

# Cmat Complaints Policy

Approved by Cmat Board of Trustees 21.05.18



## Background

Cmat is committed to ensuring that all children and young people are provided with an outstanding educational experience and that each school in Cmat, works in a productive and positive partnership with all parents and carers.

The school will try to resolve any problems informally, wherever possible. Where this is not achievable, the procedures below will be followed.

The intention of this policy is to provide a clear and transparent process that will enable complaints to be dealt with promptly, fairly and proportionately.

The procedure is written in line with the Education and Skills Funding Agency (ESFA) guidance and The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7.

All references to working days refer to days on which the school is open to students and for staff training days.

## Scope of the Procedure

In this policy, 'school' refers to the Cmat school relevant to the particular concern or complaint.

This procedure covers complaints received from parents, carers of students, students and others and 'complainant' refers to any of these parties.

A complaint is defined as an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school or the trust.

## Types of Concerns/Complaints

The majority of complaints received by a school or trust are likely to fall into the following categories:

- Financial and administrative
- Academic (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject, etc)
- Pastoral (discipline/indiscipline, inappropriate sanctions, alleged bullying, overall progress of the student, unhappiness of student, etc)
- Child Protection (allegations against staff, handling of sensitive issues)
- Health and safety

The procedure will not apply where there is an alternative school or trust policy or procedure relevant to the issues raised. It will also not apply to complaints regarding admissions and exclusions, some safeguarding issues, the provision of collective worship and religious education and SEND assessments. Where complainants make allegations regarding members of staff this procedure may be stayed, pending consideration of the issues under appropriate staffing procedures. This procedure does not apply to complaints raised by employees of any school in connection with their employment. Any such complaints should be raised with the relevant Principal/Head Teacher or HR department of Cmat.

## **Introduction**

Complainants must be aware that there is a Complaints Policy and copies of this Policy are available on the Cmat website as well as each school's website.

Cmat is committed to meeting the needs of parents, carers of students, students and members of the community. However, there may be times when complaints arise in relation to a school or the trust and this document sets out the procedure the school or trust will follow in handling complaints.

All complaints will be treated seriously and in an open and fair way.

All investigations of Trust complaints will be reported internally to the Clerk of the Trust.

At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.

There may be occasions when the person dealing with a complaint will need to consider whether anyone else within the school or trust needs to know about the complaint or whether the consent of a third party (including, for example, a student) is required, so as to address it appropriately.

Timescales for dealing with complaints may need to be extended following discussion with the complainant.

Complaints that are made anonymously will be handled at the discretion of the school or trust and may be considered using other procedures, depending on the nature of the complaint. For example, anonymous complaints relating to (or appearing to relate to) a child protection matter or alleged criminal activity may be referred immediately to the relevant authorities.

The school or trust will keep a written record of all complaints, including the date on which they were received, the steps taken in relation to them, any documents used when considering the complaint and details of any outcomes.

At each stage, the person dealing with the complaint will ensure that they:

- clarify the nature of the complaint, establishing what has happened, who has been involved and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right and where appropriate;
- interview those involved in the matter and /or those complained of, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning; and
- ensure careful consideration is taken when the complainant is a student;
- keep appropriate notes of any interviews held

## **Unreasonable and/or malicious Complaints**

Cmat defines unreasonable and/or malicious complaints as those where 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 cooperate with the complaints investigation procedure while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints policy;

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints policy;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises detailed, but unimportant questions and insists they are fully answered, immediately or 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;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into the complaint where Cmat's complaints policy has been fully and properly implemented and completed, including referral to the DfE;
- seeks an unrealistic outcome;
- makes excessive demands on Cmat or any Cmat school, by frequent and/or lengthy, complicated contact with staff, regarding the complaint
- would reasonably thought to be made only with the intent of damaging the reputation of the person complained about

### **Resolving Complaints**

At each stage in the procedure, the person attempting to resolve the complaint will keep in mind, ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review Cmat policies in light of the complaint

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that a school or the trust could have handled the situation better is not the same as an admission of negligence.

