



MOWBRAY
Education Trust



John Ferneley College

Complaints Policy

Document Type	Published online and available to all staff
Last Revision Date	July 2019
Next Revision Date	July 2021
Owner	MET Group Operations
Author	Assistant Operation Manager
Version	2.0
Status	Approved at Trust Board Sept-19

Contents

1. Aims and scope	3
2. Legislation and guidance	4
3. Principles	4
4. Procedure	5
5. Stage One (informal)	6
6. Stage Two (formal)	6
7. Stage Three (formal)- Panel Hearing	8
8. Persistent complaints	10
9. Reporting arrangements and record keeping	10
10. Learning lessons	11
11. Monitoring arrangements	11
12. GCSE Results 2020	11
Log of Changes to Document	12
Appendix A - Key Contacts	13
Appendix B – Summary of who to formally complain to in Stages 2 and 3	14

This policy covers all our educational establishments:

- Ab Kettleby Primary School
- Brownlow Primary School
- The Grove Primary School
- John Ferneley College
- Oasis Family Centre
- Sherard Primary School
- Somerby Primary School

Where this policy states 'school' this means any of our educational establishments and the wider Trust.
Where this policy states 'Headteacher' this also includes 'Head of School' and 'Centre Manager'.
Mowbray Education Trust (MET).

1. Aims and scope

- 1.1 This policy will be used by all schools within the Mowbray Education Trust (the Trust) for all concerns or complaints from parents/carers or other parties.
- 1.2 The Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the schools, and others.
- 1.3 All schools will be clear about the difference between a concern and a complaint. They will take concerns seriously at the earliest stage to reduce the number of complaints:
- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- The school 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 school 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.
- 1.4 A copy of the complaint’s procedure can be found on each school’s and/or on the Trust’s website and a paper copy can be obtained by contacting the individual school/Trust directly.
- 1.5 Pupils, parents, carers, or other individuals who have concerns or complaints should feel that these can be voiced and will be considered seriously. All complainants have the right to be accompanied by a friend or in the case of a pupil, a parent or teacher, when making the complaint in person.
- 1.6 All employees are expected to be aware of the complaints procedure and adhere to its principles and practice.
- 1.7 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.
- 1.8 Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Each school’s SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

2. Legislation and guidance

- 2.1 This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. 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).
- 2.2 This policy complies with our funding agreement and articles of association.
- 2.3 In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Principles

- 3.1 The Trust aims to meet the needs of pupils, parents/carers and others who have a stake in the schools and believes that dialogue and reflection are important ways in which good relations are maintained and developed.
- 3.2 The establishment of good relationships is an essential element of a good school and the views of parents and students will be actively sought by the schools and the Trust to minimise concerns or complaints.
- 3.3 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 school 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.

3.4 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of

receiving the complaint. The school 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 school 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 school 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.

4. Procedure

4.1 The Trust has adopted a three-stage process for dealing with complaints:

- Stage 1 (Informal) - Complaint heard by member of staff
- Stage 2 (Formal) - Complaint heard by Headteacher/Group HR Manager/CEO of Trust/Chair of Local Governing Body (LGB) or Chair or Vice-Chair of Trust Board
- Stage 3 (Formal) - Complaint heard by a Complaints Panel

4.2 Our complaints procedure will:

Encourage the resolution of problems by informal means whenever possible;

- Be accessible
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow for swift handling of complaints with established time limits
- Ensure a full and fair investigation by an independent person where necessary
- Respect a request for confidentiality (although this cannot be guaranteed)
- Address all the points at issue and provide effective response and appropriate redress, where necessary
- Provide information to the school or Trust Senior Leadership Team (SLT) team to enable services to be improved.

