



**Rainbow Education**  
Multi-Academy Trust

Complaints Policy

Policy prepared by: Rainbow trust model policy

Responsible for policy:

Date Reviewed:

Date of Next Review:

## INTRODUCTION

1. This procedure will apply to most general complaints received by any academy within the Rainbow Education Multi Academy Trust.
2. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
3. Separate procedures also exist for appeals about special needs assessments and academy admissions and exclusions. (See the SEN Code of Practice and Academy Admissions Code of Practice)
4. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. They should be reported immediately to the person with designated responsibility for safeguarding within each school, if the concerns involve the head of that school they should be reported to the chief executive of the trust. Unresolved concerns can be reported to: Jonathan Nichols or to Ray Said, the designated officer in Liverpool his contact details are: 0151 233 3901 [Ray.Said@si.liverpool.gov.uk](mailto:Ray.Said@si.liverpool.gov.uk)

### Policy aims and principles.

The staff and governors at all the schools within the Rainbow Education Multi Academy Trust are committed to providing a high quality education for your child in a secure and supportive environment. Whilst all concerned strive to achieve their best for the welfare of the pupils at the school, it is appreciated that there may be occasions when you have concerns about your child's education or about particular incidents which have occurred at school. We need to know as soon as possible if you are unhappy with any aspect of provision including the way staff in the school or at the trust may have acted.

We aim to clarify any issues about which you are not sure and if possible, we will put right any mistakes we may have made. We also aim to learn from our mistakes and use the information we gain to improve our services. Should you become unhappy with a school or the trust we will try to address your concerns quickly and effectively.

We recognise that every complaint is "genuinely felt" by the complainant. We know that feelings sometimes run high but we ask that you always treat our staff with the same courtesy that you would expect yourself. In return we promise that we will always take your concerns seriously.

Confidentiality is important to us all. Conversations and correspondence will be treated with discretion. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.

We will always try to find resolutions that are reasonable and acceptable to everyone concerned. If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with. They will try to informally resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to the attention of a member of the school's senior management.

If the complaint is not resolved when dealt with informally you can then ask for a formal investigation using the procedures detailed in this policy. All concerns and complaints will be dealt with in a positive manner and taken seriously, no individual will be penalised or treated unfairly as a result of making a complaint. Through this policy, we aim to put right any matter which may have gone wrong and to review systems and procedures in the light of the relevant circumstances.

We recognise that occasionally concerns may be expressed by people who are not parents of attending pupils. When this arises when ever possible we shall follow the procedures set out within this policy.

We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Equality.

### **The complaints procedure consists of four stages**

Stage 1 – Concerns and difficulties, dealt with informally;

Stage 2 – Complaints formally investigated by the Headteacher (or designate)

Stage 3 – Complaints formally reviewed by the Chair of Governors (or designate)

Stage 4 – Complaint Panel Hearing.

### **Complaints we will not consider – See Appendix 1**

We will not consider complaints in the following circumstances:

We receive the complaint more than three months after the incident occurred or for ongoing issues more than six months from the last instance causing complaint (in the case of a pupil or employee a complaint may be considered up to three months after leaving the academy or employment, this will be determined on a case by case basis) unless there are exceptional circumstances

Where the complaint has been made previously to us about the same issue which has been fully investigated and / or resolved under this policy:

- Anonymous complaints (unless there are exceptional circumstances)
- Vexations, abusive or malicious complaints
- The complaint is made by a third party on behalf of another person without prior authority
- Matters that are the subject of legal action.

If we decide that we are unable to consider your complaint, we will write to you within three academy weeks following the receipt of your complaint and explain why. In some circumstances, we may decide that your concern(s) should be considered using another policy or procedure.

### **Stage 1: Informal**

In the first instance parents and carers should always address their concern to the member of staff who has direct responsibility for their child's welfare. This is usually the child's class teacher. Parents can contact them to arrange an appointment to discuss their concern when they collect their child at the end of the school day or by telephoning the school, or writing a letter. It is always best to make contact at an early stage so that any problems can be dealt with before they become major issues, and parents and school can work together to find a satisfactory solution to the problem.

