



Elmlea Schools' Trust

Complaints Procedure

Document History Record of recent Policy changes

Date	Version	Author/Owner	Change	Origin of Change e.g. TU request, change in legislation
Jan 2020	1.0	Clare Sanders		Based on BCC GDS Model procedure reflecting DfE recommended changes May 2019

Trustees' Committee	Staffing
Statutory/Non Statutory	Non Statutory
Policy Adopted	Spring 2020
Review cycle	Three Yearly
Review date	Summer Term 2023

Introduction

Elmlea Schools' Trust endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the board of trustees of Elmlea Schools' Trust has approved the following procedure which explains what you should do if you wish to make a complaint about the trust or its schools. All members of staff will be familiar with the procedure and will be able to assist you.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy or alternative procedure:

- Pupil admissions; please see the school's admissions policy or contact Bristol City Council admissions authority.
- School re-organisation proposals; please contact the local authority.
- Statutory assessments of special educational needs; please raise directly with the local authority.
- Pupil exclusions; please see the individual school's behaviour.
- Staff grievance, capability or disciplinary; these are covered by the appropriate trust's grievance, disciplinary and/or capability policies/procedures.
- Where the complaint concerns a third party used by the trust or school within the trust; please complain directly to the third party themselves.
- The content of the national curriculum; contact the Department for Education. (<https://www.education.gov.uk/contactus>) but use this procedure for complaints about curriculum delivery, including religious education (RE) and sex and relationships education.
- Collective worship; please contact the local authority or the local Standing Advisory Council on Religious Education.

- Subject Access Requests and Freedom of Information Requests – please see the trust's Data Protection and Freedom of Information policy

The policies referred to above are available on the trust and or schools websites or on request from the trust registered office.

Resolving concerns informally

For the purpose of this procedure concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). The board of trustees of Elmlea Schools' Trust encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's class teacher) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

Complaints about the Executive Headteacher, the governors or the trustees

Where a complaint is about the executive Headteacher, the governors or the trustees, the complainant should notify the clerk to the board of trustees (see contact details at the end of the document).

Where a complaint is about the executive headteacher, the stage one process (see the formal stages below) will then commence, but with the chair of the board of trustees as the individual responsible for the investigation, rather than the executive headteacher.

Where a complaint concerns an individual member of the board of trustees or its committees (including the local governing body of the schools including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions in the stage one process.

Where a complaint is jointly about the Chair and Vice-Chair, or the entire board of trustees or the majority of the board of trustees, the clerk will determine the most appropriate course of action, seeking advice as appropriate. This may involve the completion of the stage one process by an independent investigator appointed by the board of trustees and trustees or governors from another school to hear the complaint at stage 2.

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the executive headteacher/chair of the board of trustees/clerk to the board of trustees (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Expectation of reasonable communication

Complainants should try to limit their communication with the trust that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

For complainants who excessively contact the trust of schools within the trust causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

If the trust considers a complaint to be serial, persistent or unreasonable, steps will be taken in accordance with the relevant section of this procedure.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the trust. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the trust as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. The board of trustees of Elmlea Schools; Trust requests that complaints are not discussed publicly, including via social media.

Actions taken in relation to trust and school staff that arise as a result of the complaint will remain confidential to the trust and relevant school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will kept securely and in

EST Complaints Procedure – Published March 2020

File ref: C:\Users\Sande\Onedrive\Documents\ELMLEA SCHOOLS' TRUST June 20\EST Approved Policies\EST Staffing Policies\Complaints Pack\EST Complaints Procedure - Published March 2020.Docx

accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the trust and schools are duty bound to report this immediately to the local authority. Any action taken will be in accordance with the trust's safeguarding policy, a copy of which can be requested from either school office or directly from the trust via the clerk to the board of trustees.

Resolving complaints

At each stage in the procedure, Elmlea Schools' Trust wants to resolve the complaint and, if appropriate, will acknowledge that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an admission that the situation could have been handled differently or better
- an assurance that the trust and school(s) will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, the complainant will be asked to confirm this in writing.

The formal stages of the complaints procedure

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern, then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are two formal stages of the complaints procedure.

Stage 1 – formal investigation by executive headteacher

1. A request for a formal investigation of a complaint by the executive headteacher (or chair of the board of trustees as appropriate) should be made in writing C/O the trusts registered office, or by completing the formal complaints form that is included as Appendix 1 of this procedure. The complainant may contact the relevant school office for help in completing the form or to ask for the complaints procedure and form to be provided in an alternative format. If appropriate, the request can be made verbally, in person or by telephone, or by a third party acting on behalf of the complainant, providing they have appropriate consent to do so.

