

The Auriga Academy Trust

COMPLAINTS POLICY and PROCEDURE

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1. Aims

The Auriga Academy Trust (the Trust) aims to meet its statutory obligations when responding to complaints from parents and carers of pupils at its constituent schools, and others.

When responding to complaints, the Trust aims to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect Complainants’ desire for confidentiality.
- Treat Complainants with respect and courtesy.
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law **.
- Keep Complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into Trust and school improvement evaluation processes. The Trust will seek to learn from legitimate complaints and make improvements to the relevant processes and/or procedures.

**United Kingdom administrative law is part of UK constitutional law that is designed through judicial review to hold executive power and public bodies accountable under the law.

The Trust will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the Complainant the opportunity to complete the complaints procedure in full. To support this, the Trust will ensure it publicises the existence of this trust wide policy and make it available on the Trust website and the website of each school within the Trust.

Throughout the process, the Trust will be sensitive to the needs of all parties involved and make any reasonable adjustments where necessary.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#) and section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that we must have and make available a written procedure to deal with complaints from parents / carers of pupils at the School.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about schools' fulfilment of Early Years Foundation Stage requirements.

3. Definitions and Scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust, and each School within the Trust, will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

3.2 Scope

The Trust, and each School within the Trust, intends to resolve complaints informally where possible and at the earliest possible stage.

There may be occasions when Complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- Safeguarding matters
- Exclusions
- Whistle-blowing

- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents about a School's support of their child's SEN needs are within the scope of this policy. Such complaints however should first be made to the class teacher. Complainants will then be referred to this Trust wide Complaints Procedure. Each school's SEN Policy includes information about the rights of parents who believe that the School has discriminated against their child.

Complaints about services provided by other providers who use the School's premises or facilities should be directed to the provider concerned.

4. Roles and Responsibilities

The majority of complaints will be investigated at School level. In the event that this is not possible, for whatever circumstance, the complaint will be redirected to the Trust.

4.1 The Complainant

The Complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Co-operate with the School throughout the process and respond to deadlines and communication promptly.
- Treat all those involved with respect.
- Not release details about the complaint in the public domain (e.g. the press or social media).

4.2 The Investigator

An individual will be appointed to investigate the complaint and establish the facts. This person will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these securely.
- Prepare a comprehensive report to the Executive Headteacher or Review Panel which includes the facts and potential solutions.

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher or CEO
- A 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 CEO and chair of trustees
- 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

4.4 Clerk to the Governing Body

The Clerk will:

- Be the point of contact for the Complainant during Stage 3 (see Section 7), including circulating the relevant papers and evidence before Review Panel meetings.
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing.

4.5 Panel Chair

The Panel 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 Panel, and can present their case.

5. Principles for Investigation

When investigating a complaint, the Trust / School will try to clarify:

- What has happened.
- Who was involved.
- What the Complainant considers would put things right.

5.1 Time Scales

The Complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

The School / Trust will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, the School / Trust will consider them to have been received on the next School day. Where a complaint is received in the last week of any term, the school will acknowledge the complaint within 2 school days of receipt and following due consideration may choose to follow the following guidelines.

If at any point the school / Trust cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the Complainant.
- Send the Complainant details of the new deadline and explain the delay.

5.2 Complaints About our Fulfilment of Early Years Requirements

The School / Trust will investigate all written complaints relating to the School's fulfilment of the Early Years Foundation Stage requirements and notify the Complainant of the outcome within 28 days of receiving the complaint. The School will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the School is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

The Trust / School will notify parents and carers if we become aware that the School is to be inspected by Ofsted. The Trust / School will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of Complaint (excluding complaints against the Executive Headteacher or Governors)

6.1 Stage 1: Informal Stage

The Trust, and the schools within the Trust, take Informal concerns seriously and will make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The Complainant should initially raise the complaint as soon as possible with their child's Class Teacher, either in person, letter, telephone or email.

