Yesoiday HaTorah Multi Academy Trust

Complaints procedure

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1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the Trust, and others.

When responding to complaints, we aim 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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Trust improvement evaluation processes

We 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, we will ensure we publicise the existence of this policy and make it available on the Trust website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent Trust Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Trust.

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.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

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 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".

The Trust intends to resolve complaints informally where possible, 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
- Exclusion

- 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 of children with SEN about the Trust's support are within the scope of this policy. Such complaints should first be made to the SENCO – Mrs C B Gross (YHBA) and Mrs S Gitlin (YHGA) 0161 773 6364; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that our Trust has discriminated against their child.

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

4. Principles for investigation

When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We 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.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The Trust will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Trust 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.

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

5. Stages of complaint (not complaints against the executive headteacher or a governor)

Stage 1: informal

The Trust will take informal concerns seriously and 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 raise the complaint as soon as possible with the relevant member of staff or the executive headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Trust office.

The Trust will acknowledge informal complaints within 14 days, and investigate and provide a response within 28 days.

The informal stage will involve a meeting between the complainant and the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, usually to the executive headteacher and/or the subject of the complaint. This letter 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 feel would resolve the complaint.

The executive headteacher (or other person appointed by the executive headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 28 days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 14 days.

Stage 3: review panel

Complaints will be escalated to the 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 the proprietor 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 Trust. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the Trust.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Trust, 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.

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 Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of 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 proprietor and executive headteacher.

The Trust will inform those involved of the decision in writing within 28 days.

6. Complaints against the executive headteacher or a governor

Complaints made against the executive headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

7. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the Trust'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. The ESFA will not overturn a Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Trust did not comply with its own complaints procedure

- Whether the Trust was in breach of its funding agreement with the secretary of state
- Whether the Trust has failed to comply with any other legal obligation

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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-Trust

8. Persistent complaints

Where a complainant tries to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Trust's position and their options (if any), *and*
- The complainant is contacting the Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Trust will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Trust staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the Trust acts reasonably.

9. Record-keeping

The 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 under the terms of the Data Protection Act, or where the material must be made available during a Trust inspection.

Records of complaints will be kept for seven years, or longer pending the nature of the complaint.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the Trust 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 governing board, who will not unreasonably withhold consent.

10. Learning lessons

The governing body will review any underlying issues raised by complaints with the executive headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the executive headteacher.

This policy will be reviewed by the executive headteacher every two years.

At each review, the policy will be approved by the executive headteacher and ratified by governing sub committee.

12. 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
- SEND policy