



## SEN TRUST SOUTHEND

**Registered Address: Mountdale Gardens, Leigh-on-Sea, Essex SS9 4AW**

**Executive Head Teacher: Mrs. J. Mullan**

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### SEN TRUST SOUTHEND – COMPLAINTS POLICY

**June 2018**

**(This policy has been adopted by all schools in SEN Trust Southend  
Lancaster School, St. Nicholas School, Kingsdown School, The St. Christopher School)**

#### INTRODUCTION

The majority of issues raised by parents/carers, the community or pupils are concerns rather than complaints. SEN Trust Southend is committed to taking concerns seriously at the earliest stage in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However depending on the nature of the complaint, you may wish or be asked to follow the Trust's formal complaints procedure.

The aim of SEN Trust's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

If you do not understand any part of this policy please do not hesitate to contact the Executive Headteacher or the Chair of Trustees (contact details are at the end of this document). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

#### GENERAL PRINCIPLES

- This procedure is intended to allow you to raise a concern or complaint relating to SEN Trust Southend or any of its academies or the services that they provide.
- The Trust has adopted this procedure for complaints from people who are parents/carers of pupils attending any of the academies at the time the complaint is made, or from people who are accessing the services of the Trust at the time the complaint is made.
- The Trust will usually also follow this procedure when dealing with complaints from others, but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so (for example Child Protection). Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by the academy.
- The aims of the procedure are:
  - to deal with any complaint against the Trust or an academy or any individual connected with it by following the correct procedure
  - to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant



## UNDERSTANDING THIS PROCEDURE

- In order to investigate your complaint as fully as possible, we have implemented a 4 staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2.
- We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.
- To enable a proper investigation, concerns or complaints should be brought to the attention of SEN Trust Southend or to the individual academy, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.
- If, at any stage, the Trust or the academy believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Executive Headteacher, Headteacher or Chair of Governors/Trustees (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to Stage 4 of this procedure.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.
- A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

In this procedure “school days” excludes weekends, bank holidays and academy holidays.

## PART ONE

### Stage 1 – Raising a Concern

Concerns can be raised with the academy’s Headteacher at any time and will often generate an immediate response, which will resolve the concern. On some occasions the concern may require investigation or discussion with others, in which case you will receive an informal but informed response within a maximum of 10 working days. The vast majority of concerns will be satisfactorily dealt with in this way. If you are not satisfied with the outcome at this stage, please put your concerns in writing to the Headteacher. A ‘concern’ may be defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’* (DfE Best Practice Advice for School Complaints Procedures January 2016).

We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

### Stage 2 - Registering a Formal Complaint

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing to the Headteacher of the academy.

- If your complaint is about a Headteacher, your complaint should be sent to the SEN Trust Southend Executive Headteacher, via the Company Secretary
- If your complaint is about the Executive Headteacher, your complaint should be sent to the SEN Trust Southend Chair of Trustees, via the Company Secretary.

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern.

Your complaint will be acknowledged within 5 school working days of receipt. In many cases this response will also report on the action the school has taken to resolve the issue. You may be invited to a meeting to clarify your concerns. Where possible this meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible, including what you think the school could have done to resolve the issue. You may be accompanied by one other person, such as a relative or friend (who should not be legally qualified) to assist you in explaining the nature of your concerns.

If you are not satisfied with the outcome at this stage, or you decline the invitation to a meeting or the complaint cannot be resolved through meeting, arrangements will be made for the matter to be formally investigated.

If necessary, witnesses will be interviewed and statements taken from those involved. Once all the relevant facts have been established as far as possible you will be provided with a written response to the complaint, including details of what action the academy will take to resolve the complaint and what to do if you are still not satisfied with the outcome. Where possible this will be within 15 school days of receipt of the complaint.

### **Stage 3 – Contacting the Local Governing Body/Board of Trustees/Complaints Panel Hearing Stage**

- If you are dissatisfied with the decision of the Headteacher (in the case of individual academy complaints) under the Formal Stage, you may request that a Complaints Panel of the Governing Body is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing before the Complaints Panel, you should write to the Clerk to Governors within 10 school days of receiving notice of the outcome of the Formal Stage.
- If you are dissatisfied with the decision of the Executive Headteacher (in the case of SEN Trust Southend complaints) under the Formal Stage, you may request that a Complaints Panel of the Trust is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing by the Complaints Panel, you should write to the Company Secretary within 10 school days of receiving notice of the outcome of the Formal Stage.

