



G12: COMPLAINTS POLICY AND PROCEDURE

Rationale

The Policy's aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in the School's ability to safeguard and promote welfare. The School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the School's systems and procedures in light of the matters raised.

The School needs to know as soon as possible if there is any cause for dissatisfaction. The School recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the School and the parent and student and can also have a detrimental effect upon the School's ethos and culture. Parents and students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the student's future at the School or place the student at a disadvantage in any way.

Application

This Complaints Policy applies to all concerns and complaints of the parents of students at the School, other than those involving safeguarding and child protection issues, or relating to admissions, exclusions and SEN, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The School will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

When establishing the facts in relation to a complaint, all persons investigating and making decisions in relation to the matters raised must apply the civil standard of proof; i.e. '*on the balance of probabilities*' it is more likely than not that a fact is true rather than the criminal standard of '*beyond reasonable doubt*';

- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias to any party involved
- All decisions made will be made on a balanced and considered assessment of the information before him or her only

- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved

Equality Act 2010

The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010.

Time Limits

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant or a panel to attend a meeting.

This policy applies to any matter (other than matters relating to admissions and exclusions and the curriculum, which have their own processes) which has been raised with the School as a matter of concern but which it has not been possible to resolve informally and which the complainant or the School consider should be dealt with on a formal basis.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate up to 2 Governors to investigate in the same way as in the third stage of the formal process outlined below with advice from an appropriate external agency.

Any complaint relating to a member of the Governing Body must be raised in the first instance with the Chair of Governors (or Vice-chair if the complaint is against the Chair of Governors) who will investigate the complaint or appoint another member of the Governing Body to do so under the third stage of the formal process noted below.

Overview of complaints process

Stage 1: Concerns and Difficulties	The School expects that most concerns and difficulties, where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally.
Stage 2: Formal Complaint to the Headteacher	A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved, or a serious matter which requires formal investigation from the outset.
Stage 3: Review by the Chair of Governors	If the Complainant is unsatisfied with the outcome of the complaint under Stage 2, the Complainant may write to the Clerk to the Governors asking for the complaint to be reviewed by the Chair of Governors.
Stage 4: Complaint Panel Hearing	If the Complainant is unsatisfied with the outcome of the review under Stage 3, the Complainant may write to the Clerk to the Governors requesting a Complaint Panel Hearing.

Stage 1: Concerns and Difficulties

Concerns

The School expects that most concerns and difficulties, where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the School's systems or equipment, or a billing error.

Notification

The concern or difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Class Teacher, Head of Faculty or Senior Management Team as appropriate.
- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Tutor, Head of House, or Senior Management Team as appropriate.
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of House, or Senior Management Team.
- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the School Business Manager.

An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Senior Management Team.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Faculty / House, Senior Management Team or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy.

Unresolved Concerns and Difficulties

The School will aim to resolve a concern or difficulty within 15 school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the Complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

Stage 2: Formal Complaint to the Headteacher

Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Headteacher at the School using the complaints form at end of policy.

The Complainant should clearly set out the matters in dispute, the relevant dates, full names of the persons involved and what the Complainant believes the School should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the complaints form.

Acknowledgement

The formal complaint will be acknowledged in writing within 7 school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

Investigation

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) within 7 school days of receipt of the formal complaint and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the School which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher will speak to the persons who were involved in the matters raised by the Complainant. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present.

A written record of the conversation will be made, and the student or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate.

If the Headteacher deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, and/or after the investigation has taken place with the aim of reaching an amicable resolution.

Outcome

The Headteacher will write to the Complainant confirming the outcome of the investigation within 20 School days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Governors within 5 school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Governors under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within 20 days from the end of term, the Headteacher will endeavour to expedite the investigation wherever possible.

Delegation

In appropriate cases, the Headteacher may delegate the complaint to a member of the Senior Management Team to deal with in accordance with the procedure outlined above.