At all stages, those hearing the complaint will attempt to identify areas of agreement between the parties and to clarify any misunderstandings that might have occurred, in order to create a positive atmosphere in which to discuss any outstanding issues.

### **Stage 1 – Informal Stage**

It is hoped that most complaints will be resolved quickly and informally.

The first point of contact is the class teacher (at a primary school) / tutor (at a secondary school). A complainant should contact their son/daughter's class teacher/tutor to discuss the matter. In many cases, the matter can be resolved straight away by this means.

At a primary school, if complaints cannot be resolved by the class teacher, then the complainant should contact a member of the Senior Team. At a secondary school, if the complainant has a complaint that cannot be resolved by the tutor, then the complainant should contact their son/daughter's Guidance Team Leader. If the Guidance Team Leader cannot resolve the issue, it

may be necessary for him/her to consult a Curriculum Team Leader or a member of the Senior Team.

At a secondary school, complaints made directly to a member of the Senior Team or the Principal, will usually be referred to the appropriate Guidance Team Leader, unless that member of staff deems it appropriate for him/her to deal with the matter personally.

Where a complaint is made about a Head Teacher/Principal, the complaint will be referred to the Chair of Governors. Where the complaint is about the trust it will be referred to the CEO. Where a complaint is about the CEO, the complaint will be referred to the Chair of Trustees.

Should the matter not be resolved within 14 days of the complaint being received by the school, or in the event that the Guidance Team Leader/Senior Leader/Chair of Governors/CEO/Chair of Trustees and the complainant fail to reach a satisfactory resolution, then the complainant will be advised of their right to proceed with their complaint in accordance with Stage 2 of this procedure. If this is not possible, the school will advise the complainant of the revised timescale and any reason(s) for this.

### **Stage 2 – Formal Stage**

If the complaint cannot be resolved on an informal basis, then the complainant should put their complaint in writing to the Principal (at a secondary school) or Head Teacher (at a primary school) or CEO (for the trust). The Principal/Head Teacher/CEO will decide, after considering the complaint, the appropriate course of action to take.

The complaint will be dealt with by the Principal/Head Teacher or by a member of staff appointed by the Principal/Head Teacher/CEO.

If the complaint is about the Principal/Head Teacher, the complaint should be put in writing to the Chair of Governors, addressed to the school. The complaint will then be dealt with by a member of staff appointed by the Chair of Governors.

If the complaint is about the CEO, the complaint should be put in writing to the Chair of trustees, addressed to the trust. The complaint will then be dealt with by a member of staff appointed by the Chair of Trustees.

In most cases the Principal/Head Teacher/CEO or the appointed member of staff, will speak to the complainant concerned, normally within 7 days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.

It may be necessary for the Principal/Head Teacher/CEO or the appointed member of staff, to carry out further investigations.

The Principal/Head Teacher/CEO or the appointed member of staff, will keep written records of all meetings and interviews held in relation to the complaint.

Once the Principal/Head Teacher/CEO, or the appointed member of staff, is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Principal/Head Teacher/CEO, or the appointed member of staff, will give reasons for the decision and advise the complainant of their

right to proceed with their complaint to Stage 3 of this procedure if they are not satisfied with the decision.

If the complainant is still not satisfied with the decision, they should proceed with their complaint in accordance with Stage 3 of this procedure.

### **Stage 3 – Local Governing Body (LGB) - Panel Hearing**

If the complainant wishes to proceed to Stage 3 (following a failure to reach an earlier resolution) they should refer their complaint to the Clerk of the Local Governing Body (LGB) who will call a hearing of the LGB Governors Complaints Panel (“the Hearing”). The complainant should write to the Clerk of the LGB within 7 days of receiving the Principal’s/Head Teacher’s/CEO’s or appointed member of staff’s decision.

The Panel will consist of at least three Local Governors from the LGB, who are not directly involved in the matters detailed in the complaint and a person independent of the management and running of the school. The Clerk of the LGB will appoint each Panel member and the Chair of the Panel and acknowledge the complaint and schedule a Hearing to take place as soon as practicable.

If the Panel deems it necessary, it may require further particulars of the complaint or related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 7 days prior to the hearing.

The complainant may be accompanied to the Hearing by one other person. This may be a relative or friend. This is on the firm understanding that the complainant is being accompanied and not represented. The friend or relative may ask the Chair of the Panel to adjourn the Hearing so that he/she can confer with the complainant but the friend or relative may not ask questions or make summary statements and but may not answer questions on behalf of the complainant. Where relevant, translations/interpreters must be arranged.

If possible, the Panel will resolve the complainant’s complaint immediately, without the need for further investigation.

The Chair of the Hearing will decide the procedure to be followed, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- members of the Panel are objective and open-minded and act independently;
- the Hearing is conducted in an informal, yet clearly structured manner, with each party treating the other with respect and courtesy;
- each side is given the opportunity to state their case and to ask questions;
- any written material is seen by all parties. If a new issue arises, all parties should be given the opportunity to consider and comment on it.

The Hearing should generally proceed as follows:

- Introductions and introductory comments from the Chair
- The complainant explains the complaint, followed by questions
- The person conducting the investigation at Stage 2 explains the outcomes at Stage 1 if applicable and Stage 2, followed by questions
- The complainant sums up
- With the exception of the Panel and any independent advisor they may have, all persons

- withdraw while the Panel reviews the evidence and decides the outcome
- The complainant and the person conducting the investigation at Stage 2 are informed of the decision

Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within 7 days of the Hearing.

The Panel will write to the complainant, informing them of the decision and the reasons for it.

The Panel's findings and, if any, the recommendations will be sent in writing to the complainant, the Principal/Head Teacher and where relevant, to the person at whom the complaint was directed.

If the complainant is still not satisfied with the decision, they can request a review of the Panel's procedures and should proceed with their complaint in accordance with Stage 4 of this procedure.

#### **Stage 4 – Cmat - Process Review Panel Hearing**

If the complainant wishes to proceed to Stage 4 (following their dissatisfaction with the procedures followed in Stage 3) they should refer their complaint to the Clerk of Cmat, who will call a hearing of the Cmat Process Review Panel ("the Review Panel Hearing"). The complainant should write to the Clerk of Cmat within 7 days of receiving the Panel's decision, outlining the reasons why they believe the procedures followed at the Hearing, in respect to their complaint, were flawed.

The Review Panel will consist of 4 members, the Chair, who will be a Cmat Director who is not directly involved in the matters detailed in the complaint and two governors, selected by the Clerk, from schools within Cmat but not from a school directly involved in the matters detailed in the complaint and a person independent of the management and running of Cmat. The Clerk of Cmat will appoint each Review Panel member and acknowledge the complaint and schedule a hearing to take place as soon as practicable.

If the Review Panel deems it necessary, it may require further particulars of the complaint or related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 7 days prior to the hearing.

The complainant may be accompanied to the Review Panel Hearing by one other person. This may be a relative or friend. This is on the firm understanding that the complainant is being accompanied and not represented. The friend or relative may ask the Chair of the Panel to adjourn the Hearing so that he/she can confer with the complainant but the friend or relative may not ask questions or make summary statements and but may not answer questions on behalf of the complainant. Where relevant, translations/interpreters must be arranged.

The Review Panel has power to request that the Panel reconsider its decision. It has no power to overrule the decision of the Panel.

The Review Panel may:

- a) dismiss the complaint in whole or in part;
- b) uphold the complaint in whole or in part;

The Review Panel will write to the complainant, informing them of the decision and the reasons for it. within 14 days of the Review Panel Hearing. If this is not possible, they will advise the complainant of the revised timescale and any reason(s) for this.

The decision of the Review Panel will be final and there will be no further right of appeal. The Review Panel's findings and if any, the recommendations, will be sent in writing to the complainant, the Local Governing Body, the Principal/Head Teacher and where relevant, to the person at whom the complaint was directed.

If complainant has been through all the stages of Cmat's complaints procedure but remains dissatisfied, they can ask the Education and Skills Funding Agency to review the handling of their complaint. Complainants may contact the Education Funding Agency via:

- the Department for Education's schools online [complaints form](#)
- by post to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD