints Policy. Proper investigation may be impossible if we cannot obtain further information from the complainant. It is also more difficult to establish whether any complaints are credible. Anonymous complaints will be referred to the headteacher who will decide what, if any, action should be taken.

### **Contacts**

#### **SHARE MAT**

**[www.sharemat.org](http://www.sharemat.org)**

Email: **[info@sharemat.co.uk](mailto:info@sharemat.co.uk)**

Tel: **08452 415175**

Contact Address: **SHARE MAT, c/o Shelley College, Huddersfield, HD8 8NL**

**Please contact the Executive PA to the CEO for details of the Chair of Directors and Clerk to Directors**

#### **Lily Park Primary Academy**

**[www.roydshall.org](http://www.roydshall.org)**

Email: **[royds.office@sharemat.co.uk](mailto:royds.office@sharemat.co.uk)**

Tel: **01484 222214**

Contact Address: **Beech Ave, Golcar, Huddersfield, HD7 4BE**

#### **Woodside Green Primary Academy**

**[www.cowlersleyprimary.org.uk](http://www.cowlersleyprimary.org.uk)**

Email: **[woodsidegreen.office@sharemat.co.uk](mailto:woodsidegreen.office@sharemat.co.uk)**

Tel: **01484 508170**

Contact Address: **Main Ave, Cowlersley, Huddersfield HD4 5US**

#### **Heaton Avenue Primary School**

**[www.heatonavenue.co.uk](http://www.heatonavenue.co.uk)**

Email: **[heatonavenue.office@sharemat.co.uk](mailto:heatonavenue.office@sharemat.co.uk)**

Tel: **01274 028613**

Contact Address: **South Parade, Cleckheaton, West Yorkshire, BD19 3AE**

#### **Luck Lane Primary School**



**[www.lucklaneprimary.org.uk](http://www.lucklaneprimary.org.uk)**

Email: **[lucklane.office@sharemat.co.uk](mailto:lucklane.office@sharemat.co.uk)**

Tel: **01484 505229**

Contact Address: **Luck Lane, Paddock, Huddersfield, HD3 4HA**

**[Millbridge Junior, Infant & Nursery School](http://www.millbridge.org.uk)**

**[www.millbridge.org.uk](http://www.millbridge.org.uk)**

Email: **[millbridge.office@sharemat.co.uk](mailto:millbridge.office@sharemat.co.uk)**

Tel: **01924 668836**

Contact Address: **Vernon Road, Liversedge, West Yorkshire, WF15 6HU**

**[Royds Hall Community School](http://www.roydshall.org)**

**[www.roydshall.org](http://www.roydshall.org)**

Email: **[royds.office@sharemat.co.uk](mailto:royds.office@sharemat.co.uk)**

Tel: **01484 463366**

Contact Address: **Luck Lane, Paddock, Huddersfield, HD3 4HA**

**[Shelley College](https://home.shelleycollege.org)**

**<https://home.shelleycollege.org>**

Email: **[shelley.office@sharemat.co.uk](mailto:shelley.office@sharemat.co.uk)**

Tel: **01484 868777**

Contact Address: **Shelley College, Huddersfield Road. Shelley, Huddersfield, HD8 8NL**

**[Thornhill Community Academy](http://www.thornhillcommunityacademy.co.uk)**

**[www.thornhillcommunityacademy.co.uk](http://www.thornhillcommunityacademy.co.uk)**

Email: **[thornhill.office@sharemat.co.uk](mailto:thornhill.office@sharemat.co.uk)**

Tel: **01924 324890**

Contact Address: **Valley Drive, Thornhill, Dewsbury, West Yorkshire, WF12 0HE**

**[Education & Skills Funding Agency](https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#complain-about-an-academy-or-free-school)**

**<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#complain-about-an-academy-or-free-school>**

**[OFSTED](https://contact.ofsted.gov.uk/online-complaints)**

**<https://contact.ofsted.gov.uk/online-complaints>**



Appendix A

Who is your complaint about?

