



Complaints Procedure

Written by:	Ian Dewes
Approved by:	Anita Breeze
Date Approved:	May 2022
Date of Review:	May 2023
Version:	1.1

Contents

Overview	3
Dealing with complaints – Initial concerns	3
Dealing with complaints – Formal procedures	3
Process (also see flowchart)	3
Complaints relating to individual schools	3
Formal Stage 1	
Formal Stage 2	
Complaints relating to the Trust	3
Informal Stage	
Formal Stage 1	
Formal Stage 2	
The Investigation	4
Complaints Co-ordinator	4
Clerk to the Governing Board	5
Committee Chair	5
Convening the Panel	5
At the Meeting	5
The Outcome	6
Vexatious Complaints	6
GDPR	6
Recording conversations of meetings	7
Recording Complaints	7
Review of Complaints	7
Publicising the Procedure	7
Complaint Procedure flowchart	8
Complaint Form	9
Vexatious Complaints (full details)	10

Overview

Section 29 of the Education Act 2002 requires schools to have in place a procedure to deal with complaints relating to the school and any community facilities or services that the school provides. The law, also requires the procedure to be publicised. This policy sets out the intentions of the Odyssey Collaborative Trust (the Trust) and its Schools for dealing with complaints.

Where the complaint specifies 'Headteacher' this means Executive Headteacher in the case of schools where such a role exists.

Dealing with Complaints – Initial concerns

Each school within the Trust will attempt to handle all concerns at the earliest opportunity and therefore, avoid the need for formal procedures. The Trust believes that taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. The requirement to have a formal complaints policy does not undermine our efforts to resolve concerns informally if possible.

Dealing with Complaints – Formal procedures

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concerns remains dissatisfied and wishes to take the matter further. Each school will nominate a Complaints Coordinator who has the responsibility for the operation and management of this procedure. Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

Process (see flow chart)

Complaints relating to individual schools Informal procedure

The relevant member of staff will respond directly to the complainant and attempt to resolve the issue. The complainant will be informed in writing of the school action and if they are not satisfied, informed of how to proceed to the formal procedure.

Formal procedure – Stage 1

The complaint is submitted on the complaints pro-forma to the Headteacher who will acknowledge receipt, investigate and provide a full written response within 15 school days. The Headteacher may delegate the investigation to a senior member of school staff. If unresolved;

Formal procedure – Stage 2

The complaint is submitted to the Clerk to Governors requesting that the complaint be heard by the Local Governing Body Complaints Panel. The Clerk to Governors will arrange a hearing within 25 school days and confirm the decision in writing. There is no further recourse to internal school procedures.

Complaints relating to The Trust

Any complaint relating to the Trust and not failing to be dealt with by the Headteacher or Local Governing Body will be dealt with under the following process.

Informal Stage

The relevant member of the Trust staff will respond directly to the complainant and attempt to resolve the issue. The complainant will be informed in writing of the Trust's action and if they are not satisfied, informed of how to proceed to the formal procedure.

Formal – Stage 1

The complaint is submitted on the complaints pro-forma to the Chief Executive Officer who will acknowledge receipt, investigate and provide a full written response within 15 school days. If unresolved;

Formal - Stage 2

The complaint is submitted to the Chief Operations Officer requesting that the complaint be heard by the Trust Complaints Panel. The Chief Operations Officer will arrange a hearing within 25 school days and confirm the decision in writing. The complainant may progress the complaint to the Secretary of State if not satisfied with the decision.

The Investigation

An individual will be appointed to look into the complaint, and establish the facts. This can either be the Headteacher, CEO, Complaints Co-ordinator or nominated member of staff. They will:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to clarify or gain further information
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. Keep notes.
- Consider records and any written evidence and keep these securely
- Conduct all interviews with an open mind
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

When investigating a complaint, the investigator will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Complaints Co-ordinator

The complaints co-ordinator can be:

- The headteacher or CEO
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure

- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and or CEO and chair of trustees in multi-academy trusts
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

Clerk to the Governing Board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Convening the panel

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools in the Trust. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

The meeting will be held in private. 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

Vexatious Complaints

There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of Governors/Chair of the Trust Board is able to inform them in writing that the procedure has been followed and that the matter is now closed. (Refer to Vexatious Complaints – pg. 9 onwards.)

