

Complaints Policy and Procedure

Intention

The way in which we handle complaints is a great opportunity for us to remember again that we have a responsibility to ensure that we treat people with respect, openness, and care.

To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to be patient, honest, understanding, and forgiving. For example, in the process of discussing a complaint, we need to recognise that we have got something wrong. Equally, we need to be understanding in the way in which listen to, discuss, and deal with complaints together.

When responding to complaints, we aim to:

- Keep the safety of our pupils at the forefront of our thinking
- Be open and accountable investigate complaints to understand what happened and what should have happened.
- Act fairly and proportionately
- Be impartial, unbiased, and fair
- Facilitate a full and fair investigation by an independent person or panel
- Address all the points at issue and provide an effective and prompt response
- Where possible, respect complainants' desire for confidentiality, but complainants should know that this is not always possible and is often detrimental to achieving a mutually acceptable solution
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school's improvement evaluation processes
- Learn from the lessons raised through a complaint to prevent similar situations from reappearing and to make improvements wherever possible.

The policy set out below is designed to help us in this task.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed and the school will aim to give the complainant the opportunity to complete the complaints procedure in a timely and fair manner.

Legal requirements

This document meets the requirements set out in Part 7 of the Schedule <http://www.legislation.gov.uk/ukxi/2014/3283/schedule/made> which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure> and refers to <https://www.gov.uk/government/publications/school-complaints-procedures> from the Department for Education (DfE).

Decision making

Any decision made by the school must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, including The Human Rights Act 1998 - <https://www.legislation.gov.uk/ukpga/1998/42/contents> and The Equality Act 2010 - <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- rational
- reasonable
- fair
- proportionate
- and judgments are based upon a balance of probability

In addition, decision-makers should also be mindful of the 7 Principles of Public Life - <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Definitions & Scope of this policy

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. People who are concerned should contact the school through the following channels:

Through any member of staff

By email

By telephone

By post

A complaint: is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. Courtlands special school intends to resolve complaints informally where possible, at the earliest possible stage.

Exceptions to the policy

This policy does not cover complaints procedures relating to:

- Admissions
- School re-organisation proposals
- Statutory assessments of special educational needs (SEN)
- Safeguarding actions taken
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline (where a complaint leads to disciplinary action being taken this is usually kept confidential from the complainant)
- Complaints about services provided by other providers who may use school premises or facilities
- Complaints about the curriculum
- Complaints about collective worship
- Withdrawal from the curriculum

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. However, we will not disclose any information or actions taken about a specific child to anyone other than those holding parental responsibility, or without written consent from the same.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Where parental responsibility has been removed from a parent, where sharing information with a parent may place the child or an adult at risk, or where under GDPR legislation the right to ownership of data at the age of 13 if deemed competent is established, a complaint will be considered, but may not be progressed if parties do not consent to progress

Principles for investigation

When investigating a complaint, we will try to clarify:

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

Time frames

We 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.

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 will acknowledge Stage One -Informal concerns/Complaints within two working days and investigate and provide a response within five working days

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.

Please note: working days within this policy excludes weekends, bank holidays and school holidays where applicable

When complaints are made out of term time in an educational setting, we will consider them to have been received on the next working day.

Support

It is important that the complainant has support during the complaints process and so they have the right to be accompanied, but neither the complainant nor the school can bring legal representation. Witnesses such as school employees will also have the right to be accompanied, by a colleague or union or professional association representative, but not to be legally represented

These Review Panels are not a form of legal proceedings. The aim of the Review Panels are to:

- Reconciliation
- Put right things that may have gone wrong

Implementation - The Three Stage Process

Complainants will have access to a three-stage process in line with Department for Education (DfE) guidance.

This includes:

Stage One – Informal Stage

Stage Two – Formal Written

Stage Three – Panel Hearing

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.

Who to complain to

Formal complaints about the school or its staff should be directed to the Head Teacher. Complaints about the Head Teacher should be directed to the Chair of Governors. Complaints involving the Chair of governors should be directed to the Proprietor.

Raising a complaint

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher as appropriate, 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's Admin office.

The school will acknowledge informal complaints within two working days and investigate and provide a response within five working days.

Stage One - informal concerns/complaints may involve a meeting between the complainant and teacher, Deputy Head, or Head Teacher as appropriate.

If the complainant is unhappy with the response at Stage One and wishes to proceed to the next stage of the procedure, they should inform the site lead within 10 working days of receipt of the response.

Stage Two - The complaint letter should provide details such as:

- relevant dates, times,
- the names of witnesses of events,
- copies of any relevant documents.

The complainant should also state what they feel would resolve the complaint.

The recipient of the complaint will acknowledge it within 2 working days

Clarifying the complaint

The Head Teacher or designated member of the senior leadership team may call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting by a friend or relative 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 can arrange alternative accompaniment.

Appointing an Investigating Officer

If further investigation of the complaint is required, the Head Teacher will appoint an Investigating Officer to undertake this investigation, which will be completed within 20 working days.

Investigation conclusion response

The written conclusion of this investigation will be sent to the complainant within ten working days of receipt of the complaint.

If you are not satisfied with outcome or how the complaint has been conducted

If the complainant is not satisfied with how the investigation has been conducted or the response and wishes to proceed to **Stage Three** of this procedure, they must:

- Inform the recipient in writing within 10 working days of receipt of the response.
- Set out the reasons for the appeal by providing evidence, information, or documentation.

Stage Three – The Review Panel

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

The panel will be appointed by or on behalf of the Governors. It will 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 site.

Notice of a panel hearing

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. We will aim to find a date within 7 working days of the request, where possible.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. However, if the complainant rejects the offer of 3 proposed dates without good reason, we will set a date. The hearing will go ahead using written submissions from the complainant.

Legal representation

Neither the complainant nor the school will bring legal representation as the panel meeting is not a form of legal proceedings. The aim of the panel hearing is reconciliation and to put right things that may have gone wrong.

However, we recognise there are occasions where legal representation may be appropriate during panel hearings. For example, if an employee is a witness in a complaint, they may be entitled to bring union or legal representation.

At the Review Panel

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.

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 representatives will be given the chance to ask and reply to questions. Once the complainant and site representatives have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will gather its findings and make recommendations from the case.

The Outcome

Within seven working days, the panel will report on its findings to the complainant, providing copies of the minutes of the hearing, its recommendations. Where relevant, the individual who is the subject of the complaint will receive the same information. A copy will be available for inspection by the proprietor and Head Teacher.

If you are not satisfied with the Review Panels outcome or want to complain about how it has been conducted.

The complainant can refer their complaint to the DfE if the complaint is regarding a school not meeting standards set by the DfE in any of the following areas:

- Education,
- Pupil welfare and health and safety,
- School premises, Staff suitability,
- Making information available to parents, or
- The spiritual, moral, social, or cultural development of pupils.

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

Persistent or vexatious complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the School has done everything it reasonably can in response to the complaint, the Head Teacher, supported by the Chair of Governors will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of the school's position and their options - if any
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience
- The individual's letters/emails/telephone calls are often or always abusive or aggressive,
- The individual makes insulting personal comments about, or threats towards school staff

Unreasonable behaviour which is abusive, offensive or threatening, is entirely unacceptable and will not be tolerated, and may also constitute an unreasonably persistent or vexatious complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

This decision is not taken lightly and will be made in discussion with the Chair of Governors following a Stage 3 Panel Hearing.

The school will not stop responding just because an individual is difficult to deal with or asks complex questions.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Cease and desist

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Barring from the school

No parent, carer or member of public has no automatic right of entry to our school. The school will therefore act to ensure they remain a safe place for students, staff, and other members of their community.

If a parent or carers behaviour is a cause for concern, school can ask him/her to leave premises. In serious cases, the Head Teacher or Chair of Governors can notify them

in writing that permission to be on the school premises has been temporarily revoked subject to any representations that the parent may wish to make.