Stage 3: Review by the Chair of Governors

Notification

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors asking for the complaint to be reviewed by the Chair of Governors or their designate(s), within 5 school days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

Acknowledgement

The Complainant's letter will be acknowledged within 7 school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

Review

The Chair of Governors will be provided with all documentation relating to the complaint within 5 school days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Chair of Governors or their designate(s), will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of Governors or their designate will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary.

If the Chair of Governors or their designate(s) deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised.

Outcome

The Chair of Governors or their designate(s) will write to the Complainant confirming the outcome of the review within 20 school days from the date that the request for a review was received. The letter will set out whether the Chair of Governors or their designate(s) agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Governors within 5 school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Where the request for a review was received during an Academy holiday or within 20 days from the end of a term, the Chair of Governors will endeavour to expedite the review wherever possible.

Delegation

In appropriate cases, the Chair of Governors may delegate the review to a Governor or Governors with relevant experience or training to deal with in accordance with the procedure outlined above.

Stage 4: Complaint Panel Hearing

Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Governors requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Governors within 5 school days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3. The Clerk will invite the School to put in writing its response to the Complainant's reasons. The School will do this within 15 school days.

The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Clerk to the Governors, one of which will be independent from the management and running of the school. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

Attendance

The Complainant may attend the Complaint Panel Hearing and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Governors.

Convening the Complaint Panel Hearing and acknowledging the complaint

After receiving the request, the Clerk to the Governors will write to the Complainant within 7 school days acknowledging receipt of their request. The Clerk to the Governors will convene a Complaint Panel and liaise with the Panel, the Complainant and the School's Representative to agree a mutually convenient

date for the Complaint Panel Hearing, which will usually take place within 20 school days of receipt of the Complainant's request, unless there are exceptional circumstances.

Documentation

The Clerk to the Governors will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Governors to arrive at least 5 school days before the Complaint Panel Hearing, to enable the Clerk to the Governors to forward it to the School's Representative and the Complaint Panel members.

Notification of the Complaint Panel's Decision

The Clerk to the Governors will write within 10 school days of the Complaint Panel Hearing to the Complainant.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. Where relevant, it will also provide a copy of the findings to the individual being complained about.

The Panel's findings and, if appropriate, recommendations will be:

- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
- (ii) available for inspection on the School premises by the Academy Trust and the Headteacher

Serial or persistent complainants

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

Vexatious or Repeated Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In all of these cases, the School reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within 7 school days of the complaint being raised to notify them of the decision.

The complainant can lodge a complaint with the ESFA if:

- there's a problem with the school's complaints procedure; or
- the school is not following the terms of its funding agreement

This can be through the 'Online Enquiry Form' on the Department for Education website (<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>).

EFA can't deal with all types of complaint and the complainant may need to contact a different agency.

Nature of Complaint

Data protection

Discrimination

Employment

Exam malpractice or maladministration

Who to contact

Information Commissioner's Office

Equality Advisory and Support Service

An employment tribunal

Ofqual and the awarding body

The complainant can lodge a complaint with Ofsted if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

This can be through the 'Online Complaints' form on the Ofsted website (<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>)

The school will always endeavour to follow best practice advice as set out in the Department for Education's guidance '*Best Practice Advice for School Complaints Procedures for Maintained Schools*' January 2016.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Monitoring and review

This policy should be reviewed every three years, or sooner if required by legislation.

Commonweal Formal Complaints Form

<p>Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.</p> <p>Please use additional paper if required.</p>	Student's Name:
Your Name:	Your Relationship to Student:
Student's DOB and Tutor Group:	Address and Postcode:
Email:	Daytime Telephone Number: Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature: _____ Date: _____

For Official Use:
Date Acknowledgement Sent: _____

Name of Person Complaint Referred To: _____

COVID-19 Pandemic Annex

The DfE do not expect schools to handle new or existing complaints whilst we are partially closed due to the COVID-19 pandemic outbreak.

The school will, however, continue to engage with parents/guardians and students where we can.