GDPR

The Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school or trust have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

By email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk

Recording conversations or meetings

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Recording Complaints

The Complaints Coordinator will record the progress of complaints and the final outcome and ensure that the complainant and the school have the same understanding of what was discussed and agreed.

Review of Complaints

The Trust and its Governing Boards will monitor the level and nature of complaints and review the outcomes on a termly basis to ensure the procedure is operating effectively.

Publicising the Procedure

This procedure will be available on the Trust and school's websites and referred to in any school brochure.

Complaint Procedure Flowchart

CONCERN OR COMPLAINT RECEIVED



INFORMAL PROCEDURE	SCHOOL/TRUST ACTION
<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in the resolution of the issue. If the complaint is about the headteacher/CEO, then proceed to Stage 2.</p>	<p>The complainant is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the complaints procedure and information on how to proceed to stage 1.</p>



FORMAL PROCEDURE – STAGE 1	SCHOOL/TRUST ACTION
<p>The complaint is submitted in writing to the Headteacher/CEO</p>	<p>The Headteacher/CEO acknowledges receipt within 5 school days and provides a full written response within 15 school days.</p> <p>Information will be provided to the complainant on how to proceed to stage 2 if not satisfied.</p>



FORMAL PROCEDURE – STAGE 2	SCHOOL /TRUST ACTION
<p>The complaint is submitted in writing to the Chief Operations Officer requesting that the complaint be heard by the Local Governing Board/Trust’s complaints panel. At school level, the panel will have one member who is independent of the school.</p> <p>The complainant has no further recourse to internal school procedures.</p>	<p>The Chief Operations Officer convenes a meeting of the Complaints Panel to meet within 25 school days from receipt of the written complaint. The Chief Operations Officer informs the complainant of the findings in writing within 5 school days of the meeting.</p> <p>The complainant may progress the complaint to the Secretary of State if not satisfied.</p>

Your name:	
Pupil name:	
Address:	
Home telephone number:	
Mobile telephone number:	

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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

Signature:	Date:

OFFICE USE ONLY	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Vexatious (Unreasonable) Complaints

Odyssey Collaborative Trust (the Trust) is fully committed to the improvement of its schools. We welcome feedback from parents, carers and wider stakeholders and aim to resolve any concerns as quickly as possible. There is a procedure for parents, carers and other stakeholders to use if they wish to make a formal complaint. Sometimes, however, individuals pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community. Complainants must follow the procedure outlined in this policy.

The aim of this policy is to outline how the Trust will deal with unreasonably persistent complainants, harassment or vexatious complaints.

What do we mean by ‘an unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an irrational manner. Unacceptable behaviour may include actions which are:

- out of proportion to the nature of the complaint
- persistent – even when the complaints procedure has been exhausted
- personally harassing
- unjustifiably repetitious
- an insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints
- an insistence on pursuing justifiable complaints in an unacceptable manner (e.g. using abusive or threatening language)

What do we mean by ‘harassment’?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
- it has a significant and disproportionate adverse effect on the school community

Physical or Verbal Aggression

The Trust will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering a school site, with immediate effect
 - request a Civil Injunction or a Criminal Behaviour Order (CBO)
 - prosecute under Anti-Harassment legislation
 - call the police to remove the individual from the premises, under powers provided by the Education Act 2011
- What does The Trust expect of any person wishing to raise a concern?

The Trust expects anyone who wishes to raise concerns to:

- treat all members of the school community with courtesy and respect
- respect the needs of pupils and staff within the school
- avoid the use of violence, or threats of violence, towards people or property
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- follow the school's complaints procedure

What action will the Trust take?

This document set out how we will always seek to work with parents, carers and other stakeholders with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the Trust may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered to be unreasonable, or, unacceptable, and request a changed approach
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment
- require all future meetings with a member of staff to be conducted with a second person present.

In the interests of all parties, notes of these meetings may be taken

- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Trust solicitors
- call the police to remove the individual from the premises, under powers provided by the Education Act 2011

New Complaints

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Vexatious Complaints Procedure. The Trust nevertheless reserves the right not to respond to communications from individuals who are subject to the policy.