The school should always give the parent or carers the opportunity to formally express their views on the decision to bar in writing. Please first see the **Parental Code of Conduct** that sets out how the school will deal with such incidents.

The Head Teachers decision to bar entry should be reviewed by the Chair of Governors. They should consider any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- How long the ban will be in place
- When the decision will be reviewed

Once the School's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice.

Information about students

Regardless of the application of any communication strategy or stage of the complaint process, schools must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. Please refer to the school Freedom of Information Policy for further information on this.

Duplicate complaints

After closing a complaint at the end of the procedure there may be a duplicate complaint from a:

- Spouse 17 OCL Complaints Policy (V1.3 / Jan 2022) (Chris Chamberlain)
- Partner
- Grandparent
- Child

If the complaint is about the same subject, the school can inform the new complainant that the school has already considered that complaint and the local process is complete.

The complainant should be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

The school must take care not to overlook any new aspects to the complaint that may not have been previously considered. The school will need to ensure these are investigated and dealt with to the full extent of the Complaints Policy.

Complaint campaigns

If the school becomes the focus of a campaign and receives large volumes of complaints:

All based on the same subject

From complainants unconnected with the school

The school will respond by using the following strategies:

- Sending a template response to all complainants
- Publishing a single response on the school website

Parental responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to school <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility> contains specific advice about how to approach issues concerning parental responsibility.

Where a parent requests information or reports on their child as part of an ongoing complaint, seeking to build evidence about the parenting capacity of another parent following a separation or divorce the school will maintain a neutral position and supply all requested data to both parties holding parental responsibility.

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 in the relevant school and will be viewed only by those involved in investigating the complaint or on the review panel.

Records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them in line with the UK GDPR. Records of complaints should be kept following the guidance outlined in the schools Data Retention Policy.

There may be occasions where complaints are made or continue to be escalated after a child has left the school.

On changing schools, the pupil's educational record is transferred to the new school and no copies are retained.

Schools can consider holding records of complaints separate to their pupil records while a complaint is ongoing so that access to them can be maintained.

As information generated by a complaint may not form part of the pupil record, we will consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing and be stored securely and, where appropriate, encrypted to maximise security.

Recording meetings

Hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken.

The panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Learning lessons

The Head or Chair of Governors will review any underlying issues raised by complaints with the 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.

Monitoring arrangements

The Head and /or Chair of governors will monitor the effectiveness of the complaints procedure to ensuring that complaints are handled properly. Complaints that go to panel reviews will be analysed every six months to learn from these processes and make changes to systems accordingly.

Training

Based on the level of need, school leaders will organise training for colleagues in dealing with complaints so that all staff feel confident in solving issues and working positively with parents and others.

Roles & Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible
- Co-operate with the school in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

Providing a comprehensive, open, transparent, and fair consideration of the complaint through:

- Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- Interviewing staff and children/young people and other people relevant to the complaint
- Consideration of records and other relevant information or analysing information

Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Head Teacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Head Teacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Head or another staff member providing administrative support)

The Complaints Co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure.
- Liaise with staff members, the Head Teacher, Chair of Governors, or the Proprietor to ensure the smooth running of the complaints procedure.
- Be aware of issues regarding:
- Sharing third party information

- Advising on the need for additional support that may be needed by complainants when making a complaint, including interpretation support, or where the complainant is a child or young person.
- Keep records.
- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018, and the UK General Data Protection Regulations (GDPR)
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- Record the proceedings
- Circulate the minutes of the meeting
- Notify all parties of the committee's decision

The Complaints Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Complaints coordinator) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the committee is explained to the complainant
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- Both the complainant and the School are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- The issues are addressed
- Key findings of fact are made
- The committee is open-minded and acts independently
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- The meeting is minuted.
- They liaise with the Complaints Coordinator.

Complaints Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial and should be seen to be so.
- No one may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.