

**School Complaints Policy**

**Policy Title**

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**Review Sheet**

The information in the table below provides details of this document’s reviews and where appropriate, amendments which will have been made to a later version and the reason.

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**School Complaints Policy**

1. **Statement of intent**

Our Place School aims to resolve all complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school’s complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher will be the first point of contact when following the complaints procedure.

1. **Legal framework**

This policy has due regard to all relevant legislation including, but not limited to, the following:

* Education Act 2002
* Freedom of Information Act 2000
* Immigration Act 2016
* Equality Act 2010
* UKGeneral Data Protection Regulation (GDPR)
* Data Protection Act 2018
* The Education (Student Information) (England) Regulations 2005
* The School Information (England) (Amendment) Regulations 2016
* The Education (Independent School Standards) Regulations 2014

This policy has also due regard to guidance including, but not limited to, the following:

* DfE (2021) ‘Best practice guidance for school complaints procedures 2020’
* HM Government (2016) ‘Code of Practice on the English language requirement for public sector workers’

This policy operates in conjunction with the following school policies:

* Child Protection and Safeguarding Policy
* Grievance Policy
* Exclusion Policy
* Whistleblowing Policy

1. **Definitions**

For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

For the purpose of this policy, “**unreasonable complaints**” include:

* + Vexatious complaints, which: Are obsessive, persistent, harassing, prolific, repetitious.
  + Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  + Insist upon pursuing meritorious complaints in an unreasonable manner.
  + Are designed to cause disruption or annoyance.
  + Demand for redress which lacks any serious purpose or value.
* Serial or persistent complaints, which:
  + Are duplicated, sent by the same complainant once the initial complaint has been closed.
  + Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

1. **Roles and responsibilities**

The complainant will:

* Cooperate with the school in seeking a solution to the complaint.
* Express the complaint and their concerns in full at the earliest possible opportunity.
* Promptly respond to any requests for information or meetings.
* Ask for assistance as needed.
* Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

* Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
* Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
* Keep up-to-date records throughout the procedure – these records will be kept securely on the school’s ICT system and retained in line with the school’s Records Management Policy.
* Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, and Proprietor.
* Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
* Be aware of issues with regards to sharing third party information.
* Understand the complainant’s need for additional support, including interpretation support, and will be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, the proprietor, is responsible for:

* Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
* Considering all records, evidence and relevant information provided.
* Interviewing all parties that are involved in the complaint, including staff and students.
* Analysing all information in a comprehensive and fair manner.
* Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
* Identifying and recommending solutions and courses of actions to take.
* Being mindful of timescales and ensuring all parties involved are aware of these timescales.
* Responding to the complainant in a clear and understandable manner.

The panel chair will:

* Ensure that minutes of the meetings are taken on every occasion.
* Explain the remit of the panel to the complainant.
* Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
* Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any students involved.
* Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
* Ensure that the room’s layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
* Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
* Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
* Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
* Organise a short adjournment of the hearing if required.
* Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
* Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

* The review panel meeting is independent and impartial.
* No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
* The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
* Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
* The panel can:
  + Dismiss or uphold the complaint, in whole or in part.
  + Decide on appropriate action to be taken.
  + Recommend changes that the school can make to prevent reoccurrence of the problem.
* Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
* When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child’s view is represented equally.

The panel clerk will:

* Continuously liaise with the complaint investigator.
* Record the proceedings.
* Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
* Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
* Greet all parties as they arrive at the hearing.
* Ensure that the minutes of the panel hearing are circulated.
* Notify the relevant parties of the panel’s decision and any other actions to be taken.

1. **Making a complaint**

Complaints are not restricted to parents of attending students – the school will consider all complaints.

The schoolwill ensure the complaints procedure is:

* Easily accessible and publicised on the school’s website.
* Simple to understand and put into practice.
* Impartial and fair to all parties involved.
* Respectful of confidentiality duties.
* Continuously under improvement, using information gathered during the procedure to inform the school’s SLT.
* Fairly investigated, by an independent person when necessary.
* Used to address all issues to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school upholds a three-monthtime limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen’s Advice Bureau).

