

# COMPLAINTS PROCEDURE

**Approved by: Trustees**

**Approval Date: June 2021**

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## **1. Aims**

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- 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 feed into school improvement evaluation processes

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 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).

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

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. Definitions and scope**

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".

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.

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.

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)/headteacher]; they will then be referred to this complaints policy. Our 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.

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

#### **4. Roles and Responsibilities**

##### **The Complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process and respond to deadlines and communications promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

##### **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 Headteacher/executive leadership which includes the facts and potential solutions

### **Clerk to the Trustees**

Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints hearing.

Arrange the complaints hearing

- Record and circulate the minutes and outcome of the hearing

### **Committee Chair**

- Chair the meeting, ensuring everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the hearing 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

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

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.

### **Complaints about our fulfilment of early year's 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 10) and make this available to Ofsted on request.

Our Complaints Policy is issued to all families as part of the registration process. It is also available on the school's website and at [www.westnorfolkacademiustrust.co.uk](http://www.westnorfolkacademiustrust.co.uk). Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in the funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to the Headteacher.

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](mailto: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.

## **6. Stages of complaint (not complaints against the Headteacher or a governor)**

### **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 Headteacher, 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.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage may involve a meeting between the complainant and the Head teacher or member of the senior leadership team, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **Stage 2: formal**

The formal stage involves the complainant putting the complaint into writing, usually to the Headteacher and/or the subject of the complaint. 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.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. If a meeting is convened the complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school 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 will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the trustees within 10 school days.

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 clerk will acknowledge receipt of the request within 5 school days.

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

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Trust board members, 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 9).

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.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

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 must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

## **7. Complaints against the Headteacher/Executive Headteacher/CEO/Member of Local Governing Body, or the Trustees**

### **Stage 1: Informal**

Complaints made against the Headteacher should be directed to the clerk of the trustee board. If the complaint is about the Headteacher or one member of the board, a suitably skilled and impartial trustee will carry out the steps at stage 1 (section 6).

### **Stage 2: Formal**

If the concern or complaint is jointly about the chair and vice-chair, the entire board and independent investigator will carry out the steps in Stage 2 (Section 6). They will be appointed by the board and will write a formal response at the end of their investigation.

### **Stage 3: Review Panel**

If the complaint is jointly about the chair and vice chair, the board or the majority of the board then a committee of independent trustees will hear the complaint. They will carry out the steps at stage 3 (as per section 6).

## 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 complaint's 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>

This information will be included in the outcome letter to complainants.

## 9. Persistent complaints

Most complaints raised will be valid and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

Has made the 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 complaint's procedure

Pursues a valid complaint, but in an unreasonable manner e.g. refused 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

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 part to act on their behalf
- 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 tht 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 a school site.

### **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 of 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 tht there are no new aspects we will:

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

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

### **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 records management policy.

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

Where the Trustees are 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 Trustees, who will not unreasonably withhold consent.

### **11. Learning lessons**

The Trustees will review any underlying issues raised by complaints with the CEO/Executive head teacher/head teacher, where appropriate, and 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 Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trustees 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 clerk to the Trustees.

This policy will be reviewed by the Trustees and the CEO every 3 years.

At each review, the policy will be approved by the Trustees and the CEO.