<u>School</u>	<u>Website</u>	<u>Address</u>	<u>Email/Phone</u>
<u>Capella House Primary:</u>	www.capellahouse.org.uk Primary - Capella House School	<u>60 Amyand Park Road</u> <u>Twickenham</u> <u>TW1 3HE</u>	primary@capellahouse.org.uk 020 3146 9887
<u>Capella House Secondary:</u>	www.capellahouse.org.uk	<u>Egerton Road</u> <u>Twickenham</u> <u>TW2 7SL</u>	info@capellahouse.org.uk 020 3146 9887
<u>Clarendon Primary Centre</u>	www.clarendon.richmond.sch.uk Clarendon School - Primary Centre	<u>Buckingham Road</u> <u>Hampton</u> <u>Middlesex</u> <u>TW12 3LT</u>	info@clarendon.richmond.sch.uk 020 8941 2623
<u>Clarendon Secondary Centre</u>	www.clarendon.richmond.sch.uk Clarendon School - Secondary Centre	<u>Egerton Road</u> <u>Twickenham</u> <u>Middlesex</u> <u>TW2 7SL</u>	info@clarendon.richmond.sch.uk 020 3146 1441
<u>Gateway Centre</u>	<u>Clarendon School - Gateway Centre</u>	<u>Percy Road</u> <u>Twickenham</u> <u>Middlesex</u> <u>TW2 6JW</u>	gateway@twickenhamschool.org.uk 020 8894 4503
<u>Strathmore St Richard Reynolds Campus</u>	www.strathmore.richmond.sch.uk	<u>Station Road,</u> <u>Twickenham</u> <u>TW1 4DQ</u>	info@strathmore.org.uk 020 8948 0047 ext 101
<u>Strathmore Russell Campus</u>	www.strathmore.richmond.sch.uk	<u>Petersham Road</u> <u>TW10 7AH</u>	info@strathmore.org.uk 020 8948 0047 ext 201
<u>Strathmore Grey Court Campus</u>	www.strathmore.richmond.sch.uk	<u>Ham Street,</u> <u>Ham,</u> <u>Richmond</u> <u>TW10 7HN</u>	info@strathmore.org.uk 020 8948 0047 ext 301
<u>Strathmore Darell Campus</u>	www.strathmore.richmond.sch.uk	<u>Niton Road</u> <u>Richmond Surrey</u> <u>TW9 4LH</u>	info@strathmore.org.uk 020 8948 0047 ext 301

Appendix 1 provides a Complaint Form which details all the necessary information required to advance the complaint. If the complaint is not about a pupil or the education at the School or the Complainant is unclear who to contact or how to contact them, they should contact the School Office by phone or email the school directly.

The School will acknowledge Informal complaints within 2 school days of receipt. An investigation will take place and the Complainant will be provided with a response within 5 school days of the acknowledgement being sent.

If the Class Teacher is unable to deal immediately with the matter, a clear note of the concerns will be made, including the Complainant's name, phone number and date, using the format detailed in **Appendix 1**. The Class Teacher will inform the Head of School at this stage.

The Class Teacher will ensure that the Complainant is clear about what action or monitoring of the situation has been agreed and keep a record of this in the relevant section in **Appendix 1**.

If the complaint is not resolved informally, the Complainant will be asked if they wish their concern to be considered further. If this is the case, the complaint is referred in writing to the Executive Headteacher. If the Headteacher believes that it is not appropriate for the complaint to be dealt with by the School, the complaint will be referred to the CEO of the Trust, specifying the reasons for the referral. In the event there is a conflict of interest, whereby the CEO is also the Executive Headteacher, the matter will be referred to another Headteacher within the Trust and the Chair of the Trust will be notified.

6.2 Stage 2: Formal Stage

The Formal Stage involves the Complainant putting the complaint to the Executive Headteacher:

- In a letter or email (complainants are requested to complete **Appendix 1** of this policy if they have not done so already).
- Over the phone.
- In person.
- Through a third party acting on their behalf.

The Executive Headteacher will acknowledge the complaint in writing within 5 school days.

The Complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The Complainant should also state what they consider would resolve the complaint.

If Complainants need assistance raising a Formal complaint, they can contact the School Office (see contact list above).

A meeting will be arranged between the Complainant, Executive Headteacher and Class Teacher, where applicable, to clarify and supplement any information given.

The Executive Headteacher (or other person appointed by the Executive Headteacher for this purpose) will conduct their own investigation interviewing witnesses as appropriate. If the complaint centres on a pupil, where appropriate, the pupil will be interviewed with a parent / guardian present or with a member of staff.

The Executive Headteacher will keep written records of meetings, telephone conversations and other documentation used or gathered during the investigation.

A written conclusion of this investigation will be sent to the Complainant within 15 school days of the Executive Headteacher receiving the Formal complaint. A copy of this report will also be sent to the Trust CEO.

If the Complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Governing Body in writing within 5 school days upon receipt of the conclusion from the Executive Headteacher.

6.3 Stage 3: Review Panel

Convening the panel

Complaints will be escalated to the Review Panel hearing stage if the Complainant is not satisfied with the response to the complaint at the second, Formal Stage.

The Panel will be appointed by or on behalf of School / Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 Panel member must be independent of the management and running of the School. The Panel cannot be made up solely of Governing Body or Trust members, as they are not independent of the management and running of the School. The independent panel member(s) may be sourced from other schools and/or the local authority.

The Panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 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 3 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 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(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented 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 individual who is the subject of the complaint, and make a copy available for inspection by the CEO of the Trust and Executive 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 5 school days.

7. Complaints against the Executive Headteacher, a Governor or the Governing Body

7.1 Stage 1: Informal Stage

Complaints made against the Executive Headteacher or any member of the Governing Body should be directed to the Clerk to the Governing Body in the first instance.

If the complaint is about the Executive Headteacher or one member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled and impartial Governor or Trustee will carry out the steps at stage 1 (set out in section 6 above).

If the complaint is against the Trust, the Trust will approach the local authority and/or the ESFA for support in identifying an independent investigator and the policy will be followed accordingly.