4.3 This procedure will seek to identify areas of agreement between the parties.

5. Stage One (informal)

- 5.1 If parents/carers, pupils or any other individuals have concerns they should:
- Discuss their concerns with the member of staff most directly involved and, if not satisfied,
 - Discuss their concerns with a member of the school's or Trust's SLT.
- 5.2 The school 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.
- 5.3 The complainant should raise the complaint as soon as possible with the relevant member of staff or SLT as appropriate, 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 relevant school office (see Appendix A).
- 5.4 At each point in the procedure the school will attempt to resolve the complaint or concern. If the concern or complaint is valid in whole or part, it might be sufficient to acknowledge the situation. 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 explanation of the steps that have been taken to ensure that it will not happen again
 - An undertaking to review school and/or Trust policies and procedures in light of the complaint.
- 5.5 **An admission that the school and/or Trust could have handled the situation better is not the same as an admission of negligence.**

6. Stage Two (formal)

- 6.1 If the complaint cannot be resolved on an informal basis (as set out in the above paragraphs), then the complainant should put their complaint in writing and hand this into the respective school or Trust office for the attention of those listed in Appendix B.
- 6.2 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.
- 6.3 The person responsible for thoroughly investigating the complaint will consider a complaint seriously. In the case of a complaint against the Headteacher the Group HR Manager will carry out an investigation, supported by the Chair of the Local Governing Board (LGB) as required.
- 6.4 The person responsible for investigating the complaint will use reasonable endeavours to speak to or meet the complainant within 10 working days of the formal complaint being received. (*Where a complaint is received by the school during school holidays, or within 2 working days of their commencement, the school has 5 working days upon the start of the new school term to meet with the complainant*).
- 6.5 The complainant may be accompanied to this meeting and should inform the school and/or Trust of the identity of their companion in advance.

- 6.6 In certain circumstances, the school and/or Trust may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school and/or Trust will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- 6.7 Once the person responsible for investigating the complaint is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to the complainant in writing giving the reasons for the decision. The written decision should be provided no later than 10 working days following the establishment of all the relevant facts.
- 6.8 If the decision of the Headteacher fails to resolve the complaint, the complainant should refer the matter to the Chair of LGB for the school. If the complainant wishes to proceed to the next stage of the procedure, they must inform the Chair of LGB in writing within 10 working days of being notified of decision by the Headteacher.
- 6.9 This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.
- 6.10 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.
- 6.11 At this juncture the complainant must meet with the Chair of LGB and Headteacher. Only after this meeting has taken place can the complaint progress to stage 3.**
- 6.12 If in the case of a complaint against the Headteacher the decision fails to resolve the matter, then the complaint should progress straight to stage 3.
- 6.13 If in the case of a complaint against the Mowbray Education Employees, CEO, LGB Governor, Chair of LGB, Chair of Mowbray Education Trust Board or Mowbray Education Trust Trustees & Members the decision fails to resolve the matter, then the complaint should progress straight to stage 3 - section 7.13.
- 6.14 The school or Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the decision. The record will be retained in line with the Trust's Data Retention Policy.

7. Stage Three (formal)- Panel Hearing

- 7.1 Only after the complaint against school employees or Headteachers has passed through stages 1 and 2 and the concern or grievance cannot be resolved can the complainant request a meeting with the LGB's Complaints Appeal Panel. This is achieved by writing to the Clerk of LGB (care of the school in question).
- 7.2 This request for a further assessment of the complaint will, for the purposes of this procedure, be considered as an appeal.
- 7.3 The complainant must lodge their appeal in writing to the Clerk of LGB within 10 working days of the date of the school's decision made in accordance with the stage 2 procedure (those meeting the Chair of LGB and the Headteacher in section 6.11 will have 10 working days from the date of this meeting). The complainant should provide, in writing a list of the complaints made against the school employee or Headteacher and which they believe to have been resolved unsatisfactorily by the stage 2 procedure, along with the remedies sought in respect of each.
- 7.4 The Complaints Appeal Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 7.5 When an appeal is received by the school, the school will, within 5 working days, refer the matter to the Clerk to the LGB who will act as Clerk for the complaints panel. When the appeal is received by the school during school holidays, or within 2 working days of their commencement, the school has 5 working days upon the start of the new school term to refer the matter to the Clerk.
- 7.6 The Clerk provides an independent source of advice on procedure for all parties.
- 7.7 On receipt of an appeal, the Clerk will then endeavour to convene a Complaints Panel hearing as soon as possible, usually no later than 20 working days after receipt of the notification of a Stage 3 referral by the LGB. The Panel date will be dependent upon the availability of the panel members.
- 7.8 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 school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- 7.9 The following are entitled to attend a hearing and/or submit written representations and address the Panel:
 - The complainant,
 - The Headteacher of the school,
 - Any other interested person whom the complaints panel considers having a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.
- 7.10 Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