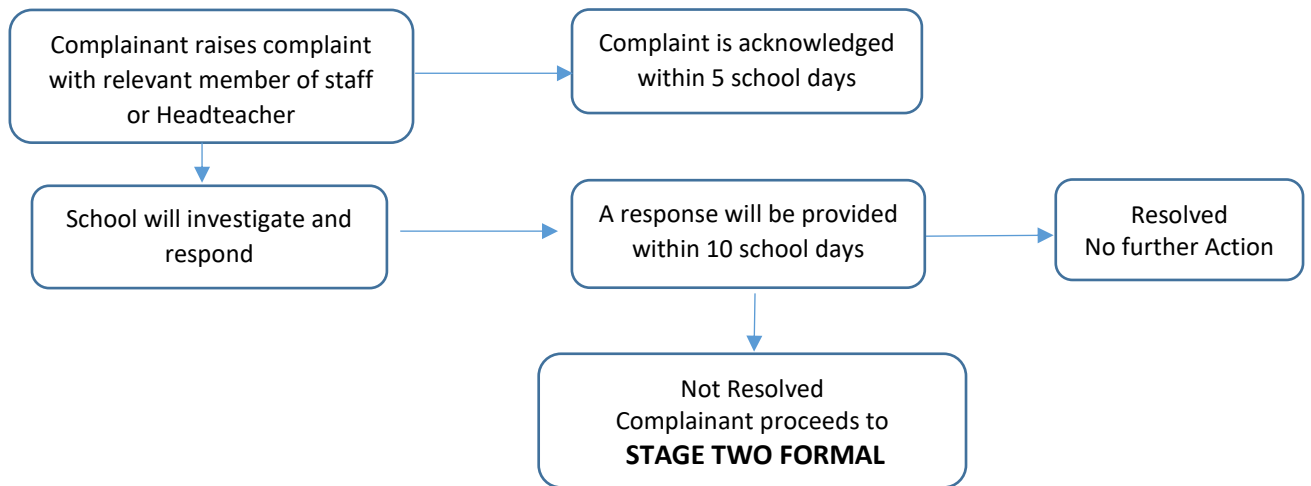
### **13. Links with other policies**

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

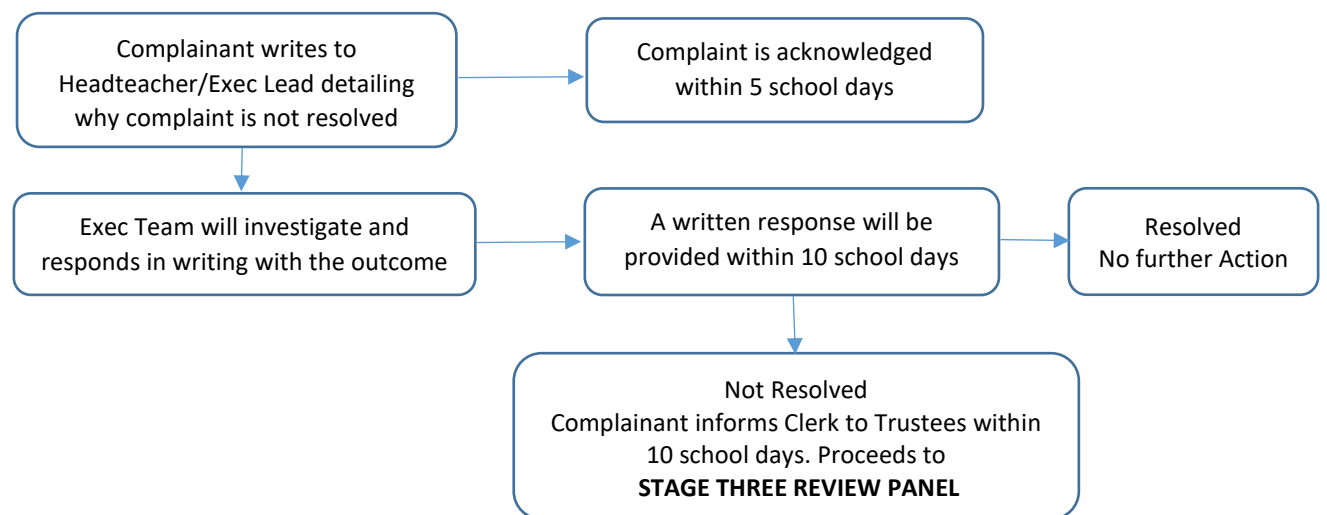
### STAGE ONE – INFORMAL

#### Managed by the School



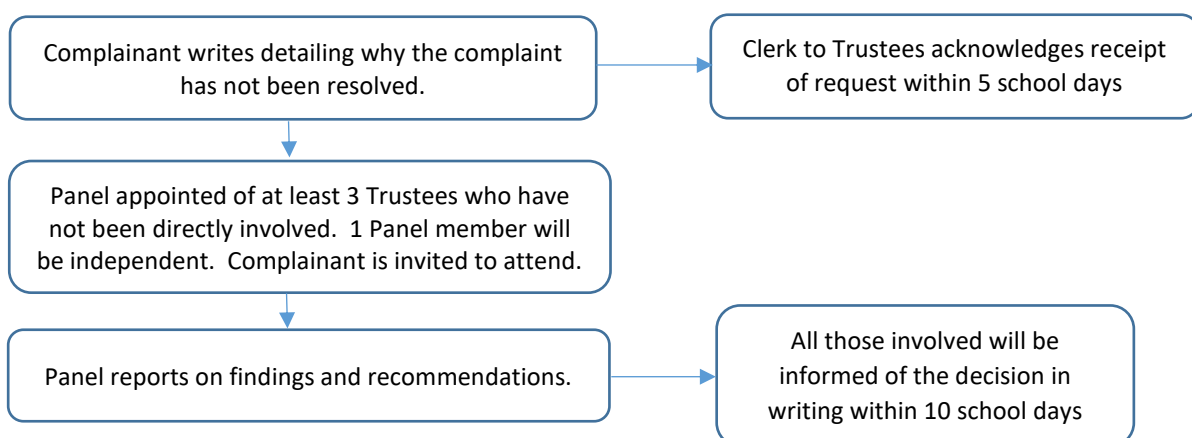
### STAGE TWO – FORMAL

#### Managed by Trust Executive Team



### STAGE 3 – REVIEW PANEL

#### TRUST LEVEL



#### END OF SCHOOL COMPLAINT PROCESS

If the complainant is not satisfied with how the Trust has dealt with their complaint, they can write to the Education Skills Funding Agency.