Your request will be acknowledged within 5 school days.

Every effort will be made to enable the hearing to be arranged within 15 school working days of receipt of your letter.

### **The Hearing**

The aim of the hearing is to resolve the complaint and to achieve reconciliation between the school/Trust and the complainant.

Any documents from either yourself or the headteacher/Executive Headteacher to be considered by the panel, and the names of any witnesses who might be called must be received by the clerk at least 5 working days before the meeting.

At least 3 working days before the meeting date the Clerk will circulate to the members of the Complaints Panel, the complainant, the headteacher/Executive Headteacher and at the sole discretion of the Complaints Panel, any person requested by the Complaints Panel to attend the meeting:

- The agenda of the meeting of the Complaints Panel
- The complainant's letter notifying the Headteacher/Executive Headteacher that they wish to proceed to Stage 3 of the Complaints procedure.

- The original formal complaint letter
- The letter from the investigator issued under Stage 2 of the Complaints Procedure
- Any relevant documents referred to or relied on at any earlier stage of the Formal Procedure
- Any relevant documents on which the Complaints Panel members will seek to rely at the Complaints Panel meeting.

In addition, the headteacher/Executive Headteacher will copy relevant papers to any members of staff named in your complaint.

You will be invited to attend the meeting and may bring with you one other person such as a friend or relative, who should not be legally qualified. (If you intend to be represented you will need to advise the Clerk to the Governors/Company Secretary prior to the meeting). The headteacher/Executive Headteacher will attend and may also bring a representative. Other members of staff may be asked to be present; they also have the right to bring a representative.

The hearing will be conducted by a panel of at least 3 people who are not directly involved in the matters detailed in the complaint. This will comprise of two local governors of the academy (in the case of complaints to an academy) or two trustees (in the case of SEN Trust Southend complaints) and one other person who is independent of the management and running of the academy. Where it is not possible to convene a panel of appropriate local governors who have not previously been involved in the complaint, local governors from the local governing bodies of the other academies in the Trust may be appointed to sit on the Panel. The Clerk to the Governors/Company Secretary will also attend the hearing in order to keep a record of the hearing and the decision reached.

Unless otherwise stated, the procedure for an appeal is as follows:

- The complainant and Headteacher/Executive Headteacher will enter the hearing together
- The Chair of the Review Panel will introduce the panel members and outline the process
- The complainant will explain the complaint
- The Headteacher/Executive Headteacher and committee members will question the complainant
- The Headteacher/Executive Headteacher will explain the academy's/Trust's actions
- The complainant and the committee members will question the Headteacher/Executive Headteacher
- Witnesses may be called (subject to the approval of the chairman) and all parties will have the right to question all the witnesses.
- The complainant will sum up their complaint
- The Headteacher/Executive Headteacher will sum up the academy's/Trust's actions
- The Chair of the panel will explain that both parties will hear from the committee within 5 school days
- Both parties will leave together while the panel decides
- The Clerk will stay to assist the panel with its decision making

If either you or the school representatives do not attend the meeting, the chairperson has discretion to proceed or to adjourn at any stage.

## **The Outcome**

After the hearing, the Panel; will consider their decision and inform you and the Headteacher/Executive Headteacher of their decision in writing within 5 school days. The letter will set out the decision of the Panel together with the reasons underpinning that decision.

The Panel can:

- Request further information from you and/or the academy to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not reoccur

#### **Stage 4 - Referral to the Education & Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education & Skills Funding Agency who have limited powers to review the academy's handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at [www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school](http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school)

#### **Records of Complaints**

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

#### **PART TWO - UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One. These include, but are not necessarily limited to:

