



Complaints Policy

Guidance and procedure for dealing with complaints

Date adopted by governors: May 2021

Committee: Full Governors

Review date: May 2022

INTRODUCTION

Parents/carers of pupils at Grasmere Academy can make a complaint regarding their child and this procedure is based on the principle that, where at all possible, complaints will be dealt with informally between school staff and the complainant, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

This procedure complies with Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

A copy of this procedure is published on the school's website and a hard copy is available on request via the school office.

Complaints outside of this procedure

Some types of complaint are covered by other procedures and examples of these are:

- pupil admissions
- content of a statutory statement of special educational needs
- school re-organisation proposals
- matters likely to require a Child Protection Investigation
- pupil exclusions
- whistleblowing
- staff grievance, capability, or disciplinary procedures
- complaints about services provided by other providers who may use the school's premises or facilities

Complaints from people who are not parents/carers of pupils at the school will be handled respectfully and expediently but are not dealt with through this Complaints procedure.

Third parties

The school has a responsibility to ensure that any third-party providers offering community facilities or services through the school premises or using school facilities have their own Complaints procedure in place.

GUIDANCE

The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action' that requires resolution. Complainants should always be asked what outcome to a concern or complaint they are seeking.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Where informal resolution is not successful, a formal complaint should be made using the complaint form attached as Appendix A, or by letter/email to the appropriate person in the school. The benefit of submitting the complaint on the form is that this helps to focus on the issue and the preferred outcome. However, a letter/email detailing the complaint, what action has already been taken and the desired outcome is acceptable. If the complainant has communication preferences due to disability or learning difficulties then the complaint can be made in person, by telephone or in writing.

At every stage of the process, informal and formal complainants will be asked what resolution they are seeking and the individual investigating the complaint at that stage will consider whether the school can offer that solution.

Types of complaint

- *Complaints about staff* - where the complaint is against a member of staff, the complaint should be addressed to the Headteacher, where the complaint is against the Headteacher, the complaint should be addressed to the Chair of Governors. General complaints about the school, but not specifically against any person, would usually be addressed as complaints against the management of the school and therefore addressed as a complaint against the Headteacher.
- *Complaints about governors* - where the complaint is against individual governors, the Chair of Governors, or the whole Governing body it should be addressed to the Clerk.
- *Complaint campaigns* - occasionally a school can become the focus of a campaign and receive large volumes of complaints all based on the same subject and/or from complainants unconnected with the school. If the school experiences this it will provide a template response to all complainants.
- *Anonymous complaints* - the governing body will **not** consider anonymous complaints.

Serial and persistent complainants

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. It is important that the school recognises when it really has done everything it can in response to a complaint. If the complainant tries to reopen the same issue, they can

be informed that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school can choose not to respond. The school will take every reasonable step to address the complainant's concern and be careful that it does not mark a complaint as 'serial' before the complainant has completed the procedure. Under no circumstances will 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.

The school may receive complaints that it considers to be vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- 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

The school will not refuse to accept further correspondence or complaints from an individual it has had repeat or excessive contact with. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant. The school's procedure for managing serial and unreasonable complaints will be followed in these circumstances.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school will implement a tailored communication strategy and will restrict the individual to a single point of contact via an email address and will limit the number of times they can make contact per term. The school will act reasonably and consider any new complaint. The school may also suggest the complainant asks a third party to act on their behalf, such as the local Citizens Advice Bureau.

While parents/carers should have the opportunity to raise issues about emerging problems, all members of the school community have a right to expect that their school is a safe place in which to work and learn. Therefore, violence, threatening or aggressive behaviour, repeated harassment or racially aggravated behaviour, or abuse against school staff or other members of the school community will not be tolerated.

If an individual's behaviour is a cause for concern, the Headteacher can ask them to leave the school premises. In some cases, individuals can be barred from entering school premises. The school will give the individual the opportunity to express formally their views on a decision to bar.

The Headteacher's decision to bar will be reviewed by the Chair of Governors and they will consider any representations made by the individual and decide whether to confirm or lift the bar. If the decision is confirmed the individual will be notified in

writing explaining how long the bar will be in place and when the decision will be reviewed.

Confidentiality

Complaints will be treated in confidence and information given on a need-to-know basis. Complaints will not be shared with the whole Governing body, except in very general terms, as governors may need to be involved at a later stage. However, the governing body may be required to consider recommendations that come out of a complaint process.

Additionally, complainants should also refrain from jeopardising a fair and impartial process by breaching confidentiality or by making public comments via social media (such as facebook and twitter) which could be detrimental to the professional reputation of a member of staff.