- 7.11 The Complaints Panel will consist of two governors who have not previously been involved in the complaint and the Chief Executive of the Trust. The Complaints Panel may also request an additional representative who has no connection with the School or Trust to attend. At least one member of the panel should have received training/guidance on how to conduct a hearing.
- 7.12 Where the LGB is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 7.13 Complainants also have the right to request an Independent Complaints Panel if:
- they believe there is likely to be bias in the proceedings or,
 - if the decision in stage 2 fails to resolve the matter of a complaint for those listed in section 6.13 (Stage 2).

The decision to approve this request is made by the LGB or Trust Board, who will not unreasonably withhold consent.

- 7.14 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.
- 7.15 The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.
- 7.16 After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel is final.
- 7.17 The Panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.
- 7.18 Where there is evidence that the complaint is justified, appropriate action will be taken to prevent a recurrence.
- 7.19 There is no further right of appeal to the school or Trust. If the complainant is still unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:
- Whether there was undue delay, or the school did not comply with its own complaints procedure
 - Whether the school was in breach of its funding agreement with the Secretary of State
 - Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school 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-school>

8. Persistent complaints

- 8.1 Where a complainant tries to re-open the issue with the school or Trust after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of LGB/Trust or CEO as appropriate, will inform the complainant that the matter is closed.
- 8.2 If the complainant subsequently contacts the school or Trust again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:
- The school has taken every reasonable step to address the complainant's needs, *and*
 - The complainant has been given a clear statement of the school's position and their options (if any), *and*
 - The complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

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

- We have reason to believe the individual is contacting the school 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, school staff.
- 8.3 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

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

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

8.4 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants
- If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

9. Reporting arrangements and record keeping

- 9.1 All formal complaints and the action taken will be documented and a summary included in the Chair's termly report to the LGB or the Trust Board with suggestions on any implications for policies.

- 9.2 The school and/or 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.
- 9.3 This material will be treated as confidential and held centrally and securely 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 school inspection.
- 9.4 Records of complaints will be kept securely in line with the Trust's Data Retention Policy.

10. Learning lessons

- 10.1 The school and/or Trust will review any underlying issues raised by complaints with the relevant staff member, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school or Trust can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

- 11.1 The Trust will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust will track the number and nature of complaints, and review underlying issues as stated in section 9.
- 11.2 This policy will be reviewed by MET Group Operations every 2 years.
- 11.3 At each review, the policy will be approved by Trust Board.

12. GCSE Results Day

- 12.1 Where students wish to query GCSE results for Summer 2020, the following steps need to be undertaken (please note we can only accept requests from students)
- 12.2 Students can email examresults@johnferneley.org.
- 12.3 They should detail the subject areas and grades that they would like to be reviewed and their reasons for believing that the grade predicted was incorrect. They should state the evidence that can be used to justify their beliefs and make this evidence base available.
- 12.4 Emails will be referred to the Director of Quality of Education for the Mowbray Education Trust. She will acknowledge receipt of the email and review the evidence base that the school used to decide on a final predicted grade. She will provide feedback to the complainant within 5 working days of

receipt of the email.

12.5 If the complaint is upheld, the college will take appropriate steps to award the correct grade through the examining bodies and all costs incurred will be accepted by the college.

12.6 If the complaint is not upheld, no further action will be taken.

Log of Changes to Document

Version	Date	Page	Change	Approver:
V2.0	July-19	All pages	Biennial Review for Trust Board approval	J McGeough, Assistant Operations Manager
V2.0	Sept-19	All Pages	Approved	Trust Board
V2.0	Aug-20	11	GCSE Results Day information added	Christine Stansfield, CEO of Mowbray Education Trust

Appendix A - Key Contacts

Chair of Mowbray Education Trust Board	Drew Richardson-Walsh
Vice-chair of Mowbray Education Trust Board	TBC
CEO Mowbray Education Trust	Christine Stansfield
Group HR Manager	Bev Giddings
Ab Kettleby & Somerby Primary School - Headteacher	Ian Toon
Brownlow Primary School - Headteacher	Damien Turrell
Grove Primary School - Headteacher	Steve Nash
John Ferneley College – Head of School	Lara Hall
Sherard Primary School – Headteacher	Gayle Bacon
Oasis Family Centre – Centre Manager	Victoria Conyers

AB KETTLEBY PRIMARY SCHOOL - Wartnaby Road, Ab Kettleby, Melton Mowbray, LE14 3JJ. Tel: 01664 822302 or E-mail: admin@abkettleby.org

BROWNLOW PRIMARY SCHOOL -Limes Avenue, Melton Mowbray, Leicestershire, LE13 1QL. Tel: 01664 562315 or E-mail: admin@brownlowprimary.org

GROVE PRIMARY S CHOO L - Asfordby Road, Melton Mowbray, Leicestershire, LE130HN. Tel: 01664 562554 or E-mail: admin@meltongrove.org

JOHN FERNELEY COLLEG E- Scalford Road, Melton Mowbray Leicestershire, LE13 1LH. Tel: 01664 565901 or E-mail: ask@johnferneley.org

OASIS PRESCHOOL - The Grove Primary School, Asfordby Road, Melton Mowbray, LE13 0HN. Tel: 01664 500424 or Email: admin@oasiscentre.org.uk

SHERARD PRI MARY SCHO OL - Grange Drive, Melton Mowbray, Leicestershire, LE13 1HA. Tel: 01664 565124 or E-mail: admin@sherardschool.org

SOMERBY PRI MARY SCHO OL - High Street, Somerby, Melton Mowbray, Leicestershire, LE14 2PZ. Tel: 01664 454334 or E-mail: admin@somerby.org.uk

MOWBRAY EDUCATION TR UST - JOHN FERNELEY COLLEGE, Scalford Road, Melton Mowbray Leicestershire, LE13 1LH. Tel: 01664 565901 or E-mail: info@mowbrayeducation.org

Appendix B – Summary of who to formally complain to in Stages 2 and 3

Who is the complaint about?	STAGE 2 - Who to address complaint to?	Location (<i>contact details in Appendix A</i>)	STAGE 3 – Who to refer complaint to if not satisfied with outcome from Stage 2?	Location (<i>contact details in Appendix A</i>)
School Employees	Headteacher	Respective School	Complaints Appeal Panel – c/o Clerk of LGB #	Respective School
Headteacher	Group HR Manager *	Mowbray Education Trust	Complaints Appeal Panel – c/o Clerk of LGB	Respective School
Mowbray Education Employees	Group HR Manager	Mowbray Education Trust	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust
Group HR Manager	CEO of Mowbray Education Trust	Mowbray Education Trust	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust
CEO of Mowbray Education Trust	Chair of Mowbray Education Trust Board	Mowbray Education Trust	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust
Chair of Mowbray Education Trust Board	Vice Chair of Mowbray Education Trust Board	Mowbray Education Trust	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust
Chair of LGB or Mowbray Education Trust Members or Trustees	Chair of Mowbray Education Trust Board	Mowbray Education Trust	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust
LGB Governor	Chair of LGB	Respective School	Independent Complaints Panel – c/o Clerk of Mowbray Education Trust Board	Mowbray Education Trust

Before proceeding to STAGE 3 the complainant must meet with the Chair of LGB and the Headteacher. Only after this meeting has taken place can the complaint progress to Stage 3.

***In the case of a complaint against the Headteacher the Group HR Manager will carry out an investigation, supported by the Chair of the Local Governing Board (LGB) as required.**