

## COMPLAINTS POLICY STAMSHAW INFANT SCHOOL

### Procedure on the handling of concerns and complaints

This policy complies with the Education (Independent School Standards) (England) Regulations 2014. This policy should also be used for handling complaints from parents of children with special education needs about the support provided by the school.

#### 1. Policy aim and statement

##### 1.1 Aim

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. The academy will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Academy Trust expect that most concerns can be resolved informally and the academy guarantees to treat seriously and confidentially all concerns whether raised informally or formally. It also expects parents and carers to do the same.

##### 1.2 Statement

The Academy needs to know as soon as possible if there is any cause for dissatisfaction or concern. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy culture. We intend that parents and students should never feel or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

#### 2. Stage 1: Informal stage

##### 2.1 Raising concerns: -

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, support provided for children with special educational needs, disciplinary matters or an issue outside the classroom.

Parents/carers should raise the concern initially with the Class or Subject Teacher or make an appointment to see the Headteacher of the academy concerned if they

are not able to resolve the concern with the Class or Subject Teacher. The academy will make every effort to resolve concerns swiftly and wherever possible within 10 working days of them being raised.

## 2.2 Record of concerns

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

## 2.3 Unresolved concerns

A concern which has not been resolved by informal means within ten working days from the headteacher's engagement can be notified as a formal complaint in accordance with Stage 2 below.

### 3. Stage 2: Formal complaints

#### 3.1 Notification

An unresolved concern under Stage 1, a complaint which needs further investigation, or a more serious dissatisfaction with some aspect of the academy's policies, procedures, practice, management or administration should be set out in writing on the complaints form (Appendix A) with full details and sent, with all relevant documents and full contact details for the attention of the Headteacher of the academy concerned or the Chair of Governors of the Academy if the complaint is regarding the behaviour of the headteacher. A disagreement with the way the headteacher has dealt with Stage 1 does not constitute a complaint about the headteacher.

#### 3.2 Acknowledgement

The complaint will be acknowledged in writing normally within five working days\* of receipt. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

#### 3.3 Investigation and resolution

The Headteacher of the academy concerned (or the Chair of Governors in the case of a complaint about the Headteacher), may deal with the matter personally or identify a senior member of staff or an Academy Governor to act as "investigating officer". The "investigating officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher of the academy concerned or investigating officer will meet or speak with the parent/carer to discuss the matter.

#### 3.4 Record of complaints

Written records will be kept of any meetings and interviews held in relation to the complaint. A written report will be kept of all complaints whether they are resolved using a formal procedure or proceed to a panel hearing.

### 3.5 Outcome

The aim is to inform the complainant of the outcome of an investigation and the resolution to the complaint in writing within twenty working days<sup>1</sup> from the receipt of the complaint. Please note that any complaint received during a school holiday or at the end of term or half term will take longer to resolve.

### 3.6 Unresolved complaints

Where the complainant is not satisfied with the academy's response to their complaint they may appeal and have their complaint considered by an independent Complaints Panel.

### 3.7 Complaints about Stage 2

If a complainant is unhappy about the decision a headteacher or Chair of Governors has made about the complaint, this does not become a complaint about the headteacher or the Chair of Governors. The complainant can move to stage three of the procedure if the original complaint has not been resolved.

## 4. **Stage 3: Complaint heard by the Complaints Panel**

### 4.1 Request

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten working days of the date of the academy decision being made at Stage 2. The complainant should complete Appendix D to outline the reason for the complaint being taken to panel.

### 4.2 Acknowledgement

Where an appeal is received, the academy will, within five working days refer the matter to the Clerk of the Governors or in case of the complaint about the headteacher to the Company Secretary who will act as Clerk to the Complaints panel or identify an appropriate individual to act as the Clerk. The Clerk will acknowledge, in writing, receipt of the appeal within five working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

### 4.3 Panel hearing

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than twenty working days after receipt of the Stage 3 request.

### 4.4 Panel membership

The panel will consist of two Academy Governors or Directors of the Academy Trust who have not previously been involved in the complaint, and one person independent of the management and running of the academy (the process used for

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<sup>1</sup> A working day is a day that the school is open to students/ children.

selecting the independent person will conform to the relevant guidance). The Panel will select its own Chair.

#### 4.5 The remit of the Complaints Appeal Panel

The Panel can: -

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

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

#### 4.6 Evidence

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including: -

- Documents
- Chronology and key dates
- Written statements setting out further detail
- The documents pertaining to any meetings or outcomes in Stage 2 may be used

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three working days in advance of the Panel Hearing.

