Days Lane Primary School

Complaints Policy

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Complaints Policy

At Days Lane Primary all staff are dedicated to providing all pupils with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school should work in partnership with parents, carrying out their particular responsibilities to help the pupils gain the most from their time at school. It relates only to complaints from parents or carers with responsibility for children at Days Lane Primary School, in line with part 7 of the Education (Independent School Standards) Regulations 2014. Other complaints will be dealt with courteously and seriously, but may not necessarily follow the procedure outlined in this policy.

1. Statement of Policy

The school must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as *'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'.* It defines a complaint as *'an expression of dissatisfaction, however made, about actions taken or lack of action'.* Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, or the individual delivering the service, will receive the first approach. Staff should try to resolve issues on the spot whenever possible.

This policy **does not** cover complaints procedures relating to;

- Admissions;
- School reorganisation proposals;
- Statutory assessments of special educational needs and disabilities (SEND);
- Exclusion and suspension;
- Whistle-blowing;
- 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 Academy premises or facilities;
- Complaints about the curriculum;
- Complaints about collective worship;
- Withdrawal from the curriculum;
- Data Protection/FOIA requests;
- Matters requiring child protection investigation; or
- Third party contractors/suppliers.

2. Dealing with Complaints: Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. Framework of Principles

An effective complaints procedure will:

- encourage resolution of problems by informal means wherever possible;

- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling, with established time-limits for action and keeping people informed of progress;
- ensure a full and fair investigation by an independent person, where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- provide information to the academy's senior management team so that services can be improved.

4. Investigating Complaints

At each stage, the person investigating the complaint should ensure that they clarify:

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

This may involve:

- meeting with or contacting the complainant if further information or clarifications are required.
- Interviewing those involved in the matter, including those subject to the complaint collecting any additional information pertinent to the complaint.

5. Resolving Complaints

At each stage in the procedure, the school will consider ways to resolve a complaint. We **will approach the resolution of each complaint in a constructive, fair and open minded manner and expect complainants to act in a similar reasonable fashion.**

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

6. Time Limits

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage are defined. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints must be presented to the school, within three months of the incident arising, or where a series of associated incidents have occurred within three months of the last incident. However, the school recognises that there may be extenuating circumstances where this is not possible and will be flexible in its application of this time limit, where appropriate and at the discretion of the school.

A complaint will be deemed closed unless a request for further action is received within 20 working days of the last communication from the school relating to the complaint.

7. The Complaints Procedure

7.1 The Stages of Complaints

To ensure fair, reasonable and timely consideration of complaints, it is essential that the school and complainants adhere to the following stages of the process:

Informal - complaint raised with member of staff

- The complaint is raised with the relevant member of staff, either in person, or by letter, telephone or email. In most cases this person is likely to be the class teacher/ or Assistant Headteacher responsible for the area under complaint.
- It is usual for most complaints to be satisfactorily dealt with at this Informal Stage.
- If the complaint is not resolved informally, the complainant can then raise a formal complaint (Stage One).

First Review Stage (Formal) - complaint escalated to the Headteacher

- The complainant should complete and submit the online complaint form, available on the school website Days Lane Website, to the School Business Manager detailing the complaint and including relevant dates, times and names of witnesses of events. The complainant should also state what they feel would resolve the complaint.
- The School Business Manager will inform the Headteacher of the complaint.
- Upon receipt of the complaint, the matter will be fully reviewed and a response sent to the complainant within 10 school days. This response may invite the complainant to a meeting to discuss the matter further to try to achieve a satisfactory 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 refuse a request for a particular individual to attend any such meeting - for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- The Headteacher may delegate the task of collating the information to another staff member, but may not delegate the decision on the action to be taken.
- If the complaint is still not resolved, the complaint will be passed to the Chair of Trustees for review (Stage 2).

Second Review Stage (Formal) - complaint escalated to the Chair of Trustees for review

- Stage Two complaints must be set out in writing within 10 school days of the conclusion of the Stage One process. The complaint should briefly set out the grounds for the complaint and the complainant's reason for their dissatisfaction with stage one of the process.
- Upon escalation of a complaint, the Chair of Trustees will review all previous evidence and communications, and will prepare a formal response to the complainant. This will be done within 20 school days of receipt of the complaint.
- If the complaint is still not resolved, the complainant has the right to request further escalation to the Clerk to the Board of Trustees, who will convene a Complaints Panel.

Final Review Stage (Formal) - complaint escalated to Complaints Panel

- Stage 3 complaints must be set out in writing, stating where the complainant remains dissatisfied and the outcome sought, and lodged with the Clerk to the Board of Trustees within 10 school days of the Stage 2 response.
- The Clerk will acknowledge the Stage 3 complaint within 5 school days and will convene a Complaints Panel to review the complaint.
- It is the role of the panel to consider the original complaint.
- A Complaints Panel will comprise at least three Trustees and should normally be held within 20 school days of the complaint being escalated. The complainant may request for any meeting to be held virtually, but this will be at the Trustees discretion.
- None of the members of the Panel will have been directly involved in any previous consideration of the complaint.
- At least one of the members of any Panel will be independent of the management and running of the school.
- The independent panel member will not be a member or employee of the school although they may be a governor/Trustee of another school, with no conflict of interest or prior knowledge of the case.
- The complainant will be invited to a Complaints Panel meeting and will be given at least 7 days' notice in writing of the time and venue of the hearing. This may be held in person or virtually.
- Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing. As the hearing is not intended to be a legal process, this person should not be a solicitor or lawyer. Nevertheless, it is recognised that there may be occasions where legal representation may be appropriate - for example, if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- In certain circumstances, the school may refuse a request for a particular individual to attend any such meeting - for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- The complaint hearing is not a court case and it will be held in private and will be as informal as circumstances allow.
- Electronic recording of meetings and conversations is not permitted unless a complainant's disability or special needs require it but this will be at the discretion of the school and must be declared before the meeting begins.
- All papers submitted by the complainant must be received by the Clerk at least 6 school days prior to the hearing either by post, or email. Electronic submissions must be received in one email with one attachment (acceptable files include Word, Google Docs, Adobe PDF). The panel reserves the right to refuse to consider papers submitted at the hearing.
- The Clerk will publish all papers to the panel and all attendees 5 school days prior to the hearing.
- If the complainant fails to attend a Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under "8.1 Continuous complaints section" as set below.
- If during the meeting the conduct of the complainant is unacceptable e.g. aggressive, patronising or intimidating the Chair of the panel will give one warning and if necessary offer a short break. The complainant will be advised that should their unacceptable conduct continue the meeting will close and will not be reconvened. The complainant will bot be reheard by the panel and the same complaint cannot be resubmitted, a decision on the outcome will be made based on the information heard up to that point.

Outcome of a Complaints Panel Hearing

- The Chair of a complaints panel needs to ensure, via the Clerk, that the complainant is notified of the panel's decision and any recommendations. Copies of the minutes will also be provided to the complainant subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.
- The aim of a panel hearing should be reconciliation between the complainant and the school.
  A panel can:
    - dismiss the complaint in whole or in part;
    - uphold the complaint in whole or in part;
    - recommend the appropriate action to be taken to resolve the complaint;
    - recommend changes to the school systems or procedures to ensure that similar problems do not recur.
    - the panel will ensure that their findings and recommendations are communicated to those involved within 20 school days of the panel hearing.
    - should the complainant feel that the complaint has not been handled correctly, the complainant can contact the Education and Skills Funding Agency (ESFA).
    - where a complaint is made by more than three people at Stage 3, each person will be notified of the outcome.
- If the Complainant is still not satisfied then they may contact the Department for Education (DfE).

  There is an online procedure at:
  https://form.education.gov.uk/service/Contact_the_Department_for_Education

  The Complainant may also write to the DfE at:
  The School Complaints Unit (SCU)
  Department for Education
  2nd Floor,
  Piccadilly Gate
  Manchester
  M1 2WD

7.2 If the complaint is about the Headteacher

- Where a complaint is made against the Headteacher, this should be directed to the Chair of Trustees. The policy outlined above should then be followed from Stage 2, with Stage 3 being investigated as set out above.

7.3 If the complaint is about a member of the Trust Board (Trustee)

- Where a complaint is made against a member of the Trust Board, this should be directed to the Chair of Trustees. The policy outlined above should then be followed from Stage 2.

7.4 If the complaint is about the Trust Board

- In the case of a complaint against the Trust Board as a whole, then it should be put in writing to the Clerk. In such cases the Chair of Trust Board will investigate the complaint as in the first stage of the formal process at Stage 2.
- At Stage 3 a Complaints Panel comprising of at least three independent members will be appointed by the Chair of the Trust Board to investigate the complaint. Panel members will be independent of the management and running of the school to which the complaint relates, although they may be a governor/Trustee of another school, with no conflict of interest or prior knowledge of the case.

- Complaints should briefly set out the grounds of the complaint, stating what it is that they consider should have been done or where the Trust Board has not met reasonable expectations and confirming the sought after outcome.
- The complaint will be acknowledged within 5 school days and will offer the complainant a meeting where necessary. If required, any meeting with the complainant will take place within 20 school days of the complaint being acknowledged.
- The panel will put their findings in writing to indicate what steps should be taken to resolve the matter. Where reasonably possible this will be done within 30 school days of the complaint being received.

7.5 Trustees and any independent members of the panel will keep certain points clearly in mind:

- It is important that the hearing is independent and impartial and that it is seen to be so. No Trustee or independent panel member may sit on the Complaints Panel if they have had a prior involvement with the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel, who feel that their independence might be compromised in this or any other way must draw this to the attention of the Clerk. In arranging the makeup of the panel, the Clerk must try to ensure that members are sensitive to issues of race, gender and religious affiliation.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and to achieve reconciliation between the academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour.
- In some cases, it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
- Trustees and independent panel members sitting on the Complaints Panel must be fully aware of this complaints procedure, with a guidance document provided in advance to assist them.