2. The executive headteacher (or chair of the board of trustees as appropriate) will acknowledge the request in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The executive headteacher will consider all relevant evidence. This may include, but is not limited to:
 - obtaining statements from the complainant and those involved with the complaint
 - meeting with the complainant and those involved in the complaint
 - reviewing correspondence and other document relating to the complaint
5. After considering the available evidence, the executive headteacher can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
 - dismiss the complaint entirely
6. The executive headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the board of trustees.

Stage 2 – Review by a panel of the Board of Trustees

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the Board of Trustees at a meeting convened by the clerk to the board of trustees.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk (see contact details below) no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this five days in advance of the meeting.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

Minutes of the review meeting will be taken by the clerk and provided with the written notification of the decision taken at stage 2 (see 10 below).

The following steps are taken at stage 2:

1. The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
2. The clerk will convene a panel of three trustees to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.
3. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above).
4. The panel may decide to invite the following to attend the review meeting:
 - the complainant
 - the executive headteacher (or chair of the board of trustees as appropriate) who investigated the complaint and made the decision at stage 1
 - relevant persons involved the complaint
 - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2
5. Where the complainant, executive headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, a legal representative for the complainant is not appropriate, since the meeting is not a form of legal proceedings.
6. Where the relevant persons involved in the complaint include pupils at one of the trusts schools, and their attendance at the review meeting has been requested by the panel, parental permission must 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.
7. Where the complaint is about a governor/trustee/board of trustees the complainant may request that the review meeting is held by an independent panel, if the complainant believes there is likely to be bias in the proceedings. This is at the discretion of the board of trustees who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the trust source appropriate individuals for the review.
8. The panel meeting will be held in private. Electronic recordings are not normally permitted unless the complainant's own disability or special needs require it. All

parties should agree in advance to being recorded and this consent recorded in the minutes of the meeting.

9. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it;
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
 - dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the trust should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

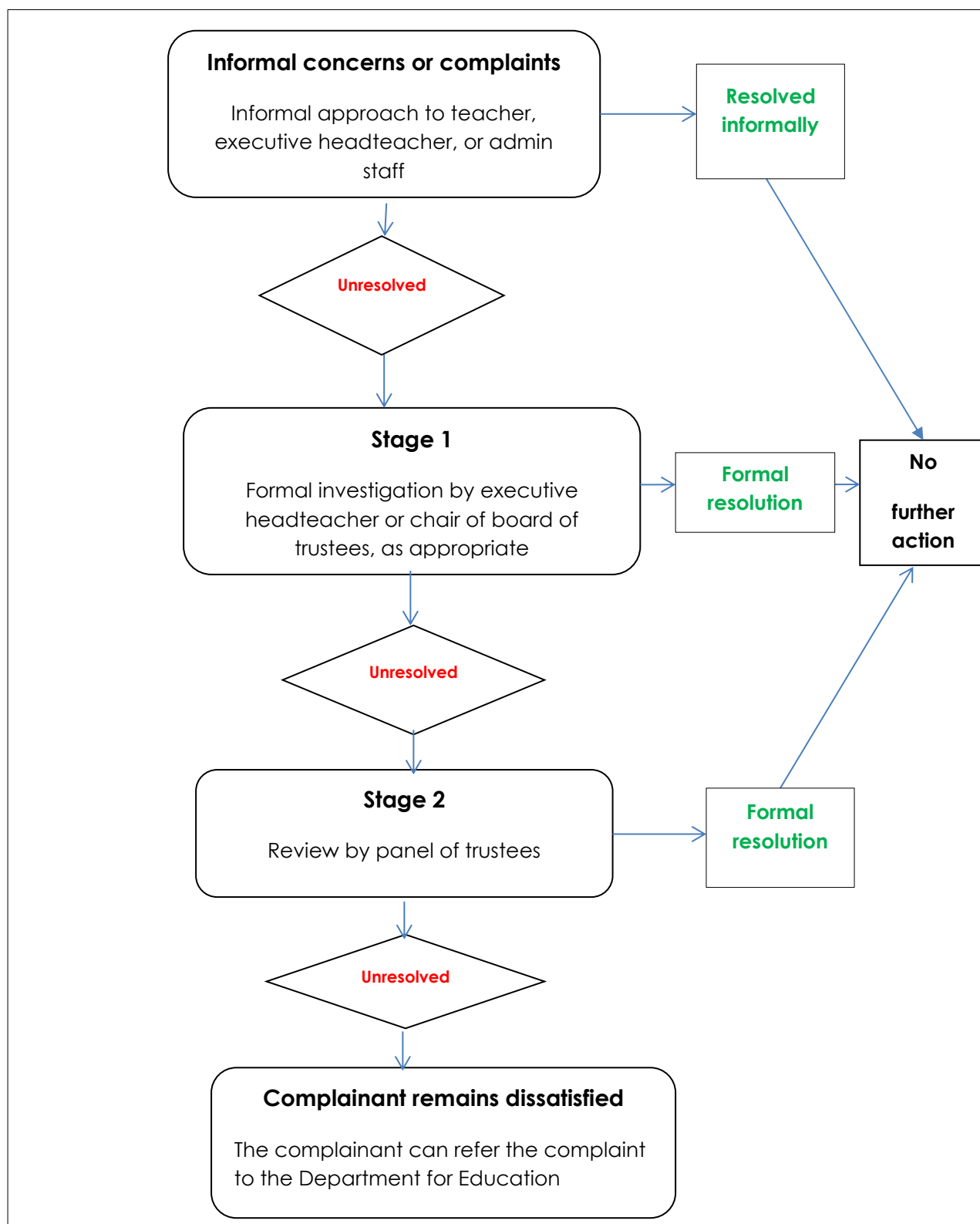
10. The complainant, the executive headteacher (or chair of the board of trustees as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place. A copy of the minutes of the panel meeting will be issued to the complainant.

