Deal Education Alliance Learning Trust

Complaints Policy

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1. Aims

Hornbeam Primary School, is a member of Deal Education Alliance for Learning Trust (hereafter referred to as DEALT). Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE). This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

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
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the act of collective worship. They do not have to explain why.)

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly

- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and seek to establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The Headteacher or CEO
- The designated complaints governor
- Any other staff providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and CEO.
- Be aware of issues relating to:
    - Sharing third party information
    - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the governing body, including circulating the relevant papers and evidence before any meetings
- Arrange review panel meetings to consider the complaint if required
- Record and circulate the minutes and outcome of the review panel meeting.

4.4 Committee chair

The review panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the review panel, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened

- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher or governors)

6.1 Stage 1: informal

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.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher 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 office

The school will acknowledge informal complaints within 5 school days and investigate and provide a response within 5 school days.

The informal stage will involve a meeting between the complainant and the relevant member of staff or the headteacher, as appropriate.

It is good practice to make a brief written record of the concerns raised and any actions agreed.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

If the complainant wishes to raise a formal complaint, you should not attempt to prevent this by insisting on informal resolution first.

6.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting 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 has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 10 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 5 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 school days.

6.3 Stage 3: submit the complaint to the Local Governing Body Review Panel

Convening the panel

The review panel consists of the first 3 members of the local governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other DEALT schools. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

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. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

The meeting 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

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

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part If

the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 15 school days.

Stage 4: Trustee Panel

Where the academy-based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Multi Academy Trust in writing to request a review of the complaint investigation.

Generally, DEALT will only look into complaints about academies if it is thought that the academy did not comply with DEALT's complaints procedure when considering a complaint.

DEALT cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately.

DEALT will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy.

If DEALT finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered.

If the academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State. DEALT will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy.

DEALT will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place 12 months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

DEALT reserves the right not to investigate complaints considered to be vexatious or malicious or where DEALT is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Complaints to DEALT are in writing addressed to: Chair of Trustees Roger Walton.

The Trustee Panel will meet within 20 days of the complaint received by the Chair of Trustees and their final decision will be communicated in writing within 15 days.

If the complainant is still unhappy they can refer their complaint to the ESFA (See Section 8)

7. Complaints against the headteacher, a governor or the local governing board

The Headteacher, Governor or LGB should be made aware that the complaint has been made against then. Clarification should also be made on whether any there are any safeguarding concerns or involvement with other agencies.

7.1 Stage 1: informal

Complaints made against the headteacher, or any member of the local governing board should be directed to the clerk to the governing board in the first instance. The clerk will consult with the CEO to decide on the most appropriate person to deal with the complaint.

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire local governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by DEALT Trustees and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire local governing board or the majority of the governing board, a committee of DEALT Trustees will hear the complaint and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

It the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
  - Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

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

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. 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, held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and [records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing board in case a review panel needs to be organised at a later point.

Where the local governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The local governing body will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, 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.

12. Monitoring arrangements

The local governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The local governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the headteacher.

This policy will be reviewed by DEALT Trustees every 2 years.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices