



Title	Author	Approved		Review Date
Complaints Procedure	Francis Loftus	Trust Meeting	5 th Oct 2016	2019

To be reviewed every 3 years or as required

COMPLAINTS PROCEDURE

1.0 Background

This procedure sets out expectations for complaints handling. The school's complaint procedure will have to be exhausted before the Trust will deal with complaints which relate to the school. The Dearing Report (1977) recognised that there will inevitably be occasions when parents, students and others will complain and that it is essential for good governance that complaints are dealt with fairly, transparently and in a timely way by the Trust.

This complaints procedure is based on the principles of:

- Fairness
- Transparency

It sets out to ensure that:

- Complaints are dealt with as quickly as possible;
- Processes, decisions and the reasons behind decisions are clear;
- Parents, students and their representatives are supported through the process;
- All parties act reasonably and fairly towards each other and treat the process with respect.

Many complaints will be related specifically to school matters which will be dealt with through the complaints procedure adopted by the Local Governing Body.

2.0 Scope

This Complaints Procedure is designed to ensure Selby Educational Trust's complaint handling processes and practices are accessible, clear and fair to all parties.

The Procedure covers all parents and pupils in Trust schools.



3.0 What is a Complaint?

i. For the purpose of this procedure, and in line with the QAA code, a complaint may be defined as:

- The expression of concern about matters that affect the quality of a students' learning opportunities
- Failure by the Trust or a Trust partner organisation to meet obligations including those outlined in policies of the school or the Trust.
- Misleading or incorrect information in prospectuses or promotional material and other information provided by the Trust
- Concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner organisation
- Poor quality of facilities, learning resources or services provided directly by the Trust.
- Staff behaviour
- Student behaviour
- Reductions/ changes to services
- Complaints involving other organisations/ third party or contractors providing a service on behalf of the Trust

ii. Non-Complaint Issues:

- A concern about a decision made by staff regarding student progression, academic assessment and awards
- Dissatisfaction about the outcome of the Trust's student/staff disciplinary process
- A concern about a staff member or student which falls within the Trust's Bullying or Harassment Policy
- A concern about a decision made under any specific regulations such as fitness to practice or disciplinary processes.
- A separate complaints procedure applies to the delivery of Religious Education and Corporate Worship in a Trust school
- A separate procedure exists for matters relating to special needs.



iii. Complaints needing Early Resolution

Special attention needs to be given to identifying complaints that may require particularly swift action. These might include (but are not limited to):

- Complaints involving a threat of serious harm
- Cases where the impact of issues raised has detrimental consequences for the complainant students' mental health or where the student displays significant distress
- Complaints relating to disability support
- Issues of serious and repeated service failure and/or significant delay
- Issues of a highly sensitive nature.



4.0 Who can make a Complaint?

i. The Complaints Procedure may be used by anyone who is or was a Selby Educational Trust student.

ii. **Other complainants other than the Student**

Sometimes a student may be unable or reluctant to make a complaint on their own. The Trust will accept complaints brought by third parties, for example a parent, legal guardian or other individual or organisation acting on behalf of the learner, so long as in the complaint they state their relationship to that learner. Complaints can also be received from members of the public.

iii. **Group Complaints**

Where the issues raised affects a number of parents or students, these students can submit a complaint as a 'group complaint'. In such circumstances, in order to manage the progression of the complaint or academic appeal, the Trust can ask the group to nominate one student to act as a group representative/ spokesperson.

iv. **Anonymous Complaints**

Complaints received anonymously will not be accepted by Selby Educational Trust as it would impede the investigation and communication of the outcome.

5.0 Complaints Involving Staff, Other Organisations or Subcontractors Who Provide a Service on behalf of the Trust

If a parent or student wishes to complain about the staff or service provided by another partner organisation acting on behalf of the Trust, the student should normally address their complaint to Executive Head at Selby Educational Trust.

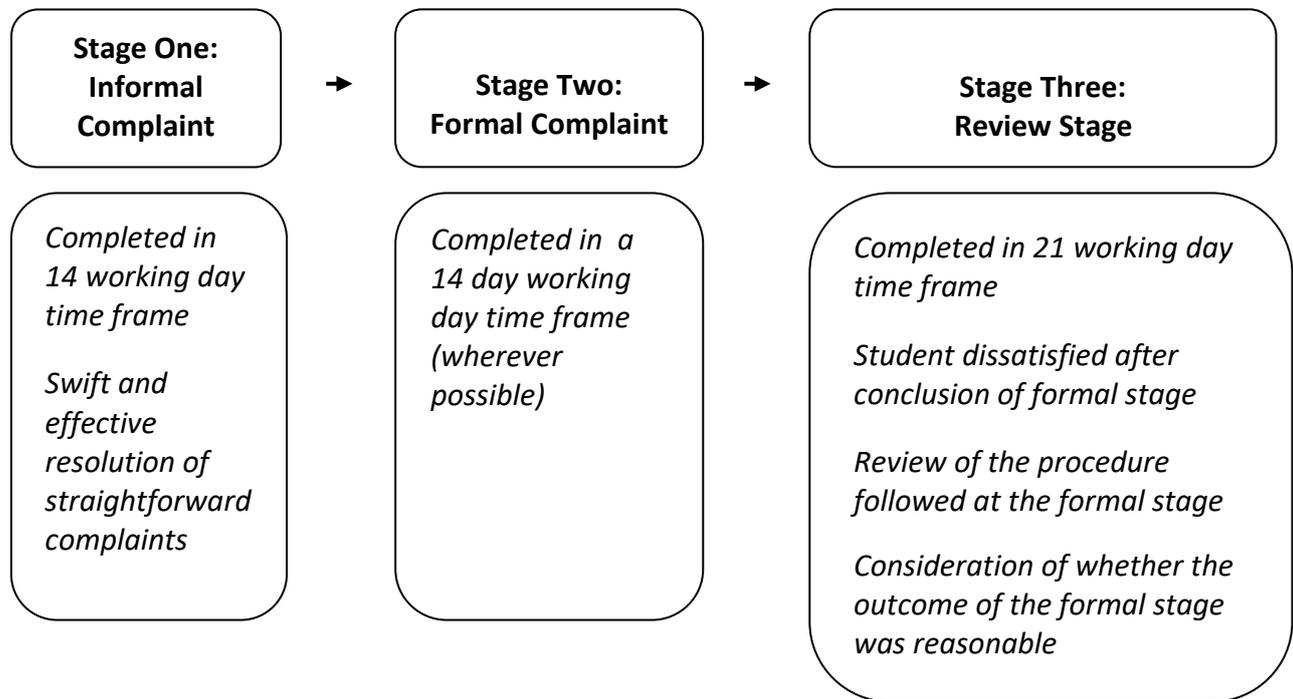
i. **Complaints about Staff**

When serious complaints are raised against staff it is particularly important that the investigation is conducted by a Director of the Trust.

ii. **Partner Organisations**

Where the Trust sub-contracts provision to one or more partners to provide learning opportunities, it would normally be the case the Trust would 'manage' the complaint, seeking a response from the partner as part of their own investigation into the complaint, as such the Trust's dealings with the complaint would follow the three stages of complaint outlined in this procedure.

6.0 The Complaints Process



6.1 Stage 1 (Informal Complaint Resolution)

If a complainant has a problem, they need to talk to the staff member most immediately concerned, picking a good time when the staff member is able to discuss the matter, or by making an appointment, so the staff member can give the problem their full attention.

The purpose of informal resolution is to attempt to resolve as quickly as possible concerns which are straightforward and require little or no investigation. Concerns raised at this stage can be handled by a face-to-face discussion between the complainant and the staff member.

