Policy Document: Complaints Policy

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This policy and procedure has been produced by One Education's HR and People service. The HR and People team provides management and HR support and advice to schools and academies purchasing their services under an agreed Service Agreement. For further information please contact the HR and People team via the HROne Helpline: 0161 276 0153 (local rate from landline) or HROne Helpline Email: hrpeople@oneeducation.co.uk Website: www.oneeducation.co.uk

This document is recommended for adoption by all maintained schools including community, voluntary controlled, community special, maintained nursery, foundation, foundation special and voluntary aided schools. This document is also recommended for adoption by academies and free schools (modified as appropriate and taking into account the particular circumstances of the relevant academy or free school). References in this docume
nt to schools include a reference to academies and free schools unless otherwise stated, references to the Headteacher include a reference to an academy or free school Principal and reference to the Governing Body include a reference to the Trust-Board of an academy, multi-academy trust or a free school as appropriate.

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Under the public sector equality duty, all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented. The HR and People team regularly reviews all policies and procedures which are recommended to schools/academies to ensure compliance with education and employment legislation including the Equality Act 2010. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact the HR and People team via the HROne Helpline if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure.

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THE POLICY

This policy is for the benefit of pupils and complainants' of pupils at the school as well as members of the public. The policy will be relied upon in respect of **all concerns or complaints** by complainants and pupils made against the school ***except*** in respect of;

(a) **Admissions to schools; Statutory assessments of Special Educational Needs (SEN); School re-organisation proposals; Matters likely to require Child Protection Investigation** - 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.

(b) **Exclusion of children from school** - Further information about raising concerns about exclusion can be found at: https://www.gov.uk/school-discipline-exclusions

(c) **Whistleblowing** – The school has an internal whistleblowing procedure for employees and voluntary staff.

(d) **Staff grievances and disciplinary procedures** - These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

(e) **Complaints about services provided by other providers who may use school premises or facilities** - Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

(f) **Matters likely to require a Child Protection Investigation** - Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.

The Governing Body expects that most concerns can be resolved informally and recognises that the majority of issues raised by complainants or pupils are concerns rather than complaints. The school will use its best endeavours to resolve any concerns that are made on this basis.

The school 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 the need for formal procedures. It is recognised however that, depending on the circumstances and the nature of the complaint, complainants or pupils may, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

If the informal procedures fail to resolve the issue, a formal complaint about any matter (except for those listed in (a) to (e) above), may be made to the Headteacher in the first instance.

Every complaint will receive fair and proper consideration and a timely response but in order for the school to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated.

The school will do all it can to resolve concerns or complaints and to ensure complainants are happy with the education their child receives at the school. Complainants' and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously

and will be dealt with in a sensitive, impartial and confidential manner. The school will seek to resolve complaints in an open and transparent manner and acknowledge that complaints can foster opportunities for development and improvement. It should also be noted that serial or malicious complaints may incur appropriate action by the school.

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Correspondence, statements and records will remain confidential except in so far as is required by Part 7 paragraph 33 (k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

It is reasonable and legal for personal information relating to the child/parent to be shared with the One Education Advisor supporting the school in responding to a parental complaint. Normal protocols in ensuring the security of that information should be observed.

1. PURPOSE OF THE POLICY

- To encourage resolution of problems by informal means wherever possible;
- To be easily accessible and publicised;
- To be simple to understand and use;
- To be impartial;
- To be non-adversarial;
- To allow swift handling within established time-limits for action and keep people informed of the progress;
- To ensure a full and fair investigation by an independent person where necessary;
- To respect people's desire for confidentiality;
- To address all the points at issue and provide an effective response and appropriate redress, where necessary;
- To provide information to the school's senior management team so that services can be improved.

2. ROLES AND RESPONSIBILITIES

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect;
- Is clear as to what s/he wants as an outcome.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator will:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998, Freedom of Information Act 2000 and General Data Protection Regulation;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-

    - sharing third party information;

- additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they conduct interviews with an open mind, be prepared to persist in the questioning and keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk

This could be the Clerk to the Governors, the Complaints Co-ordinator or an independent Clerk. The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- complainants and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant and to that end the Chair will always ask the complainant what practical outcome they are looking for;
- the layout of the room will set the tone – care is needed to ensure the setting is not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- they liaise with the Clerk and complaints co-ordinator.

Panel Member

Panelists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously;
- many complainants will feel nervous and inhibited in a formal setting; Complainants often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible;
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; The panel should respect the views of the child/young person and give them equal consideration to those of adults;
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend;

- the parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests;
- the welfare of the child/young person is paramount.

3. STAGES OF THE POLICY

The policy has three main stages;

- Stage One – Concern is raised informally with Class Teacher or School Business Manager.
- Stage Two – Formal complaint investigated by Headteacher, Deputy Headteacher or Business Manager.
- Stage Three – Formal complaint is heard by Complaints Panel.

Stage One - Informal Resolution

Discussion with Class Teacher or School Business Manager

It is hoped that most concerns or complaints will be resolved quickly and informally.

If complainants have a concern or complaint they should normally contact their child's class teacher. In many cases the matter will be resolved immediately by this means to the complainants' satisfaction. In some circumstances however, the matter will require investigation or discussion with others and so it may take longer to respond to the complainants. The class teacher will make a written record of all concerns or complaints and the date on which they were received. (See Annex A). Please refer to the Retention Policy to determine how long information should be kept.

The school will use its reasonable endeavours to resolve any informal concerns or complaints within 10 working days of them being raised, except where they are raised during school holidays or within 2 working days of their commencement. In these cases, the school will use its reasonable endeavours to resolve the concern or complaint as soon as possible after the commencement of the new term (usually within 10 working days).

If it is not possible to resolve the matter informally or complainants are not satisfied with the result at this stage, then complainants will be advised to proceed with their complaint in accordance with Stage Two of this procedure.

(Some general matters may be more appropriately directed to the School Business Manager).

Stage Two - Formal Resolution

Complaint investigated by Headteacher, Deputy Headteacher or Business Manager

If the complaint cannot be resolved on an informal basis then complainants should notify the Headteacher of their complaint in writing. Complainants should also identify how they wish their complaint to be resolved.

The Headteacher may delegate responsibility for undertaking the investigation of the complaint to the Deputy Headteacher or Business Manager in appropriate circumstances unless the Headteacher deems it appropriate for him/her to deal with the matter personally.

The Headteacher/Deputy Headteacher will decide, after considering the complaint, the appropriate course of action but will endeavour to resolve the matter as speedily as possible.

In most cases, the Headteacher/Deputy Headteacher/Business Manager will meet or speak with the complainants concerned to discuss the matter. The Headteacher/Deputy Headteacher/Business Manager will use reasonable endeavours to speak to or meet complainants within 10 working days of the formal complaint being received. In cases where the complaint is received during school holidays or within 2 working days of their commencement, the Headteacher/Deputy Headteacher/Business Manager will use his/her reasonable endeavours to speak or meet with complainants as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Headteacher/Deputy Headteacher/Business Manager to carry out further investigations.

The Headteacher/Deputy Headteacher/Business Manager will keep a written record of all meetings and interviews held in relation to the complaint. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

Once the Headteacher/Deputy Headteacher/Business Manager is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision in writing, giving reasons for the decision including the steps/action the school has taken to resolve the issue. The written decision will normally be provided no later than 10 working days after the Headteacher/Deputy Headteacher/Business Manager has met with complainants to discuss the matter. The Headteacher/Deputy Headteacher/Business Manager may also arrange a further meeting with the complainants to explain his/her decision.

The school will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the school's decision. which will be recorded. Please refer to the Retention Policy to determine how long this information should be kept. This record will state if complaints were resolved at this stage of the policy or whether the matter was taken further.

Where complainants are dissatisfied with the result at Stage Two they should notify the Headteacher/ Chair of Governors as appropriate in writing within 10 working days of receiving the school's written response under Stage Two. The matter will then be dealt with under Stage Three of the procedure.

Stage Three – Formal Resolution/Appeal

Complaint Heard by Complaints Appeal Panel

If it has not been possible to resolve the matter at Stage Two of this policy, within 5 working days of receiving a written request from the complainants that they wish to pursue the matter to Stage Three, the Clerk to the Complaints Appeal Panel will write to the complainants to acknowledge their written request in writing, and inform the complainants of the steps involved at Stage Three. The Clerk provides an independent source of advice on procedure for all parties.

Where the written request is received by the Clerk during school holidays or within 2 working days of their commencement, the Clerk has 5 working days from the commencement of the following school term to acknowledge the complainant's written request.

The written request for further consideration of the complaint at Stage Three of the policy will, for the purposes of this policy, be known as an 'appeal'. Complainants should provide full detail of their appeal and the reasons why they believe their complaint(s) have not been resolved satisfactorily under the previous three stages of the policy. Complainants should also state the remedy they are seeking.

The Clerk will endeavour to convene a Complaints Appeal Panel hearing as soon as possible to consider the matter, normally no later than 20 working days after his/her receipt of the appeal, dependent upon the

availability of Complaints Appeal Panel members. Where it is not reasonably practicable for the hearing to be convened within 20 working days after receipt of the appeal, the complainants' will be notified of the likely timescale for the hearing to take place which must be reasonable in all the circumstances.

The Complaints Appeal Panel will normally consist of three people; two who have not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DfE).

The following are entitled to attend The Complaints Appeal Panel hearing, submit written representations and address the Complaints Panel:

- The complainant (including parents/carer if appropriate);
- the Headteacher and Deputy Headteacher of the school as appropriate although it is not always necessary or desirable to have this person attending the panel at the same time as the complainant;
- the Chair of Governors if appropriate;
- any other interested person whom the Complaints Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Complaints Appeal Panel in their decision-making.

Where the Complaints Appeal Panel deems it necessary, it may require that further particulars of the appeal or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Complaints Appeal Panel in support of their position, including:

(a) Documents in support of complaint(s),

(b) chronology and key dates relating to complaint(s), and

(c) written submission setting out the complaint(s) in more detail.

All evidence will be considered by the Complaints Appeal Panel, along with the appeal lodged by the complainants.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Complaints Appel Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than 10 working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than 5 working days in advance of the hearing.

It is for the Complaints Appeal Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Complaints Appeal Panel will resolve the complainants' appeal immediately without the need for further investigation. Where further investigation is required, the Complaints Appeal Panel will decide how it should be carried out.

After due consideration of all the facts and evidence they consider relevant, the Complaints Appeal Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant authorities e.g. Governing Body or Trust Board, although any such approval must be compatible with the decision of the Complaints Appeal Panel.

The Complaints Appeal Panel's findings will be sent by the Clerk in writing to the complainants, the Chief Executive, the Governors, the Trust and, where relevant, the person complained of within 10 working days of the hearing. The letter will state the reasons for the decision reached and any recommendations

made by the Complaints Appeal Panel. The decision reached by the Complaints Appeal Panel is the final school based stage of the complaints process.

The school will keep a record of all appeals, decisions and recommendations of the Complaints Appeal Panel, which record will be kept for 1 year after the pupil leaves the school.

N/B – **In cases where the complaint concerns the conduct of the Headteacher**, the Headteacher and the Chair of Governors will be informed of the complaint and the Chair of Governors will arrange for the matter to be investigated as he/she considers appropriate in all the circumstances. The complainants will be notified of the Chair of Governors' decision in this regard. In deciding the appropriate manner for the matter to be investigated the Chair of Governors will take into account the provisions of Part 7 of the Education (Independent school Standards) (England) Regulations 2014.

4. NEXT STEPS

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed the school process.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by <School Name>. They will consider whether <School Name> has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Should the complainant continue to make contact on the same issue the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

5. MONITORING COMPLIANCE WITH THE POLICY

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
All formal complaints forms will be responded to within 5 school days	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Headteacher
All complaint review request forms will be responded to within 10 school days	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Headteacher
All formal complaints will be noted in the Headteacher's Termly Report to the FGB including any lessons that can be learnt	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Headteacher

6. SERIAL COMPLAINTS

If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and you may choose not to respond. However, you should not mark a complaint as ‘serial’ before the complainant has completed the procedure, unless your published serial complaint criteria applies.

Under no circumstances should a complainant be marked as ‘serial’ for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a ‘frivolous’ or ‘vexatious’ complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a ‘serial or persistent’ marking should be against the subject or complaint itself rather than the complainant.

Annex A: Informal Resolution

Please ensure that this form is returned to either the Headteacher or Deputy Headteacher on the same day as the incident or as soon as reasonably practicable thereafter. A dated record of any further action taken will be attached to this form.

Child's Name: Year:	Date Concern/Complaint received
Complainant's name and contact details (to include address, telephone number, email):	
Full details of Concern/Complaint (to include date, time, place, parties involved and, in appropriate cases, actual words spoken)	
Action taken : (Steps taken, when and by whom)	
Further action to be taken if appropriate:	

Has information relating to action taken/ to be taken been shared with the complainant? (Y/N)

What was the complainant's response?

Annex B: Stage 2 – Formal Resolution

Please complete this form & return it, via the school office, to the Headteacher (or Clerk to the Governing Body), who will acknowledge receipt & inform you of the next stage in the procedure.

YOUR NAME:	
RELATIONSHIP WITH SCHOOL (eg. Parent of a pupil attending the school)	
PUPIL'S NAME:	
YOUR ADDRESS:	
TEL NUMBER:	
EMAIL ADDRESS:	

Please give concise details of your complaint (including dates, names of those involved, witnesses, etc) to allow the matter to be fully investigated. Please use additional pages if necessary.

What action, if any, have you already taken to try and resolve your complaint? (ie. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Signed……Date……..

SCHOOL USE ONLY:			
Date form received:	**Received by:**	**Date Acknowledgement sent:**	**Acknowledgement sent by:**

Agreed Outcomes

Complaint referred to:		**Date:**	

Annex C - School Complaints Flowchart

Summary of Dealing with Complaints