7.6 Managing and Recording Complaints

- Where a meeting takes place, notes should be taken and shared with the complainant to ensure both parties have the same understanding of what has been said. These notes and any other written information should be held by the academy and shared with the Clerk. The Headteacher/Clerk and/or School Business Manager are responsible for the records and must hold them centrally. All correspondence, statements and records of complaint must be kept confidential, but must be shown to His Majesty's Inspector (HMI) when requested. Copies must also be made available to the registration authority on request.
- A written record of all complaint stages will be kept by the school. This will include details of whether they were resolved following a formal procedure, or progression to a Complaints Panel. This information will be available for inspection by the Headteacher. A copy will be provided to the complainant and, where relevant, the person who is the subject of the complaint.
- The school will record the action that it takes as a result of complaints (regardless of whether they are upheld).
- The school will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.
- Information relating to complaints, including any personal data, findings, recommendations, written records or correspondence of statements remains subject to the provisions of other legislation [e.g. the GDPR Regulation (2018), Data Protection (2011) and Freedom of Information Act (2000)] and should follow the school Data Protection Policy.
- Statements and records relating to individual complaints are to 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.

8. Complaints where procedures have been exhausted

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the school may inform them in writing that the procedure has been exhausted and that the matter is now closed. This will be done in line with the school policy. The decision to stop responding to a complainant should never be taken lightly. The school needs to be able to say yes to all of the following:

- 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 of their options (if any);
- the complainant is contacting the school repeatedly but making substantially the same points each time.

The school's case is stronger if it agrees with one or more of the following statements:

- it has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- the complainant's communications are often or always abusive or aggressive; and/or
- the complainant makes insulting personal comments about or threats towards 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 Trustees following a Stage 2 intervention.

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

8.1 Continuous complaints

Whenever possible, the Headteacher will discuss any concerns with the complainant informally before determining that the procedures and policy have been followed in full but the complainant refuses to accept the outcome(s).
If the behaviour continues, the Headteacher will write to the complainant explaining that his/her behaviour is inappropriate and ask them to address this. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

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 barring an individual from the school.

8.2 Complaint campaigns

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

- all based on the same subject;
- from complainants unconnected with the academy.

The academy will respond by using the following strategies:

- sending a template response to all complainants; and/or
- publishing a single response on the school website and/or via the school communication app.

8.3 Complaints received outside of term time

The school will consider complaints made outside of term time to have been received on the first school day after the school holiday period.

8.4 Anonymous complaints

Where the school receives an anonymous complaint it will use its reasonable endeavors to consider it. However the school will not be required to consider the complaint pursuant to any specific process and will deal with such on a case by case basis.

8.5 Withdrawal of a complaint

If a complainant wishes to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

9 Roles and Responsibilities

9.1 Complainant

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

- are clear what the complaint is about from the outset;
- explain what they feel might resolve the problem;
- cooperate 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;
- treat all those involved in the complaints process with respect; and
- Do not publicise the details of their complaint on social media and respect confidentiality.

9.2 The Role of the Business Manager

The Business Manager is the contact point for the complainant at the final review stage and is required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ensure that the Complaints Panel is convened within 20 working days of receipt of the notice of formal complaint, unless all parties agree to any further deferral;
- collate any written material and send it to the parties in advance of the hearing;
- notify all parties in writing of the panel's decision and of any recommendations within 20 school days of the hearing; and ensure that copies of all the written records of the hearing are included on the confidential complaints file.

9.3 The Role of the Clerk

It is the responsibility of the Clerk to:
- meet and welcome the parties as they arrive at the hearing; and
- record the proceedings and outcomes of the hearing;

- advise on procedural issues;
- draft a letter to the complainant after the meeting, for approval by the Chair of the Complaints Panel, informing them of the Panel's decision; and draft the minutes of the meeting of the Complaints Panel for approval by the Chair of the Panel.

9.4 The Role of the Chair of Trustees

It is the responsibility of the Chair of Trustees to:

- review all aspects of the complaint if it has not been resolved at the initial stage review and the first stage review.
- check that the correct procedure has been followed.

9.5 The Role of the Chair of the Panel

The Chair of the Complaints Panel has a key role in ensuring that:

- the remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- any friend or adviser accompanying the parent/carer is advised of their role and of how the panel will arrange for their contribution to proceedings;
- the hearing is conducted in an informal manner and each party treats the others with respect and courtesy;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- at least one member of the panel is independent of the management and running of the school;
- each side is given the opportunity to state their case and ask questions; and
- written material is seen by all parties. If a new issue arises, all parties must be given the opportunity to consider and comment on it.

9.6 Checklist for a Panel Hearing

The panel needs to take the following points into account:

- the hearing should be as informal as possible and each party will be seen by the panel separately.
- the Chair will notify both parties that they will hear from the panel within a set time scale.
- the complainant is invited to explain their complaint, followed by questions from the panel. They will then be asked to leave
- the Headteacher is then invited to explain the school's actions and response to the complaint, followed by questions from the panel
- the Panel may ask questions at any point;
- the panel will then decide on the issues; and discuss the information provided by the complainant and Headteacher in order to make a decision on the outcome.

9.7 Outcomes

The School will maintain a record of outcomes and recommendations of a Complaints Panel as outlined in 7.6