There may be times when a member of staff who is first contacted cannot deal with the matter immediately. They should make a firm arrangement to deal with it at a future date or refer the matter to the head or another appropriate member of staff if they are unsure with how to deal with the issue.

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 person concerned that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy.

If the concern relates to the headteacher and the parent feels unable to raise it with the head they should be advised to contact the Chief Executive of the trust.

We recognise that occasionally people who are not parents of attending pupils may have concerns. In this instance the informal contact is more likely to be with the head teacher of the school concerned.

Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the head teacher: legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.

The Academy will aim to resolve a concern or difficulty as quickly as possible. Where a concern or difficulty cannot be resolved informally, the complainant should be informed that they can raise a formal complaint under Stage 2 of this Complaints Policy.

## **Stage 2: Formal Complaint to the Headteacher**

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Headteacher at the Academy.

Should a formal written complaint be received by another member of the Academy's staff, this will be passed on to the Headteacher for consideration.

The Complainant should clearly set out their complaint, including any relevant dates, names of the persons involved, and what the Complainant believes the Academy should do to resolve the complaint. Any relevant documentation should be submitted along with the formal complaint.

The formal complaint will be acknowledged in writing within five working 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 Headteacher will review the information available and speak with those involved. If further information is required from the Complainant, this may be requested. Notes of conversations will be signed to confirm accuracy. The Complainant may be offered a further meeting to discuss the issues raised.

The Headteacher will write to the Complainant confirming the outcome of the investigation within twenty working days after confirming the complaint has been received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher 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 Clerk to the Governors within five school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Governors under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Headteacher will endeavour to expedite the investigation wherever possible.

If the complainant is dissatisfied with the action of the head previously or the head has been very closely involved informally, the Chief Executive should carry out all the Stage Two procedures, with support if necessary from another member of the Trust Leadership Team, and with professional advice if necessary.

When the complainants are not parents of attending pupils and they are dissatisfied with an informal response the formal complaint will be dealt with by the chief executive of the trust.

### **Stage 3: Review by the Chair of Governors**

If the Complainant is not satisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors asking for the complaint to be reviewed by the Chair of Governors, within six school days of receiving the letter confirming the outcome following the formal complaint to the headteacher.

It would be helpful for the Complainant to set out why they did not accept the Stage 2 response.

The Complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and any response timescale.

The Chair of Governors will be provided with all relevant documentation, including the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, and information relating to Stage 2. The Chair of Governors will review all of the documentation received and consider the investigation carried out under Stage 2.

The Chair of Governors may offer the Complainant a meeting to further discuss the issues raised to aid resolution.

The Chair of Governors will write to the Complainant confirming the outcome of the review within twenty 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 can write to the Clerk to the Governors within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy. Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of Governors will endeavour to expedite the review wherever possible.

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

If the Complainant is not satisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Governors requesting that a Complaint Panel Hearing be arranged.

The Complainant should write to the Clerk to the Governors within five school days of receiving the letter confirming the outcome following Stage 3.

### **The Complaint Panel**

The Complaint Panel will consist of three persons appointed by or on behalf of the Governing Body. None of the three Complaint Panel members will have had prior involvement in the matters which gave rise to the complaint, or the complaint investigation. Two of the Complaint Panel members may be Governors. The third Complaint Panel member will be independent of the management and running of the Academy, i.e. they will not be a member of staff or a Governor, and will not be linked to the Academy in another way, for example as a parent of a pupil at the Academy. The independent Complaint Panel member will be the Chair of the Complaint Panel. The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member.

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by a relative or friend in a supportive but non-participatory role. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented.

The Academy will be represented at the Complaint Panel Hearing by the Headteacher and/or the Chair of Governors.

After selecting the Complaint Panel members, the Clerk to the Governors will write to the Complainant within ten school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. The Clerk to the Governors will liaise with the Complaint Panel, the Complainant and the Academy'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 Governors will write to the Complainant confirming the date of the Complaint Panel Hearing as soon as possible.