Time limits

Complaints will be considered and resolved as quickly and efficiently as possible. However, where further investigations are necessary or other delays are experienced, new time limits can be set and the complainant made aware of the new deadline and the reasons for the delay. The suggested time limits in this procedure refer to school days, i.e. excluding school holidays and weekends.

It is expected that complaints will be made as soon as possible after an incident arises and no more than three months after the incident took place, except in exceptional circumstances. This could be due to new evidence coming to light or a reasonable explanation as to why the complaint could not be made earlier.

Support

The Clerk to the Governing body can provide advice and support to school staff and governors at any stage of the complaint. In some circumstances the Local Authority's Human Resources or School Improvement Service may also provide this support.

Keeping records

Where formal procedures are followed, records will be kept at all stages. The Headteacher or Company Secretary will be responsible for these records and will store them securely. Any personal information recorded regarding the complaint will be kept in line with the General Data Protection Regulations 2016.

Accurate information of any investigations will be documented to avoid confusion, challenge or disagreement at any later stage. Where there are communication difficulties, the school may wish to use recording devices to ensure the complainant can access and review the discussions at a later point. All parties will need to agree in advance to being recorded.

Use of audio or video evidence

Complainants must make sure they obtain informed consent from all parties present before recording conversations or meetings. The school will not accept as evidence recordings of conversations that were obtained covertly and without informed

consent of all parties being recorded.

Handling complaints fairly

The school will make sure that complainants are treated fairly and are offered a chance to state their case either in person or in writing at each stage of the procedure. The school will make reasonable attempts to accommodate complainants with dates for complaints meetings and if the complainant refuses or is unable to attend the school may convene meetings in their absence and reach a conclusion in the interests of drawing the complaint to a close.

Bias in the proceedings

Complainants are entitled to a fair meeting or review and can request an independent panel if they believe there is likely to be bias in the proceedings. Complainants will need to provide evidence of bias in support of their request, and it will be for the lead person to decide whether to agree to it.

Persons who have a conflict of interest will not take part in the complaints process, including proceedings of Governing body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially, they will withdraw from considering the complaint. Where a governor has a financial interest in any related matter they will also withdraw.

The EFSA generally consider that governors with no prior exposure to the complaint are suitably impartial. In Hearing Panels' the independent panel member is there to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint to ensure the decision is not biased.

Resolving complaints

Throughout the process, it is important to clear up any misunderstandings that might have occurred. Sometimes people's own perceptions of an issue may be inaccurate and by clearing up any misperceptions, it might be possible to create a positive atmosphere in which to discuss any outstanding issues and resolve the complaint at an early stage.

At each stage in the procedure, the lead person will want to keep in mind ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It would be helpful for the lead person to have some indication from the complainant what their desired outcome for resolution of the issue would be. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (please note that an admission that the situation could have been handled better is not the same as an admission of unlawful or negligent action)
- an assurance that the event or issue complained of will not recur

- an explanation of the steps that have been taken to ensure that it will not happen again

Purpose of the Complaints procedure

This procedure aims to:

- be simple to understand and use
- be impartial and non-adversarial
- enable complaints to be dealt with informally and at the least senior level possible to reach a speedy and satisfactory resolution
- enable a full and fair investigation
- where necessary respect confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary provides information to the school's senior management team so that services can be improved

Parents/carers who make a complaint will be expected to comply with the procedures and work with the school to seek informal resolution wherever this is possible. Where a complaint become formal, complainants are expected to co-operate by following the procedure, listening to explanations and wherever possible work with the school to find a speedy and satisfactory resolution.

Monitoring the Complaints procedure

The governing body will review this procedure regularly and at least every two years to make sure it is still fit for purpose. The number of formal complaints will be reviewed annually, and this information can be used in self-evaluation of the school's performance.

PROCEDURE

Stage 1 - Informal (usually a meeting with the complainant)

Complainants can initially raise the complaint in person, in writing or via a phone call with the appropriate person to resolve their initial complaint.

If the complainant is not satisfied with the response to their complaint, then they should put their complaint formally in writing (unless the complainant has a sufficient reason to request a reasonable adjustment) and progress to Stage 2 of the procedure.

Stage 2 - Formal (the complaint is put in writing)

The Headteacher (where the complaint is against a member of staff) or Chair of Governors (where the complaint is against the Headteacher) will investigate the complaint. The written complaint will be acknowledged within 5 school days.