This is the final stage at which the trust will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further, they should refer to the following:

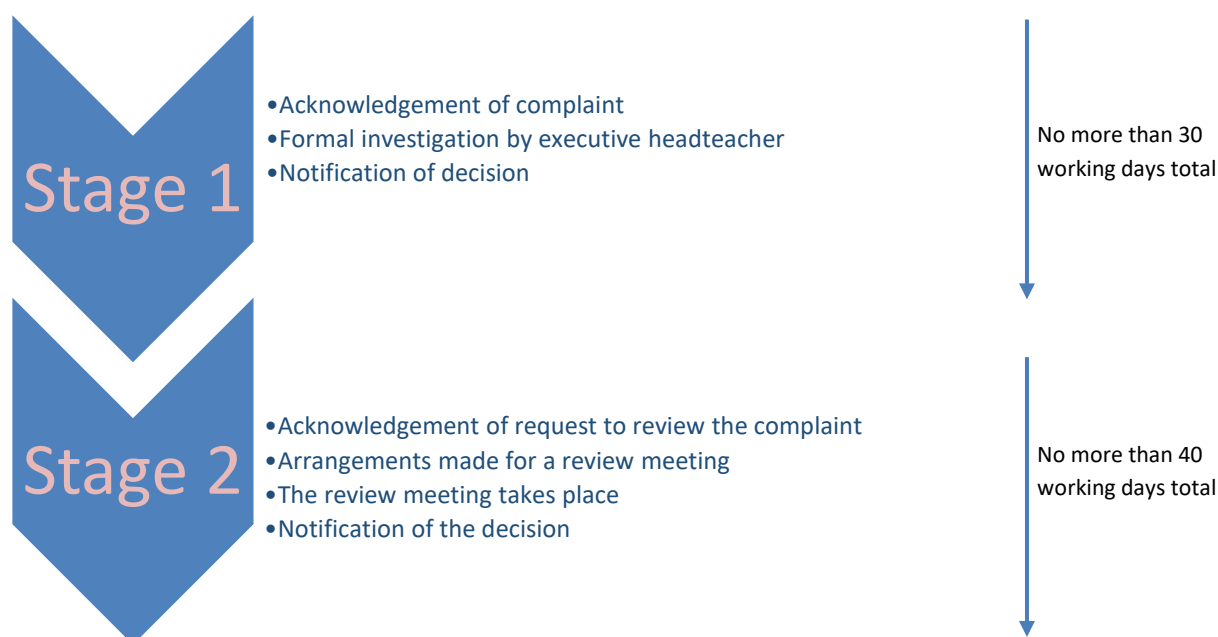
- If the complainant believes the school or trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.
- The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Elmlea School' Trust. They will consider whether Elmlea Schools' Trust has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaints Procedure stages



Timescale for completing the formal stages of the procedure



Elmlea Schools' Trust will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason Elmlea Schools' Trust is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Elmlea Schools' Trust will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

Whenever possible, the executive headteacher/chair of the board of trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the executive headteacher/chair of the board of trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

If the behaviour is unchanged, the executive headteacher/chair of the board of trustees will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Elmlea Schools' Trust will provide no further response.

In response to any serious incident of aggression or violence, the trust will immediately inform the police and communicate its actions to the complainant in writing. This may include barring an individual from the Elmlea Infant and Junior school site.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the board of trustees at the following address:

Clerk to the Board of Trustees, Elmlea Schools' Trust, The Dell, Westbury on Trym, Bristol BS9 3UF (clerk@elmleajunior.com).

Elmlea Schools' Trust
Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	

Name	
Name of pupil, year group and your relationship to them (where applicable)	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Name	
Name of pupil, year group and your relationship to them (where applicable)	

Signed:			
Please print name(s)			
Dated:			

<p><i>Official use</i></p> <p>Date received:</p>
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Appendix 2

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the trust/school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal

- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The executive headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Board of Trustees

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

Panel Chair

The panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No trustees or governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.