#### 4.7 The role of the Clerk

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to: -

- Set the date, time and venue of the hearing, ensuring that the dates, the venue and proceedings are accessible
- Collate any written material and send it out to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decisions

#### 4.8 The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that: -

- No member of the Panel has a vested personal interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- Parents or others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- The Panel is open minded and acting independently
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue or new evidence arises it may be possible to give all parties the opportunity to consider and comment on it before a decision is made. If not, it should be used at the Chair's discretion.

#### 4.9 Attendance

The following are entitled to attend a hearing, submit written evidence and address the Panel: -

- The complainant and/or one representative.
- The Headteacher, Chief Executive Officer and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

#### 4.10 Decision

The Panel will reach a decision, and make any recommendations within five working days of the hearing. The decision reached is final.

#### 4.11 Notification of the Panel's decision

The Panel's decision will be sent, in writing, by the Clerk, to the complainant, the Chief Executive Officer and the Headteacher, and where relevant to the person complained about. The letter will state the findings, reasons for the decision reached and any recommendations made by the Panel and will be available for inspection on the school premises by the CEO and the Headteacher.

#### 4.12 Record keeping

The academy concerned will keep a written record of all appeals, decisions and recommendations of the Complaints Panel and action taken by the school as a result of those complaints (regardless of whether they are upheld) and will make them available for inspection on the school premises by the CEO and the headteacher.

All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests to see them.

#### 4.13 Referral to Secretary of State

If properly followed, a good Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant believes that the school or the Academy trust has not followed the procedures appropriately they may report the Academy to the Education and Skills Funding Agency. [www.gov.uk/complain-about-school/state-schools](http://www.gov.uk/complain-about-school/state-schools)

## 5. Exclusions to the policy

### 5.1 Abusive complaints

Verbal and physical aggression will not be tolerated by the academy. All parties are entitled to courtesy and respect. In instances of verbal or physical aggression the academy may restrict further contact to senior staff only, insist that such behaviour stops, and consider reporting the matter to the police. Repeated aggressive contact will be reported to the police.

### 5.2 Anonymous complaints

In general, anonymous complaints will be ignored by the academy unless there is evidence that the issue and the fear of identification are genuine or that the issue is one of Child Protection.

### 5.3 Safeguarding referrals

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the local authority children's social care services if they have concern about the welfare of a child. It is not for the academy to investigate or make a judgement about possible abuse or neglect but they must refer any concerns that they may have. As such, complaints about safeguarding referrals made in accordance with statutory duty will not be considered under this procedure.

### 5.4 Allegations of abuse

Allegations against a member of academy staff or abuse must be reported to the Headteacher immediately. Allegations against the Headteacher or abuse must be reported to the CEO of the Trust immediately. In all cases, the 'LA Safeguarding Children Board Arrangements for Managing Allegations of Abuse against People Who Work with Children or Those Who Are in Positions of Trust' must be followed.

### 5.5 Vexatious complaints

Complaints become vexatious when they are: -

- Repeatedly and obsessively pursued
- Unreasonable or seeking unreasonable outcomes

- Pursued in an unreasonable manner such as through the use of social media

In such cases, the academy may restrict communication to formal letter only, and for all communication to be through a named individual member of staff. If a conclusion has been reached about a complaint but the Complainant continues to pursue it, the academy will reiterate that the matter is now concluded and state that future correspondence will be read and filed, but there will be no acknowledgement.

## 6. Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out in the relevant paragraphs. For the purposes of this policy, a “working day” is defined as a weekday during term time, when the academy is open. The definition of “working day” excludes weekends, Bank Holidays, and school holidays.

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints under this procedure must only relate to incidents or concerns occurring within the last three months. The complaint will not normally be considered if the child is no longer on the roll at the academy or if the member of staff concerned has left the academy.

### Key document details

Last Review	July 2021
Department/Owner	CEO
Review Date	Term 2 2023-24

## APPENDIX A

### Complaint Form – Stage 2 – Formal Complaint

Your name:	
Pupil's name:	
Address:	
Date:	
Daytime telephone No:	
Please give details of your complaint (use a continuation sheet if necessary)	



What action have you already taken to try to resolve your complaint? (Who did you speak to and what was the response?)

What action do you feel might resolve the problem?

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

Signature:

Date:

Contact details:

For Office use only: Date of meeting	
People Present	
Discussion and Action Agreed	
Copied to: For File: Stage 2 To Academy Trust: Stage 3	