We would advise anyone wishing to complaint to do this as soon as possible after they have experienced a problem, as a delay may hinder attempts to respond and resolve the matter quickly.

i. **Facilitating a Swift Resolution**

If responsibility for the issue raised lies in the staff member's area of work, every attempt should be made to resolve the concern at source in consultation with the complainant.

ii. **Early Resolution Stage**

Usually voluntary processes, mediation and conciliation can be used, where an independent third party helps parties in a dispute to resolve issues confidentially. Using mediation or conciliation during an early resolution stage can help parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached.

iii. **Responsibility**



If responsibility lies elsewhere, the staff members dealing initially with the complaint should liaise with the relevant manager/area/department to facilitate a swift resolution, rather than simply passing the complainant on to another office/ department.

Where this is not possible and the complainant is directed to liaise with another area/department themselves, the staff member should give them a name of the person they need to speak to or alternatively make an appointment with the staff member concerned for the complainant to meet them at the earliest opportunity.

a. On Classroom Matters

A complainant should ask their child's form tutor for advice on who they should speak.

b. Other Matters

The complainant should speak to the school Headteacher.

Routine Student Concerns

When dealing with routine student concerns, the Trust should consider:

- Providing more information
- Providing explanations
- Suggesting solutions
- Being emphatic and understanding when there is no apparent solution
- Giving an apology where it seems appropriate to do so

iv. Questions to consider in attempting early dispute resolution of concerns should include:

- What specifically is the concern about? Is it a matter for the Trust or the school?
- What outcome is the parent or student hoping for and can this realistically be achieved?
- Is the concern straightforward and likely to be resolved with little or no investigation?
- Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution or an apology?
- Can someone else assist in seeking a resolution, for example where an informal administrative resolution is required?
- Is there merit in using confidential mediation or conciliation with the agreement of the student and staff member involved?
- What assistance or support can be provided to the student in taking this forward?

v. **Ensuring both Parties air their Views**

Whenever a resolution mechanism is used, both parties should be given the opportunity to air their concerns and feel they have been listened to.



vi. **On-The-Spot Explanations**

Resolution might be achieved by providing an on-the-spot explanation of only the issue occurred and/or (where appropriate) an apology and an explanation of what will be done to stop a similar situation from occurring in future.

vii. **Apologies without Legal Obligations**

An apology in such circumstances creates no legal liability and is given without prejudice (if applicable).

6.3 Stage 2 (Formal Complaint)

- i. If a complainant is not happy after following Stage 1, they might prefer a more formal approach. This should normally be done either by letter, telephone, email. Please address any correspondence to the Clerk, Selby Educational Trust, Abbot's Road, Selby, YO8 8AT.

This enables the Trust to respond to all of the points raised and allows a full, objective and proportionate response that represents the organisations clear position. An investigation will gather evidence but it is expected if the complainant is making a formal complaint that they will provide any evidence. This might include emails, statements from witnesses and their contact details etc.

In all cases a formal complaint will be recorded and acknowledged in writing, where possible, within 3 working days. The acknowledgement will give the complainant the name of a contact person who will co-ordinate the handling of the complaint.

Please note: The Clerk will not be able to comment on the nature of the complaint as their role is to co-ordinate the investigation and follow up the response to ensure the Trust responds within the agreed timescales where possible.

Every effort will be made to ensure that the complainant receives a written response to their complaint as quickly as possible and certainly within 14 working days of its receipt. If the matter is serious or complicated or reported during a holiday period, this may not be possible but in any event the Trust will make every effort to keep the complainant informed of the situation.

The Clerk may refer their report to Executive Head or the Head of the school for recommendations to be agreed.

ii. **Receipt of a Formal Complaint**

The formal complaint process is triggered when:

- The complainant declines to engage with early resolution and initiates the formal process in line with the Trust's procedures
- Early resolution was attempted, but the complainant remains dissatisfied and initiates the formal process in line with college procedures.



