



**The de Ferrers Trust**

## **COMPLAINTS PROCEDURE**

Author:	Director of Governance and Compliance
Approval needed by:	Board of Directors
Adopted (date):	
Date of next review:	

## **COMPLAINTS PROCEDURE**

### **Introduction**

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

In order to do so, the Trust Board for The de Ferrers Trust has approved the following procedure which explains what you should do if you have any concerns about the Trust or any of our academies. All members of staff will be familiar with the procedure and will be able to assist you.

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

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

Nature of Concern	Appropriate Policy	Location
Student Admissions	Admissions Policy	Academy website
Student Exclusions	Behaviour Policy	Academy website
Third Party	Where the complaint refers to a third party used by the Academy or the Trust, please complain directly to the third party themselves.	
Anonymous Complaints	Whistleblowing Policy	Trust website
Subject Access Requests	Data Protection Policy	Trust website
Freedom of Information requests	Freedom of Information Policy	Academy website

### **Raising Concerns**

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of one of our academies or your child's education or wellbeing, please raise your concern with the academy's Support and Guidance Team (if in place), or alternatively your child's form tutor or class teacher. They will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998 and can be used as evidence if further investigation was required, or if the concern became a formal complaint.

### **Safeguarding**

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

### **Social Media**

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

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential. The complainant is not entitled to participate in the proceedings or receive any detail about them.

### **Procedure**

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

### **Complaints Co-Ordinator**

To ensure that this timeline is adhered to, each Academy will appoint an Academy Complaints Co-Ordinator to oversee the process. Contact details for the Academy Complaints Co-Ordinator will be made available on the relevant academy website.

The Trust has also appointed a Trust Complaints Co-Ordinator to oversee complaints that are not academy specific. The Trust Complaints Co-Ordinator is:-

Tammy Pyszky  
Director of Governance and Compliance  
Email: [MAT@deferrers.com](mailto:MAT@deferrers.com)  
Tel: 01283 247744

Each Complaints Co-Ordinator will:

- Nominate an appropriate person to investigate the complaint.
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- Keep up to date records throughout the procedure
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, Clerk and Chair of Governors.
- Be aware of issues in regard to sharing third party information.
- Understand the complainant's need for additional support i.e. an interpreter or other access arrangements.

### **Timescale**

Stage	Action	Timescale
Raising Concerns	<ul style="list-style-type: none"> <li>• Informal and immediate addressing of issues by a relevant member of staff.</li> <li>• See page 2 for more information</li> </ul>	No more than six months
Stage 1	<ul style="list-style-type: none"> <li>• Informal investigation by a nominated member of staff</li> <li>• Where dissatisfied with outcome progress to Stage 2</li> <li>• See page 6 for more information</li> </ul>	20 working days total
Stage 2	<ul style="list-style-type: none"> <li>• Formal investigation by a member of the Leadership Team.</li> <li>• Where dissatisfied with outcome, progress to stage 3.</li> <li>• See page 7 for more information.</li> </ul>	30 working days total
Stage 3	<ul style="list-style-type: none"> <li>• Formal appeal to a panel of governors/trustees</li> </ul>	30 working days total

	<ul style="list-style-type: none"> <li>• Final stage of the Complaints procedure</li> <li>• See page 8 for more information</li> </ul>	
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The de Ferrers Trust and all of its academies will endeavour to abide by this timeline but acknowledges that in some circumstances, this is not always possible due to the complexity of the information needed to review a complaint or difficulties regarding an individual's availability. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within the given timeframe, the relevant Complaints Co-Ordinator will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The de Ferrers Trust reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstance. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an exceptionally serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The relevant Complaints Co-Ordinator will review the situation with the relevant Principal (academy related complaints) or Chief Executive (Trust related complaints) and decide whether or not to enact the Complaints Procedure, informing the Chair of the Local Governing Body (academy complaints) or the Chair of the Trust Board (Trust complaints) of the decision.

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

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

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

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

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

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

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

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

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

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

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

### **Reporting**

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

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

### **Stages of the Complaint**

#### **Stage One: Informal Investigation**

- The complainant contacts the Complaints Co-Ordinator in order to make an informal complaint.
- The complaint must be in writing and must explain:
  - An overview of the complaint so far
  - Who has been involved
  - Why the complaint remains unresolved
  - Action they would like to be taken to put things right.
- The Complaints Co-Ordinator will nominate a member of staff to investigate the complaint and will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint to explain what action they intend to take.
- Where the complaint is about a member of staff, the member of staff appointed to investigate the complaint may, as part of their investigation, arrange an informal mediation meeting between the two parties to see if a resolution can be come to.