The Clerk to the Governors will forward a copy of all paperwork relating to the complaint including submissions by the Complainant and the Academy to the Complainant, the Academy's Representative and the three Complaint Panel members. All paperwork will comply with the Data Protection Act and may be redacted to protect confidentiality.

If the Complainant or the Academy wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Governors to arrive at least five school days before the Complaint Panel Hearing to enable the Clerk to the Governors to forward it to all parties.

The Chair of the Complaint Panel will decide, at his or her discretion, if any witnesses will be asked to attend the Complaint Panel Hearing. Members of staff will not usually be required to attend the Complaint Panel Hearing, unless the Chair deems it to be helpful.

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 everything that they have heard at the Complainant Panel Hearing.

The Panel will consider all the information provided during the Panel meeting and will agree their findings.

The Complaint Panel will consider any recommendations they may wish to make in the light of their findings

The Complaint Panel will keep a written record of their recommendations, with reasons.. Notification of the Complaint Panel's Decision The Clerk to the Governors will send to the Complainant, The Academy and the CEO of The Rainbow Education Multi Academy Trust a copy of the Panel's response/outcome, within 10 school days of the Complaint Panel Hearing.

The letter will provide details of whom the Complainant can write to if they remain dissatisfied. The complaint information will be kept and made available for complaint monitoring purposes.

Measures will be taken to ensure confidentiality is maintained. 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.

The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk to the Governors will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Governing Body and the Principal.

### **Referral to the Education Funding Agency**

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 Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

The Complainant can find further information about referring a complaint by referring to the following publication

#### *Procedure for dealing with complaints about academies*

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the regulations. If the academy's complaints procedure does not meet the regulations, they will ask the academy to put this right.

## **Appendix 1**

### **Time Limits**

Each school 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 purpose of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. Term dates are published on each Academy's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by each school 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. On the rare occasion 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.

### **Complaints against the Headteacher**

A complaint is about the conduct of the Headteacher, the chief executive of the trust will investigate the complaint under Stage 2 of this Complaints Policy instead of the Headteacher.

### **Complaints against the Chair of Governors**

If a complaint is about the conduct of the Chair of Governors, the Headteacher will consider the complaint under Stage 2 of this Complaints Policy as normal, and the CEO will review the complaint under Stage 3 of this Complaints Policy.

### **Late Complaints**

We receive the complaint more than three months after the incident occurred or for ongoing issues more than six months from the last instance causing complaint (in the case of a pupil or employee a complaint may be considered up to three months after leaving the academy or employment, this will be determined on a case by case basis) unless there are exceptional circumstances

### **Vexatious or Repeated 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 Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In all of these cases, the Academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy. Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within 5 school days of the complaint being raised to notify them of the decision.

### **Anonymous Complaints**

The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher of the school concerned who, together with CEO will decide what, if any, action should be taken.

## **Appendix 2**

### **Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy'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). Attendees under the age of 18 will need to be accompanied at the Panel by a parent or a person with parental responsibility;
- The Complainant will be invited by the Complaint Panel to give an account of their complaint.
  - Any witnesses will be introduced at the appropriate point/as needed.
- There will be an opportunity to ask questions/ask for clarification.
- Witnesses will be asked to leave.
- The Academy's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy.
  - Any witnesses will be introduced at the appropriate point/as needed.
- There will be an opportunity to ask questions/ask for clarification.
- Witnesses will be asked to leave.
- The Complainant will be invited by the Complaint Panel to summarise their complaint.
- The Academy's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's position.
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's Representative will be asked to leave the room.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard as part of a related group of complaints.

## **Appendix 3**



## Remit of the Complaint Panel

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.
- 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 Academy and the Complainant. However, it has to be recognised that the Complainant may not be content with the outcome if the Complaint Panel does not find wholly 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.
- An effective Complaint Panel will acknowledge that many Complainants feel anxious and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is just to all parties. The layout of the room will set the tenor and care is needed to ensure the setting is informal and not substantially adversarial.
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing, especially the third party information.

The Chair of the Complaint Panel 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 Academy;
- 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.