- The issues raised are complex and will require detailed investigation, for example, where a complaint relates to the conduct of staff members or covers a number of different incidents

Key questions for the Trust to consider are,

- Was early resolution attempted? If not, can the matter be referred back to that stage?
- Has the complainant set out clearly what the complaint is about and which area(s) of the Trust is/are involved?
- Has the complainant provided evidence in support of the complaint?
- What outcome is the complainant hoping for and can it be achieved?
- Is the complaint suitable for mediation or conciliation?
- What assistance or support can be provided to the complainant in taking this forward?

iii. **When an Early Resolution Is Not Possible**

Where it is clear an early resolution is not appropriate or possible, and that a concern will need to be processed immediately to the formal stage, the complainant should be directed promptly to the relevant procedure. The complainant should be advised to complete the appropriate form or to provide full details and any evidence relevant to their complaint.

The complainant should be advised of the length of time the response will take.

At the conclusion of an attempt at early resolution, and where proportionate, the complainant will be advised in writing of the outcome.

iv. **Making a Complaint**

The Trust requires students or their representative to submit a complaint

Parents, students or their representatives must set out their concerns clearly and sufficiently and provide evidence to substantiate the issues raised where possible. A subsequent investigation undertaken by the school or the Trust they will gather information, but it is expected anyone wishing to make a complaint provides all available evidence relevant to the complaint.

Parents, students or their representatives making a complaint or elements within it, for example, a statement from a witness or medical or financial evidence will normally be dealt with confidentially and as sensitively as possible. However, staff involved in the complaint investigation or academic appeal may be asked to provide, comment or respond to any statements made.

The Trust will ensure that where a witness provides a statement that corroborates a complainant's view of an issue that occurred involving a member of staff either at college or a partner organisation and wishes to remain anonymous, such information will be removed from the statement when it is



shown to the member of staff.

v. **What the Trust Will Do When It Receives a Complaint for Investigation**

It will decide if the complaint is a valid one.

If the complaint is accepted it will be logged into the complaints record and a letter of response sent within 3 working days of receipt, acknowledging the complaint and confirming it is being investigated and a date when the Trust will be able to respond.

The complaint will be allocated to the appropriate member of the staff in the Trust or school who has had no previous involvement in the matter, for investigation. It is not normally appropriate to keep the name of the staff member investigating the complaint confidential.

Where additional information is required, the member of staff undertaking the investigation can arrange to meet the complainant.

The member of staff will consider the complaint and may talk to key staff or other students and consider documents and other evidence. The staff member will produce a report based on their investigations which outlines the process followed, the information gathered, the conclusions drawn and any recommendations.

The complainant should receive a response which includes reference to any material evidence identified in the investigation. The Senior Manager will also need to consider if the complaint is amenable to mediation or conciliation at this stage.

vi. **Complaint Hearings or Meetings**

If the complaint is to be considered by a panel, or a meeting is to be held to consider the complaint, the Trust will take all necessary steps to ensure the proceedings are conducted in a timely manner with adequate notice given to the complainant. This includes informing the complainant of any right to attend, how to access advice and support, any right to be accompanied.

6.4 Stage 3 Appeals Process

- i. If the complainant is not satisfied with the conclusion of the formal complaint, the complainant can write to the Executive Headteacher, c/o Selby Educational Trust, Abbot's Road, Selby, North Yorkshire, YO8 8AT, who will investigate, or appoint an appropriate Director, to investigate the way in which the complaint was handled. The complainant's letter to the Executive Headteacher will be acknowledged in writing within 3 working days and a written response sent to the complainant as quickly as possible, normally within 21 working days of receipt of the complainant's letter.
- ii. If the complainant moves the matter to Stage 3 and would prefer to telephone or meet the Executive Head in person, please contact the Clerk to the Trust Tel 01757 211042 and they will make the necessary arrangements for the complainant to meet or speak to the Executive Head or their nominated appointee.
- iii. Any such Appeal request from the complainant should list:



- The reason(s) for the Appeal
- What outcome the complainant is seeking
- Any material evidence that wasn't available/considered when the matter was being investigated

The Executive Head will normally be asked to review the investigation and response.