7.2 Stage 2: Formal Stage

If the complaint is jointly about the Chair, Vice-Chair, the entire Governing Body or the majority of the Governing Body, an independent Investigator will carry out the steps in Stage 2 (set out in section 6 above). They will be appointed by the Trust board and will write a formal response at the end of their investigation.

If the complaint is against the Trust, the Trust will approach the local authority and/or the ESFA for support in identifying an independent investigator and the policy will be followed accordingly.

7.3 Stage 3: Review Panel

If the complaint is jointly about the Chair, Vice-Chair, the entire Governing Body or the majority of the Governing Body, a committee of independent governors / trustees will hear the complaint. They will be sourced from local Schools and/or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

If the complaint is against the Trust, the Trust will approach the local authority and/or the ESFA for support in identifying an independent review panel and the policy will be followed accordingly.

8. Referring Complaints on Completion of the School's Procedure

If the Complainant is unsatisfied with the outcome of the School's Complaints Procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust and the School. The ESFA will not overturn a School's decision about a complaint. However, it will intervene if a school or trust has:

- › Breached a clause in its funding agreement
- › Failed to act in line with its duties under education law
- › Acted (or is proposing to act) unreasonably when exercising its functions

If the Trust's Complaints Procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-School>

The School and / or Trust will include this information in the outcome letter to Complainants.

9. Persistent Complaints

9.1 Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore will be treated seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the Trust's Complaints Procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- Knowingly provides false information.
- Insists on pursuing a complaint that is unfounded, or out of scope of the Complaints Procedure.
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this Complaints Procedure, or insists that the complaint is dealt with in ways that are incompatible with this Procedure and the time frames it sets out.
- Changes the basis of the complaint as the investigation goes on.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on School time.
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

The School and the Trust will take every reasonable step to address the Complainant's concerns and give them a clear statement of the School's , and where applicable, the Trust's position and their options. The School and Trust will maintain the role as an objective arbiter throughout the process, including when meeting with individuals. The School and Trust will follow this Complaints Procedure as normal (as outlined above) wherever possible.

If the Complainant continues to contact the School in a disruptive way, the School or Trust may put communications strategies in place. The School or Trust may:

- Give the Complainant a single point of contact via an email address.
- Limit the number of times the Complainant can make contact, such as a fixed number per term.
- Ask the Complainant to engage a third party to act on their behalf, such as [Citizens Advice](#).
- Put any other strategy in place as necessary.

Stopping responding

The School or Trust may stop responding to the Complainant when all these factors are met:

- The School and Trust believes that all reasonable steps have been taken to help address their concerns.
- The School and Trust has provided a clear statement of the School and Trust's position and their options.

- The Complainant contacts the School or Trust repeatedly, and the Trust believes their intention is to cause disruption or inconvenience

Where the School and Trust stop responding, the individual will be informed that the Trust intends to do so. The Trust will also explain that the Trust will still consider any new complaints they make.

In response to any serious incident of aggression or violence, the School or Trust will immediately inform the police and communicate these actions in writing. This may include barring an individual from any School site.

9.2 Duplicate complaints

If the School or Trust has resolved a complaint under this Procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, the School or Trust will assess whether there are aspects that hadn't previously been considered, or any new information that needs to be taken into account.

If the School or Trust is satisfied that there are no new aspects, the School or Trust will:

- Tell the new Complainant that the School or Trust has already investigated and responded to this issue, and the local process is complete
- Direct them to Section 8 of this procedure if they are dissatisfied with the original handling of the complaint

If there are new aspects, the School and / or Trust will follow this procedure again.

9.3 Complaint Campaigns

Where the School receives a large volume of complaints about the same topic or subject, especially if these come from Complainants unconnected with the School, the School may respond to these complaints by:

- Publishing a single response on the School and Trust website.
- Sending a template response to all Complainants.

If Complainants are not satisfied with the School's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

The School or Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the Review Panel.

This is except where the Secretary of State (or someone acting on their behalf) or the Complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a Subject Access Request (SAR) under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our Privacy Notices and Record Retention Schedule, which can be found in our Data Protection Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a Review Panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the Review Panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust Board, who will not unreasonably withhold consent.

11. Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint they will be asked to confirm this in writing and the withdrawal will be acknowledged by the School or Trust where applicable.

12. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Executive Headteacher/CEO where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar events in the future. All outcomes will be reported to the CEO of the Trust and the Trust Board.

13. Monitoring arrangements

The Trust Audit & Risk Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Audit & Risk Committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Clerk to the Governing Body

This policy will be reviewed by the Trust Audit & Risk Committee every 2 years.

At each review, the policy will be approved by the full Trust Board on behalf of all Schools within the Trust.

14. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy
- Data Protection Policy
- Privacy Notices

Appendix 1 - Complaint Form

Please complete and return to the Class Teacher or Executive Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Email address:
Day time telephone number:
Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details:
Signature:
Date:
OFFICIAL USE ONLY
Date acknowledgement sent:
By whom:
Complaint referred to:
Date: