

# Complaints Procedure



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<b>Signed by:</b>	Chair of Directors	Feb 2021
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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of students at the school, and others.

When responding to complaints, we aim to:

- Treat complainants with respect and courtesy
- Listen carefully, be impartial and non-adversarial
- Respect complainants’ desire for confidentiality
- Try to resolve complaints informally in the first instance by addressing the points at issue and providing an effective and prompt response
- Facilitate a full and fair investigation by an independent person or panel, where necessary, if the complaint cannot be resolved through an informal process
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can help us to continue to improve

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

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/carers of students 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).

This policy complies with our funding agreement and articles of association.

## 3. Definitions and scope

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school will seek to resolve complaints informally where possible, at the earliest possible stage and would hope that parents/carers would also wish to do so.

The vast majority of disagreements between schools and parents/carers are resolved during routine day-to-day school business by means of communication, negotiation and mediation. In many cases a subject teacher or form tutor will receive the first approach. Any issue which cannot be sorted out with the subject teacher or form teacher, or which is a complaint about a teacher should go directly to the Head Teacher. A complaint about the Head Teacher should be sent to the Chair of Directors.

The Head Teacher is responsible for the day to day running of the school and the Directors set policy.

Parents/carers should arrange to meet with the Headteacher with the aim of resolving any perceived problems. Very often, this direct practical approach means that the complaint can be satisfactorily resolved.

However, from time to time, this may not be enough to resolve a disagreement and there may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling **formal** complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion, either fixed-term or permanent

- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents/carers of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs and disabilities co-ordinator (SENDCo); they will then be referred to this complaints policy. Our SEND policy and information report includes information about the rights of parents/carers of students with disabilities who believe that our school has discriminated against their child.

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

## 4. Roles and responsibilities

### 4.1 The complainant

The complaints process will be most effective if the complainant:

- Follows these procedures
- Co-operates with the school throughout the process, and responds to deadlines and communication promptly
- Asks for assistance as needed
- Treats all those involved with respect
- Does not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Head Teacher or complaints committee which includes the facts and potential solutions

### 4.3 Clerk to the Board of Directors

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### 4.4 Committee Chair

The committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 6. Stages of complaint (not complaints against the Head Teacher or directors)

### 6.1 Stage 1: informal

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.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher, 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 school office on 01981 550231 or email at [admin@fairfield.hereford.sch.uk](mailto:admin@fairfield.hereford.sch.uk) The school will acknowledge informal complaints within two school days, and investigate and provide a response within five school days.

The informal stage may be resolved via telephone or online meeting, email or letter or may involve a meeting between the complainant and the Head Teacher or other senior member of staff and the subject of the complaint.

If the complaint is not resolved informally, the complainant may ask for it to be escalated to a formal complaint.

### 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the Head Teacher in writing, either by letter or email (if this has not happened at the informal stage). The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the school office on 01981 550231 or email at [admin@fairfield.hereford.sch.uk](mailto:admin@fairfield.hereford.sch.uk)

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days.

If the complainant is not satisfied with the Head Teacher's response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the Board of Directors in writing within five school days. It is important that the matter is then reported **only** to the Chair so that other Directors on the Complaints Committee are not tainted.

The Chair of the Board of Directors will consider the evidence of the complaint, in confidence and without reference to any other Director. If the complaint is serious or complex, appropriate advice should be sought. Having considered the complaint, the Chair of the Board of Directors will either write to the complainant with his/her findings and, should it be deemed necessary, meet with the complainant and the Head Teacher in an attempt to resolve the matter.

Where the Chair of the Board of Directors is being asked to consider a complaint about a matter which involved the Head Teacher's management responsibilities, they should consider carefully whether the Head Teacher's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.

Should either the complainant or the Head Teacher be dissatisfied with the outcome of the Chair of the Board of Directors' investigation they may ask for the matter to be referred to a panel of the Board of Directors by writing to the clerk setting out the reasons for the referral. The Chair of the Board should summarise the complaint to the members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the committee. If the members' view is that the complaint should not proceed, the complainant should be informed, with reasons.

### **6.3 Stage 3: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel should consist of at least 3 Directors who were not directly involved in the matters detailed in the complaint. At least 1 other panel member must be independent of the management and running of the school. The panel cannot be made up solely of members of the board of directors, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant will have at least fifteen school days' 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 if a date cannot be agreed. At the review panel meeting, the complainant and representative(s) of the school will be present. Each will have an opportunity to set out written or oral submissions at least ten days prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. The complainant should give written notice of who is to accompany them, to include their name and occupation and relationship to the complainant, at least ten school days before the panel hearing.

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.

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. The panel will then put together its findings and recommendations from the case. It may decide to:

- dismiss the complaint in part or in whole
- uphold the complaint in part or in whole
- decide on the appropriate action to take to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Cases which may result in disciplinary action being taken against a member of staff will follow the normal disciplinary procedures after the panel has given its findings.

The Clerk to the Board of Directors will inform those involved of the decision in writing within five school days. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and to the school and Board of Directors.

## **7. Complaints against the Head Teacher, a Director or the Board of Directors**

### **7.1 Stage 1: informal**

Complaints made against the Head Teacher or any member of the Board of Directors should be directed to the Clerk to the Board of Directors in the first instance.

If the complaint is about the Head Teacher or one member of the Board of Directors (including the Chair or Vice-Chair), a suitably skilled and impartial Director will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is jointly about the Chair and Vice-Chair, the entire Board of Directors or the majority of the Board of Directors, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Board of Directors and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is jointly about the Chair and Vice-Chair, the entire Board of Directors or the majority of the board of directors, a committee of independent directors will hear the complaint. They will be sourced from local schools and/or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

## **8. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the 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>

We will include this information in the outcome letter to complainants.

## 9. Persistent complaints

### 9.1 Unreasonably persistent complaints

All valid complaints will be treated seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Knowingly provides false information
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- › Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- › Changes the basis of the complaint as the investigation goes on
- › Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- › Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- › Give the complainant a single point of contact via an email address
- › Limit the number of times the complainant can make contact, such as a fixed number per term
- › Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- › Put any other strategy in place as necessary

#### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns

- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## 9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to ESFA if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 9.3 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.

## 10. Record keeping

The school 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.

This material will be treated as confidential and held centrally 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Directors in case a review panel needs to be organised at a later point.

Where the Board of Directors 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.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Board of Directors who will not unreasonably withhold consent.

## **11. Learning lessons**

The Board of Directors will review any underlying issues raised by complaints with the Head Teacher, respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **12. Monitoring arrangements**

The Board of Directors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by a member of the Admin team.

This policy will be reviewed by the senior leadership every 3 years.

At each review, the policy will be approved by the board of directors.

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

## Appendix 1

### How to conduct an investigation – applicable to all levels

1. Ask the complainant to put their complaint in writing to the clerk to the Board of Directors. It is often useful to stress that the letter need not be unduly long and that, if there is more than one issue, to set out each issue clearly, i.e. number them or put them in bullet points. Sometimes the precise nature of the complaint can be difficult to see.
2. Meet with the complainant. This **may** be less important for the Head Teacher who may have met with the parent/carer on numerous occasions. However, for the Chair of the Board of Directors or any Director delegated to investigate the matter, it is recommended as helpful in grasping the essential substance of the complaint. **It is also important to meet personally so that the complainant knows they are being listened to and, that the complaint is being taken seriously.**
3. The complainant, the Head Teacher and Chair of the Board of Directors will provide the clerk with all documentation to be used at the meeting, at least **ten school days** before the meeting take place.
4. The clerk will distribute all documentation to both parties and to the members of the panel at least **seven days** before the meeting.
5. The complainant, the Head Teacher and Chair of the Board of Directors will be advised by the clerk that they may be accompanied by a friend or representative at the meeting. This and the identification of this person should be advised in writing at least ten school days before the panel review.
6. The normal procedure to be followed at the meeting is set out below. Provided they are satisfied that it will give all parties an opportunity to present their case, the Vice-Chair of the Board of Directors may vary this procedure with advice from the clerk.
  - the panel will be Chaired by the Vice-Chair of the Board of Directors and he/she will make arrangements for a note taker to be present. In the absence of the Vice-Chair the panel will agree a Chair for the meeting
  - the Chair explains the purpose of the meeting and introduces those present
  - the complainant presents their case
  - the panel will have an opportunity to question the complainant
  - the school representative presents their case
  - the school representative can be questioned by the panel
  - both parties withdraw
  - the panel consider the case and examine all necessary correspondence, reports etc and consider their findings
  - the panel write to both parties within five school days to advise them of their findings and their reasons.
7. There is no specific format required when putting the conclusions of an investigation into a report or letter to the complainant. However, the following might be useful:
  - indicate what evidence had been taken into account. It is important to include all interviews and the main reports, letters and so on.