The Appeal will not consider the issues afresh or involve a further investigation. A complaint must have been considered at the formal stage before it can be escalated.

The Executive Head will review the evidence, subsequent investigation, findings and response to consider:

- Were the relevant procedures followed during the formal stage
- What else could have been done to resolve the matter i.e. whether it was possible to provide the outcome required by the complainant
- Whether the outcome was reasonable in all circumstances
- Whether the complainant has provided a valid reason(s) for not supplying any new evidence earlier and does this have any bearing on the outcome and what subsequent and appropriate action needs to be taken by the Trust, if this is felt to be the case.

iv. **What the Trust Will Do When It Receives an Appeal Request**

The Clerk will respond in writing acknowledging the Appeal request within 3 working days of the request being received.

The letter will state exactly the scope of the review.

v. **Closing the Complaint at the Appeals Stage**

If the Complaint is not upheld, the outcome of the Appeal will be communicated to the complainant in writing as soon as possible within 21 days. This letter will include a clear explanation and outline of the reasons for the decision.

6.5 Time Limits for parents and students Bringing Complaints

For students, issues dealt with under the Complaints Procedure should be raised as soon as problems arise to enable prompt investigation and swift resolution and within 12 weeks of a learner leaving the school.

Where the timespan exceeds 12 weeks, the Trust can exercise its discretion where there is good reason supported by evidence for late submission of a complaint. The Trust is mindful of its obligations under the Equality Act when considering if there are exceptional reasons to accept a complaint outside the normal time limit or if a student requires a reasonable adjustment to the procedure being used.



6.6 Extension to Limits

Not all Stage 2 or Stage 3 complaints investigation will be able to meet a specific deadline outlined in this procedure.

Where, for example, there is insufficient time due to key staff being unavailable for interview during holiday periods, the Executive Head will reply to the complainant giving a date when the complaint should have been fully investigated and responded to.

There are statutory time limits in relation to matters of safeguarding, bullying and SEN matters. These will be adhered to.

7.0 Justified Complaint

Where a complaint is found to be justified the Trust will explain in the response giving an apology and the remedial action it intends to take. All complaints are logged centrally by the Trust and reviewed on an annual basis by the Trust Governing body to confirm what corrective action was taken that will:

- Identify the root cause of complaints
- Allow actions to be taken to reduce the chance of problems reoccurring
- Allow details of corrective action to be recorded for ongoing review
- Allow formal reviews of complaints involving each department and the Trust as a whole to improve performance.



9.0 Equality and Diversity Statement

Selby Educational Trust welcomes and celebrates equality and diversity. We believe that everyone should be treated equally and fairly regardless of their age, disability, gender, gender identity, race, religion or belief, sexual orientation and socio-economic background. We seek to ensure that no member of the Trust community receives less favourable treatment on any of these grounds which cannot be shown to be justified.

This document is written with the above commitment, to ensure equality and diversity is at the centre of working life at Selby Educational Trust.

10.0 Safeguarding Policy

Selby Educational Trust recognises its moral and statutory responsibility to safeguard and promote the welfare of students. We work to provide a safe and welcoming environment where students are respected and valued. We are alert to the signs of abuse, neglect, radicalisation and extremism and follow our procedures to ensure our students receive effective support, protection and justice. Selby Educational Trust expects Governors, staff and volunteers working on behalf of the Trust to share this commitment.

11.0 Fraud, Bribery & Corruption

Selby Educational Trust follows good business practice and has robust controls in place to prevent fraud, corruption and bribery. Due consideration has been given to the Fraud Act 2006 and the Bribery Act 2010 in the development/review of this policy document and no specific risks were identified.