



## **The Rye Academy Trust**

### **Complaints Policy**

#### **1. Scope**

Rye Academy Trust is required by the Education (Independent School Standards) (England) (Regulations) 2010 (as amended) to have a complaints policy for the handling of complaints from the parents/carers of students.

This procedure provides the framework for dealing with complaints from parents/carers where these have not been resolved satisfactorily through other processes.

#### **2. Aim**

The Trust's aim is to resolve every concern or complaint informally, quickly and fairly to all those concerned. If a concern cannot be resolved in this way the matter may proceed as a formal complaint under this policy.

Parents/carers can be assured that all concerns and complaints will be treated seriously and confidentially.

Correspondence, statements and records will be kept confidential except in so far as is required of the school by paragraph 25(k) of the Education (Independent Schools Standards) Regulations 2010 (as amended) where disclosure is required in the course of the school's inspection, or where any other legal obligation prevails.

Complaints regarding admissions or exclusions will be dealt with in accordance with the procedures contained in the admissions or exclusions policies of the individual schools within the trust.

#### **3. General principles**

Complaints will be considered in accordance with the procedure set out in this policy.

Any information regarding disciplinary proceedings which may result from a concern or complaint raised by parents/carers will remain strictly confidential.

Records of complaints will be kept for three years.

#### **4. Stages of complaint**

The complaints procedure has three stages as set out below.

##### Stage 1 - Informal

If parents/carers have a concern or complaint, in the first instance this should be addressed to the following members of staff as appropriate, depending on the nature of the complaint:

- Special educational needs and disability matters:
  - the Special Educational Needs Coordinator (SENCO) for the relevant school.
  
- Curriculum matters:
  - Rye Community Primary School: Class Teacher or Nursery Manager
  - Rye College: Head of Faculty
  - Rye Studio School: Learning Coaches.
  
- Safeguarding and child protection matters:
  - Rye Community Primary School: Designated Safeguarding Lead
  - Rye College: Designated Safeguarding Lead
  - Rye Studio School: Designated Safeguarding Lead.
  
- Pastoral matters:
  - Rye Community Primary School: Class Teacher or Nursery Manager
  - Rye College: Head of KS3 or Head of KS4
  - Rye Studio School: Personal Coaches.

Parents/carers may write, email, telephone or make an appointment to speak with the appropriate member of staff. A log will be maintained on the student's record of all correspondence received relating to the matter including the resolution.

Complaints made direct to the Principal will be referred to the appropriate member of staff for resolution unless the Principal deems it appropriate for the matter to be dealt with by them personally or by another senior member of staff acting on their behalf. If the initial complaint is considered to be sufficiently serious, the Principal can decide it should be dealt with under Stage 2 of this policy, without regard to Stage 1.

It is hoped that the matter will be resolved at this stage. However, should the matter not be resolved within 10 school days or as soon as reasonably practicable during school holidays, or where parents/carers are not satisfied with the response received, parents/carers may proceed to Stage 2 of this procedure.

#### Stage 2 - Formal

If a concern or complaint has not been resolved under the informal Stage 1 process, parents/carers can initiate Stage 2 of the process by putting their complaint in writing to the Principal including details such as dates and times of events, copies of relevant documents etc, so that the matter can be investigated thoroughly. Receipt of the complaint will be acknowledged within two school days or as soon as reasonably practicable during school holidays.

If the complaint concerns the Principal, it will be referred to the Chair of the Governing Body for investigation. In this case the process to be followed will be that described below but with the Chair of the Governing Body or another member of the Governing Body nominated by them carrying out the investigation.

On receipt of the complaint the Principal will decide, on the appropriate course of action to take and may delegate a senior member of staff to investigate the complaint on their behalf.

The Principal or their nominee will normally either meet or speak to the parents/carers concerned within 10 school days of receipt of the complaint or as soon as reasonably practicable during school holidays to discuss the matter and seek resolution. If, following this meeting, the Principal or their nominee determines that it is necessary to carry out further investigation, the parents/carers will be informed of this and of the anticipated timescale.

Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, they will reach a decision as to the merit of the complaint and an appropriate resolution will be identified. The parents/carers will be informed of this in writing together with reasons for the decision as soon as reasonably practicable and normally within 20 school days of receipt of the written complaint. Only in exceptional circumstances or complex cases should this take longer and parents/carers will be informed if this is the case.

Written records of all meetings and interviews held in relation to the complaint will be maintained on the student's record.

If the parents/carers are not satisfied with the response to a complaint made in accordance with Stage 2, they may proceed to Stage 3 of this process.

### Stage 3 – Complaints Committee

If parents/carers wish to invoke Stage 3 of this process, they should write to the Clerk of the Rye Academy Trust setting out in full the details of their complaint within 10 school days of receiving the Stage 2 decision. The letter should include full details of the Stage 2 decision and copies of all relevant supporting documents. A request to proceed to Stage 3 will normally only be considered if Stages 1 and 2 of this process have been exhausted.

The Clerk will, once in receipt of the Stage 3 complaint, convene a Complaints Committee hearing to take place, normally within 15 school days or as soon as reasonably practicable during school holidays. The committee will comprise of at least three persons with no prior knowledge of the matters detailed in the complaint, at least one of whom shall be independent of the management and running of the school. One of the committee members will chair the hearing.

Evidence sent to the Clerk by any party must be received no later than 5 school days in advance of the hearing in order that the complete evidence pack can be distributed to all parties at least 3 days ahead of the hearing, otherwise it may not be admissible. On receipt of the evidence pack the Complaints Committee will normally meet to review the evidence. If, having done so, the committee deems it necessary for further investigation to be carried out the Clerk will arrange for this and in exceptional circumstances the hearing may have to be deferred. The committee is able to call any Rye Academy Trust employee to provide evidence either in writing or in person.

Parents/carers may be accompanied to the hearing if they so wish by a relative, teacher or friend. Legal representation will not normally be appropriate. The names of any person(s) accompanying the parents/carers together with the names of any witnesses they would wish to appear in person at the hearing should be provided to the Clerk in advance of the hearing.

### Procedure for Complaints Committee hearing

At the Complaints Committee hearing the following procedure will be followed:

- The Chair will introduce the members of the Complaints Committee.

- The Chair will identify all of the people present and their capacity and will clarify the scope of the hearing and the outcomes which may be reached. The Chair will advise that the committee will not consider any new complaints that were not raised as part of the initial complaint.
- The Chair will ensure all relevant parties have received copies of the bundle prepared for the hearing.
- The Chair will make a general enquiry as to whether there are any preliminary points that need to be raised before the hearing begins.
- The parents/carers bringing the complaint will be invited to outline the grounds of complaint and the matters and decisions against which the complaint has arisen. They should, if possible, identify the resolution they are seeking.
- The parents/carers may refer to the documents and witness statements contained in the bundle where appropriate. The committee will have read all of the documents in the bundle and it will not be necessary to go through the documents in detail.
- If witnesses are giving evidence in person on behalf of the parents/carers they should be called into the meeting individually, and they can be questioned by them and by the committee members. Generally such witnesses should then leave the proceedings unless the Chair directs otherwise (for example if their evidence may be of value at a later part of the hearing process). The names of any such witnesses will be confirmed in advance of the hearing.
- The Chair will ask the parents/carers to confirm that they have completed the presentation of their case. The Chair will then invite the school representative(s) to reply to the points made, following a procedure similar to that outlined above.
- The parents/carers may question the school representative(s).
- Following the reply, the Chair and members of the committee may ask any further questions of either party that arise and need consideration. The Chair may adjourn the hearing to call further evidence or to seek expert guidance on any matters that have arisen.
- The school representative(s) may make any final points.
- The parents/carers will then have an opportunity to make a brief final address if desired.
- The Chair will close the hearing and remind the parties of the confidential nature of the proceedings.
- The Chair will explain to the parties that the committee will retire to consider their decision which will be notified to the parties in writing within five school days from the date of the meeting and that the decision of the committee is final.

#### Complaints Committee decision

After due consideration of the evidence placed before it the Complaints Committee will reach a decision on the balance of probabilities as to whether or not the complaint is made out. The Complaints Committee may dismiss or uphold the complaint (in whole or in part). The committee may also make recommendations. It is expected that Complaints Committees will reach their decision by consensus but if this is not the case the chair may decide to proceed by majority decision.

Parents/carers will receive the decision of the Complaints Committee and the rationale for it together with any recommendations in writing within five working days of the hearing. The letter will also confirm that the decision of the Complaints Committee is final and concludes the Trust's internal complaints process. A copy of the notes of the hearing will be included with the decision letter.

The Complaints Committee's decision and, any, recommendations will also be sent to the Principal, Chair of the Governing Body and, where relevant, the person complained of. Implementation of recommendations will be tracked by the local Governing Body. The Complaints Committee's decision, and any recommendations will also be made available for inspection on request on the school premises.

A written record (which will be kept for at least three years) will be kept of all complaints and whether they are resolved at the preliminary stage or proceeded to a panel hearing.

#### External appeal

Should parents/carers remain dissatisfied they may make a written complaint to the Education Funding Agency (EFA) at Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

Approved by RAT Board: August 2015

Next review: June 2017 or sooner if required

Responsible: RAT Board

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