- The member of staff appointed to investigate will provide written confirmation of the outcome of their investigation to the Complaints Co-Ordinator who will inform the complainant. This process must be completed within 15 working days (excluding those which fall in the school holidays) of the confirmation of the intended action. Where the complainant is not satisfied with the outcome they are able to progress to Stage 2 of the complaints process, and launch a formal written complaint.
- The Complaints Co-Ordinator will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

## **Stage Two: Formal Investigation**

- The complainant may submit a Formal Complaint Form to the Complaints Co-Ordinator (Trust or Academy – whichever is deemed appropriate). A copy of the Formal Complaint Form can be found at the end of this document.
- The Complaints Co-Ordinator will nominate a member of Leadership to investigate the complaint who will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
- The member of Leadership will consider all relevant evidence; this may include but is not limited to:
  - A statement from the complainant
  - Where relevant a statement from an individual who is the subject of the complaint
  - Any previous correspondence regarding the complaint
  - Any supporting documents in either case
  - Interview with anyone related to the complaint
- The member of Leadership may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
- After considering the available evidence, the member of Leadership may recommend that the Principal/Chief Executive (as appropriate):
  - Upholds the complaint and directs that certain action be taken to resolve it
  - Rejects the complaint and provides the complainant with details of the stage three appeals process
  - Upholds the complaint in part: in other words, the member of Leadership may find one aspect of the complaint to be valid, but not another aspect. They may recommend for certain action to be taken to resolve the aspect that they find in favour of the complainant.

- The member of Leadership will provide written confirmation of the outcome of their investigation to the Principal or the Chief Executive (as appropriate) who will ultimately make the decision.
- The Principal or Chief Executive (as appropriate) must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied providing them with the contact details of the Clerk to the relevant governing body.
- A copy of this letter, and all associated paperwork must be sent to the Complaints Co-Ordinator for them to file appropriately. A log of all correspondence in relation to the complaint will be kept in accordance with the principles of Data Protection.

### **Stage Three: Appeal**

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

- They must write to the Clerk (using the contact details provided to them in their outcome letter following Stage 2) as soon as possible after receiving notice of the decision, briefly outlining the content of the complaint and requesting that a Complaints Appeal Panel is convened.
- The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.
- The Clerk must liaise with the Complaints Co-Ordinator to collate the relevant documentation and to ensure that the central log is updated.
- The complainant must request an Appeal Panel within 4 weeks of receiving their Stage 2 decision or it will not be considered, except for in exceptional circumstances.

On receipt of this written notification, the following steps will be followed:-

- The Clerk will write to the complainant within 5 working days (not including school holidays) to confirm receipt of the appeal request and detail further action to be taken.

- The Clerk will convene a panel of two governors or trustees and one independent member. All three panel members will have no prior knowledge of the content of the complaint.
- The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
- In addition to the panel, the following parties will be invited, where applicable:
  - The complainant
  - The member of Leadership who dealt with the complaint at stage 2
  - The Principal or Chief Executive as appropriate.
  - Where the complaint regards a member of staff, the staff member who is the subject of the complaint.
- The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.
- The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.
- If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
- Where the complaint is about a governor or a trustee, the complainant may request that the appeal is heard by an entirely independent panel. Such requests should be made to the Trust Board. It is at the discretion of the Trust Board whether an independent panel is to be convened. The Trust Board will notify their Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Trust source appropriate individuals for the review.
- The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate course of action to be taken to resolve the complaint
  - Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.
- All parties who attended the meeting will be informed by the Clerk in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The Trust will not consider the complaint beyond this point.

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

### **Unreasonable Complaints**

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

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

Unreasonable complaints include the following scenarios:

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

The Principal/Chief Executive will use their discretion not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors or the Chair of the Trust Board as appropriate that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Principal or the Chief Executive to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Principal's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

### **Contact details for external organisations if not satisfied with the outcome of the complaints procedure in full.**

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

If the complainant feels that the Governing Body or the Trust Board have acted unreasonable in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. Further information is available on [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school).

Ofsted will also consider complaints about schools.

### **Monitoring and Review**

The Trust Board review this procedure annually, in order to ensure that all complaints are handled properly, this will include an annual audit of all Academy Complaint Logs to ensure that adequate records are maintained.



**The de Ferrers Trust**

## **Formal Complaints Form**

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

Nature of the Complaint
Action taken so far (including staff member who has dealt with it so far) or solutions offered.
The reason that this was not a satisfactory resolution for you.
What action would you like to be taken to resolve the problem?

Signed:	
Dated:	
Official Use Date received:	Signed: