



Complaints Procedure Statement

1. Complaints

A complaint is defined as:

“An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.”

Students, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of students during break-times
- Disturbance to neighbours during School hours
- Health and Safety issues of premises
- Behaviour of staff

The School is not responsible for the actions or behaviour of students outside school hours.

2. General principles

Where ever possible the School will try to deal with all informal concerns seriously at the earliest stage, therefore reducing the number that develop into formal complaints. We will try to handle concerns without the need for formal procedures. Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The School will:

- Welcome complaints as a positive means of promoting student/parent satisfaction
- Use complaints as a way of identifying opportunities to do things better
- Listen to students and parents
- Seek to resolve complaints swiftly
- Reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state we are looking into the matter
- Have clear, simple to understand and use, published procedures for making complaints.
- Keep complainants informed about progress
- Provide redress where a complaint is found to have substance
- Regularly review how effective the complaints procedure is

3. Investigating complaints

The person who takes forward the first formal procedure should make sure she/he:

- Establishes what has happened so far and who has been involved
- Clarifies the nature of the complaint and what remains unresolved
- Meet the complainant or contacts them if further information is required
- Clarifies what the complainant feels would put things right

- Interview those involved, with an open mind
- Keep notes of any interviews
- Keep the chair of governors informed without giving any details at this stage

4. Resolving complaints

At each stage, the school will keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps taken to make sure it will not happen again
- An undertaking to review school policies in light of the complaint

The school will encourage complainants to state what actions they feel might resolve the problem at any stage.

5. The awkward or vexatious complaints

There may be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. A vexatious complaint is likely to involve some or all of the following:

- The complaint arises from a historic and irreversible decision or incident;
- Contact with the school is frequent, lengthy, complicated and stressful for staff;
- The complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- The complainant changes aspects of the complaint partway through the complaint process;
- The complainant makes and breaks contact with the school on an on-going basis; or
- The complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that the School is most likely to consider are:

- Requesting contact in a particular form (e.g. – letters only);
- Requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- Restricting telephone calls to specified days and times;
- Asking the complainant to enter into an agreement about his/her future contact with the school; and
- Informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- If the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

6. Timescales

The school will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as school informs the complainant of the reason for the delay and give them new deadlines.

7a. Stage 1 – complaint heard by a staff member

It is in everyone's interest to resolve complaints at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. Be flexible and refer the complainant to another member of staff. If the complaint is about the Headteacher, the complaint should be referred straight to the chair of governors.

If a staff member directly involved feels compromised and unable to deal with the matter, once again refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

All written complaints should be notified to the Head's PA, along with a copy of all relevant paperwork. She will maintain a record of all formal complaints that are dealt with by the school, the level of the complaint and the outcome.

7b. Stage 2 – complaint heard by the Headteacher

All complaints from this point will be dealt with formally. A written record of the complaint and associated correspondence, statements and records will be kept on file and kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. Details of how these complaints have been resolved, either formally or informally will be kept. Details of action taken by the school will also be recorded regardless of whether the complaint is upheld.

The Headteacher will decide who is the most appropriate person to deal with a complaint. This could be a member of SLT or a head of year. The Headteacher should be kept informed of any investigation carried out and should be involved in the final decision.

Any complaint, whether this is communicated in writing, email or verbally by the complainant, will be acknowledged by the Headteacher within 5 working days for receiving the complaint. The acknowledgement should include a summary of the complaints procedure and a target date of 15 working days for providing a response. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The Headteacher will meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services should also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher will make whatever enquiries she/he considers necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff / students
- Reviewing minutes of meetings
- Reviewing school records

Students should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Headteacher investigates complaints thoroughly and objectively. If she/he feels unable to do this (e.g. if she/he has been directly involved in the decision making process that led to the complaint) she/he should delegate responsibility for investigating the complaint to another member of the management team or the chair of governors. It is strongly advised that the Headteacher (or designated person) should keep a record of interviews, telephone conversations and other documentation. If the complaint is about the Headteacher then the Chair of Governors will investigate.

7c. Stage 3 - The Governors' Complaints Committee

Appeal to a Complaints Panel

It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 3 will have done so because the complainant has not been satisfied with the response provided by the Head teacher (or Chair of Governors if the original complaint had been about the Headteacher) at an earlier stage of the procedure. The panel will consist of two governors who have had no prior knowledge of or involvement in the complaint and one person independent of the local governing body and trust.

As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents or carers may therefore wish to seek assistance from the Advice and Conciliation Service, particularly if contact has not previously been made.

Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.

In the unlikely event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents or carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

Procedures

Upon receipt of a written request by a complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:

The Chair of the Governing Body should write to the complainant acknowledging receipt of the written request. This should be done within 5 working days of receiving the complaint.

- The acknowledgment should inform the complainant that a panel consisting of two governors and one person independent of the school/trust will investigate the complaint within 20 school working days of receipt of the request.
- The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair or Panel members charged with conducting the investigation.

Governors who have had no prior involvement with the complaint should be chosen. Generally speaking, it is not appropriate for the Headteacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent or carer (who is also a

governor) on the panel. Governors should be sensitive of issues of race, gender and religious affiliation.

The Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.

The Chair should write and inform the complainant, Head teacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Headteacher.

Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting.

The Chair should also invite the Headteacher to attend and prepare a written report for the Panel in response to the complaint. The Head teacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Headteacher's report, at least 5 school working days in advance of the meeting.

It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.

The aim of the Panel meeting shall be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.

The Panel should be sympathetic to the fact that some parents and carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.

Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.

At Stage 3, the complainant and the Headteacher, together with and other staff who are involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:

- The complainant to explain the nature of their complaint(s)
- The Headteacher to explain the school's response to the complaint
- Panel members to have an opportunity to question both complainant and Headteacher
- All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to the opportunity of questioning all witnesses
- Parents and carers, Headteacher and staff to have the right of representation at the meeting if they so wish

The Chair should explain to the complainant and the Headteacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.

The Panel will consider the complaint and all the evidence presented and

- Reach a unanimous or at least a majority decision on the complaint;
- Decide upon the most appropriate course of action to be taken to resolve the complaint

- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in future recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Headteacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used.

Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records. This is available for inspection on the school premises by the proprietor and the head teacher.

Further recourse

Complaining to the Education Funding Agency (EFA)

The EFA will consider complaints about academies that fall into any of the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State; or
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter

The EFA will not investigate complaints about:

- the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- about discrimination. These should be raised with the Equality Advisory Support Service
- about data protection. These should be raised with the Information Commissioner's Office
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

They reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Complaining to the EFA about an academy

The EFA will deal with complaints about academies in accordance with the following principles:

- Academies should be receptive to genuine expressions of dissatisfaction
- Complaints should be dealt with promptly, fairly and proportionately, they are also resolved at the most local level possible
- In dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010)

Complaints to the EFA about Academies should be made in writing and sent:

Via the Department for Education's school complaints form

By post to EFA Complaints, 53-55 Butts road, Earlsdon Park, Coventry, CV1 3BH

Or you can email: complaints.efa@education.gsi.gov.uk

8. Withdrawing a Complaint

Complaints may be withdrawn in writing at any time. The Headteacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

The Complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.

Annex - Example of a complaintform

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature: _____

Date: _____

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

