

# THE DE CURCI TRUST

## TRUST COMPLAINTS POLICY

**Approval date: 4<sup>th</sup> December 2017**

**Review date: Autumn 2020**

### ***Introduction***

All academies (schools) must have a complaints procedure; this must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

***It is the responsibility of local governing bodies within The De Curci Trust to create, monitor and review a robust complaints procedure for their school(s) that meets the standards.***

The complaints procedure must consist of *at least* three stages:

- informal (usually a meeting with the complainant)
- formal (the complaint is put in writing)
- a panel hearing

If the complaint progresses to the final panel hearing stage, the school must:

- allow the parent(s) to attend and be accompanied if they wish
- ensure at least one member of the panel is independent of the management of the school and/or the issue subject to the complaint

The panel cannot be made up solely of local governing body members because they may not be independent of the management of the school and/or the issue subject to the complaint. It is a matter for the school to invite suitable individuals who can fulfil the role of being the independent member; the trust considers suitable individuals for the independent role to be trustees, senior leaders or local governors from alternative schools in the Trust.

Each school within The De Curci Trust should:

- Publish its complaints procedure online.
- Make clear how the school will deal with complaints from people who are not parents of

attending pupils (as well as for those who are parents of attending pupils).

- If the complaint does proceed to a panel stage, ensure parents/complainants are given reasonable notice of the hearing date.
- Be clear what behaviour will be considered as unacceptable from complainants, e.g. vexatious and serial complainants, and the action the school will take if a complainant behaves unacceptably.
- Provide complainants with written responses where appropriate and if requested.

If a complainant does not believe that the school has handled a complaint in accordance with the guidance above, s/he should write to the Chair of Trustees at The De Curci Trust specifying evidence for this.

The Trust will only consider complaints about schools that fall into any of the following areas:

- where there is undue delay and/or the school did not comply with its own complaints procedure when considering a complaint
- where the school did not follow a complaints procedure consisting of three stages, including a final panel hearing
- where the school is in breach of its funding agreement with the Secretary of State/Trust

***The Trust will not overturn a school's decision about a complaint.*** However, if the Trust finds that a school did not deal with a complaint properly, it will request the complaint is looked at again by the school and that procedures meet the requirements set out in the Trust's policy and in Regulations.

If a complainant remains unsatisfied with the handling of a complaint, subsequent to it being considered by the Trust, then s/he can contact the Education Funding Agency (ESFA):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf)

Concerns regarding the Trust or Trustees (as oppose to schools within the Trust) are most likely to be raised via the Trust's whistle-blowing policy. However, specific complaints from direct stakeholders to the Trust will be managed in accordance with the procedure in Appendix 1. Issues not within the scope of Trust/school complaints procedures are summarised in Appendix 2.

## **Appendix 1 - Complaints Pertaining Directly to the Trust / Trustees – Procedure**

There is a difference between a concern and a formal complaint; in the vast majority of circumstances it is in everyone's best interest that the concern is addressed informally. It may be that a concern can be addressed via an informal discussion or through another procedural route.

Complainants should follow the stages outlined below.

### **Stages of the Complaints Procedure**

**Stage 1** (informal): concern heard by an appropriate staff member and / or Trustee

If you have a concern, please write to the Company Secretary and ask to discuss your concern with an appropriate person. It may be that the Company Secretary advises you to follow another procedural route.

**Stage 2** (formal): complaint heard by the Chief Executive Officer (CEO)

If you do not believe that your concern has been resolved, then the next step would be to make a complaint in writing to the Chief Executive Officer. It is advised that in your letter/email you clarify:

- the nature of the complaint and what remains unresolved;
- what has happened so far and who has been involved;
- and what you believe would put things right.

**Stage 3** (formal): complaint heard by the Chair of Trustees

If you are not satisfied by the response of the CEO (of if the complaint is about the CEO), then please write to the Chair of Trustees to request that the complaint is considered further.

**Stage 4** (formal): complaint heard by the Trust's Complaints Appeal Panel

This is the last stage of the complaints process. If the complainant remains dissatisfied by the Chair's response (Stage 3), then s/he can write to the Company Secretary giving details of the complaint and request that it is heard by an appeal panel. Three appeal panel members, who have not previously been involved in the process will hear the complaint.

The decision of the appeal panel is final. If the complainant contacts the Trust again regarding the same issue, then the Chair of Trustees is able to inform them that the procedure has been exhausted and the matter is now closed. Further correspondence regarding the same issue may be

recognised as vexatious or serial and there will be no further obligation on the part of the Trust to respond.

### ***Resolving Complaints***

Further to a fair and thorough investigation (at any stage of the procedure), it may be appropriate to offer one or more of the following in order to achieve resolution:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- an admission that the situation could have been handled differently;
- an explanation of the steps that have/may be taken to ensure that the issue will not happen again;
- an undertaking to review procedures.

The procedure will endeavour to identify areas of agreement between the parties. However, there may be circumstances where the evidence does not uphold the complaint.

### ***Time Limits***

The Trust will endeavour to consider and resolve complaints as quickly and as efficiently as possible.

The Trust should:

- acknowledge receipt of complaints within five working days;
- and respond fully within 10 working days for a stage 2 complaint, 15 working days for a stage 3 complaint and 20 working days for stage 4 complaint.

***(Note that working days are considered to be school term time only.)***

In most circumstances the time limits cited above are realistic. However, where further and/or complex investigations are necessary, new time limits can be set.

## Appendix 2 - Complaints not in scope of the Trust's (or schools') procedures

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection/safeguarding Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools/Trusts have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's/Trust's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Signature:

Date:

Chair of the Board of Trustees

The De Curri Trust, a charitable company limited by guarantee registered in England and Wales with company number 10646541. Registered office address: Springfield School Central Road, Drayton, Portsmouth, Hampshire, United Kingdom, PO6 1QY.