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a member of the Education Review Board if not resolved.

Any complaint made against the headteacher shall be initially dealt with by the proprietor and then by a panel hearing if necessary.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

1. **Complaints procedure**

**Stage one – Informal concern made to a member of staff**

A complaint may be made in person, by telephone or in writing.

The member of staff the complaint has been made against can discuss the concern with the headteacher to seek support.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.

If the concern is about the headteacher, the complaint must be made in writing to the proprietor.

Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. Notes must be taken during this discussion.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

**Stage two – Formal complaint made to the headteacher, or in the case of a complaint against the headteacher, made in writing to the proprietor**

Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the headteacher should be made as soon as reasonably practical, to avoid any possible worsening of the situation. If the complaint is against the headteacher, the complainant will initially need to write to the Proprietor, who will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 days, before moving directly to stage three of the procedure.

Where the headteacher or proprietor has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record.

In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.

All discussions shall be recorded by the headteacher, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

**Stage three – Investigation by proprietor**

The complainant should submit any complaint in respect of the headteacher's investigation in writing (or via an alternative method if necessary) to the proprietor.

The proprietor will carry out an investigation and consider all available evidence. Where the proprietor has already been involved, e.g. in complaints against the headteacher, the investigation will be carried out by the Responsible Individual for Our Place Group.

The complainant and the headteacher will be informed of the outcome within 20 school days of the proprietor receiving the complaint. The complainant will be advised of any escalation options, e.g. escalation to stage four, and will be provided with details of this process. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the complaint is escalated further (stage four).

**Stage four – Complaints appeal panel (CAP)**

Following receipt of a stage three outcome, the complaint should be made in writing to the proprietor within 10 school days.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record.

Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.

Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation may be appropriate, e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The proprietor, will convene a CAP comprising:

* At least three people not involved in the complaint, one of whom is independent of the management and running of the school. The independent panel member will not be a member, trustee or employee of the school.

Where appropriate, the proprietor will ask for support from their network or governor services team at the LA.

Five days’ notice will be given to all parties attending the CAP, including the complainant.

Prior to the hearing, the proprietor will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

* The complainant to be present and accompanied at the hearing if they wish.
* The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
* The complainant to question the headteacher, and vice versa, about the complaint.
* Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
* Members of the CAP to question both the complainant and the headteacher.
* Final statements to be made by both parties involved.

The complainant and the person complained about where relevant, will receive a written response, via email or otherwise, explaining the panel’s findings and recommendations within 15 school days. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive a summary of the panel’s findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

**Final stage – Appeal**

If a complaint has completed the school’s process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen) or in writing to:

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

The Secretary of State has a duty to consider all complaints raised but will only intervene where there has been unlawful or unreasonable practice and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or proprietor could act in the circumstances.

1. **Complaints not covered in this policy**

Complaints regarding the following topics should be directed to the LA:

* Statutory assessments of SEND

Complaints about child protection matters will be handled in line with the school’s Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

1. **Exceptional circumstances**

The DfE expects complainants to have completed the school’s complaints procedure before directing a complaint to them. The exceptions to this include when:

* Students are at risk of harm.
* Students are missing education.
* A complainant is being prevented from having their complaint progress through the school’s complaints procedure.
* The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or proprietor may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

1. **Monitoring and review**

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. Responsibility for reviewing the procedure belongs to the headteacher. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. The monitoring and reviewing of complaints will be used to help evaluate the school’s performance.

Appendix 1

**Complaints Procedure Form**

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the proprietor)

|  |  |
| --- | --- |
| Name: | Address: |
| Daytime telephone number: |
| Evening telephone number: |
| Email: | Postcode: |
| What is your complaint concerning, and what action would you like the headteacher to take? | |
| When did you discuss your concern/complaint with the appropriate member of staff? | |
| What was the result of the discussion? | |
| Signed: | Date: |