An opportunity to meet with the complainant to discuss the grounds for the complaint can also be offered as part of this stage of the process. The Headteacher or Chair of Governors will consider all relevant evidence and a written response will normally be issued within 25 school days of receipt of the complaint, or from the date when the complainant meets with the Headteacher or Chair of Governors. If this time limit needs to be extended, the complainant will be advised of the new deadline and the reasons for the delay.

The written response will include the decision they have made and their reasons for the decision. Where the school agrees to take any remedial actions, those actions will be made known to the complainant. However, the complainant will not receive detailed information on any issue that is referred to the school's corrective procedures. The written response will also advise the complainant of the action required if they are dissatisfied with the decision.

Please note complaints against the Chair, the entire Governing body or complaints involving both the Chair and Vice Chair should be sent to the Clerk, who will then determine the most appropriate course of action. This will depend on the nature of the complaint.

Stage 3 – Panel Hearing (with an independent panel member)

Where the complainant remains dissatisfied with the outcomes of Stages 1 and 2, they should write to the Chair (or Vice Chair of the Governing body if the previous stage involved the Chair) giving details of their concerns, requesting a Panel Hearing is convened. The aim of the Panel Hearing is reconciliation and to put things right that may have gone wrong.

The complainant must request a move to Stage 3 within 10 school days of receiving the decision from Stage 2. If written notification is not forthcoming from the complainant within the deadline the issue will be considered closed except in exceptional circumstances.

The Chair or Vice Chair will arrange a Panel Hearing consisting of three governors, **one of whom must be independent of the management and running of the academy and have no clear connection with the school**, within 25 school days. All three panel members will have no prior knowledge of the complaint. If the panel considers that an extension to the time limit is required, the Clerk to the panel will contact the complainant explaining the reasons for the delay and give an alternative date for the panel to meet.

The Clerk to the Panel will invite all documentary information to be submitted by the complainant and the Headteacher (or the Chair of Governors) by a set deadline. This must be sufficient time for both parties to collate and submit their evidence and for the Clerk to copy the evidence packs and allow all those who require the documentation to have received all the relevant documentation at least 5 school days before the date of the Panel hearing. The Clerk to the Panel may seek guidance and support from the Clerk to the Governing body who can confirm his/her role and duties in this process.

Once the deadline has passed for submission of documentary information to be presented to the Panel Hearing, additional documentation may only be considered by the Panel at the discretion of the Chair of that Panel.

The complainant can bring a companion with them to the Hearing if they wish. Staff and Headteachers who are the subject of a complaint can also bring a friend or representative (i.e. that could be a representative of their professional association if they wish) to support them at the Hearing. Neither party can bring legal representation with them as the Panel Hearing is not a form of legal proceedings.

The panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide upon the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Chair of the Panel Hearing will notify the complainant of the Panel's decision in writing within 5 school days, summarising the reasons for the decision and where it has been agreed action is required on behalf of the school, an indication of those actions. A copy of the minutes from the Panel Hearing will also be provided to the complainant subject to any necessary redactions under the Data Protection Act 2018.

Where a Panel needs to re-convene to further consider the complaint, all parties will be notified of the new deadline. Consequently, a final response will be given within 5 school days of the reconvened meeting.

This is the final stage of the school's Complaints procedure and the school will not consider the complaint beyond this process.

The ESFA's role in relation to complaints

If the complainant remains dissatisfied, they can refer their complaint to the Education Skills & Funding Agency (ESFA) which handles complaints about open academies and free schools.

The ESFA cannot overturn the decision about a complaint, it is their role to make sure the complaint was handled properly following a published procedure that complies with Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

The ESFA will only consider the complaint if the complainant can provide evidence that the school:

- does not have a Complaints procedure
- did not provide a copy of its Complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published Complaints procedure
- has not allowed its Complaints procedure to be completed

ESFA can be contacted at the address below:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

National helpline on 0370 000 2288

APPENDIX A

Complaint Report Form

Name of School:		Date:
Name of complainant:		
Tel No:		Email address:
Name of child (if appropriate):		
Complainant's relationship to child:		

To be completed by the complainant as fully and accurately as possible:

Please give details of your complaint (continue on a separate sheet if necessary)

What action, if any, have you already taken to try to resolve your complaint?
(who did you speak to and when? what was the response? why was this not satisfactory?)

What action do you consider would resolve the matter? (attach further information if required)

I confirm this is an accurate representation of my complaint.

Signature of complainant:

Please return this completed form to the Headteacher or Chair of Governors if the complaint is in respect of the Headteacher. Please mark the envelope to the Chair of Governors 'Private and confidential'.