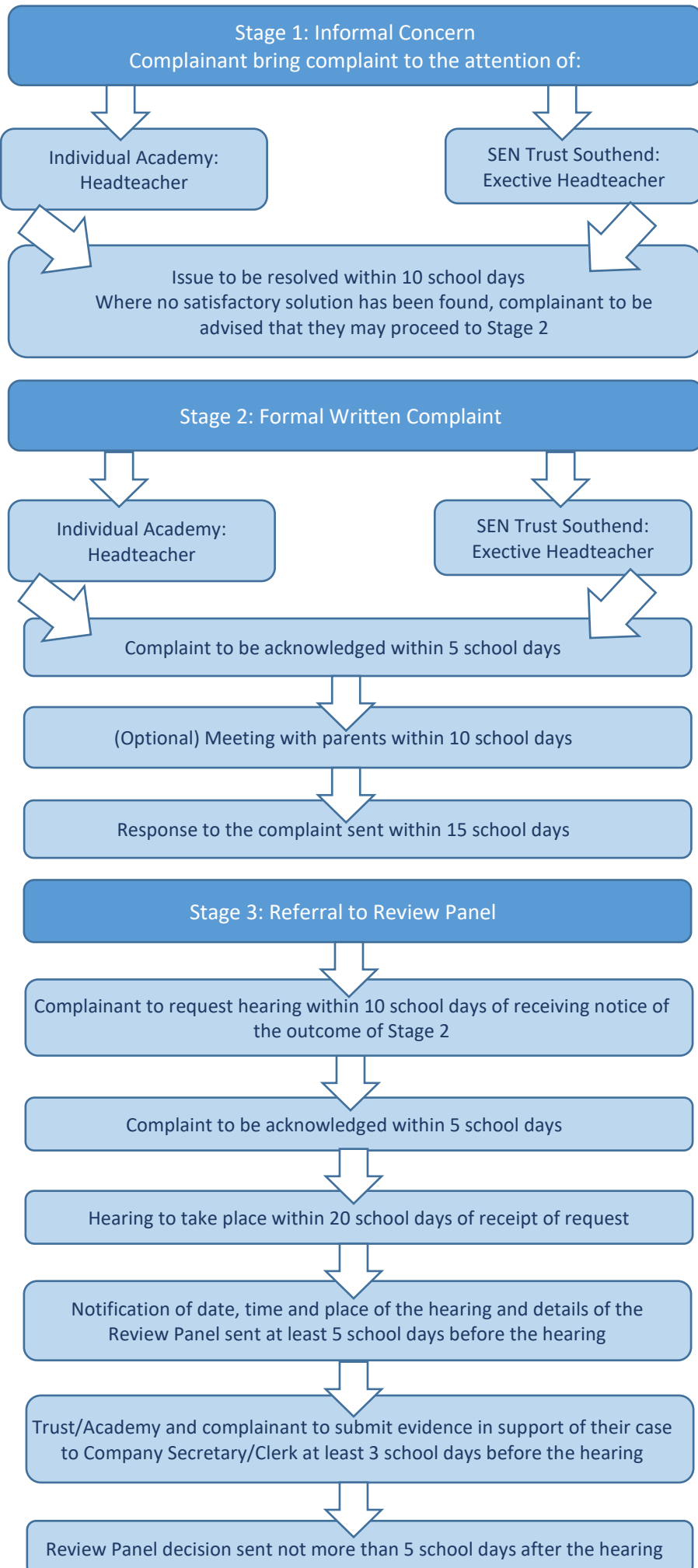
- where the complainant's behaviour towards staff, members of the Governors or Trustees is unacceptable, for example, is abusive, offensive or threatening
- where, because of the frequency of their contact with the academy/Trust, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/academy
- where the complainant's complaint is vexatious and/or has patently insufficient grounds
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy/Trust.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- restrict the complainant's access to the academy/Trust e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises
- conduct the Review Panel on the papers only i.e. not hold a hearing
- Refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governors or Trustees, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## SUMMARY OF COMPLAINTS PROCEDURE



Stage 4: Referral to Education & Skills Funding Agency



If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education & Skills Funding Agency. [www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school](http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school)

**CONTACT DETAILS:**

**SEN Trust Southend informal & formal complaints:**

Company Secretary  
SEN Trust Southend  
c/o The St. Christopher School  
Mountdale Gardens  
Leigh-on-Sea  
Essex, SS9 4AW

**Academy Informal Complaints:**

Headteacher at the appropriate academy address

**Academy Formal Complaints:**

Clerk to the Governors at the appropriate academy address

<b>Kingsdown School</b>	<b>Lancaster School</b>	<b>St. Nicholas School</b>	<b>The St. Christopher School</b>
Snakes Lane Southend-on-Sea Essex, SS2 6XT	Prittlewell Chase Westcliff-on-Sea Essex, SS0 0RT	Philpott Avenue Southend-on-Sea Essex, SS2 4RL	Mountdale Gardens Leigh-on-Sea Essex, SS9 4AW
01702 527486	01702 342543	01702 462322	01702 524193