

2021

# Complaints Policy and Procedure





## Review Framework

The policy should be reviewed every three years, or sooner at the discretion of the Local Governing Board and in light of DfE guidance

	Date
This policy was originally created in:	2010
An issue was revised and released on:	January 2014
Ratified by the Local Governing Board in:	January 2014
Academisation and name change to: <b>Southchurch High School</b> This version issued on:	01 January 2019
Ratified by the Local Governing Board on:	21 January 2019
Reviewed and substantially amended September 2021 in light of updates to DfE guidance and use of the model policy/procedure provided by 'The Key for School Leaders':	07 September 2021
Approved by Chair's Action on: This version ratified by the Local Governing Board on:	14 September 2021 11 October 2021
Slight amendment to wording to comply with Part 7 of the Education [Independent School Standards] Regulations 2014	21 June 2022
It will be reviewed in:	September 2023

**September 2021 version based on the model provided by The Key Support Services**



## Contents

1	Aims	3
2	Legislation and guidance	3
3	Definitions and scope	4
4	Roles and responsibilities	4
5	Principles for investigation	5
6	Stages of complaint (not complaints against the Headteacher or governors)	6
7	Closure of complaints	7
8	Complaints against the Headteacher, a governor or the governing board	9
9	Referring complaints on completion of the school's procedure	10
10	Persistent complaints	10
11	Record keeping	11
12	Learning lessons	12
13	Monitoring arrangements	12
14	Links with other policies	12
<b>Annex A: Complaints Form</b>		<b>13</b>



## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students 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
- Ensure 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 students 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).

## 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”
- 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 (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents of children with special educational needs [SEND] about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs co-ordinator [SENDCo]; they will then be referred to this complaints policy. Our SEND policy and information report includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.

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
- Do not publish details about the complaint on social media, as the complaint could be delayed and will therefore be less effective

### 4.2 The investigator

An individual will be appointed to look into the complaint, and 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 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### 4.4 Committee chair

The committee 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 committee, 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 first school day after the holiday period.

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

## 6. Stages of complaint [not complaints against the Headteacher or governors]

### Stage 1: Informal – Initial contact with the school

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 concern as soon as possible with the relevant member of staff, either in person or by letter, telephone or email. In the first instance, this would usually be the child's Form Tutor, Subject Teacher or appropriate Head of Year.

The relevant member of staff will see the complainant, or contact them by telephone or in writing, as soon as possible after the concern is made known to the school. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised. They



will make a clear note of the details and will check later to make sure that the matter has been followed up.

The school will ensure that the complainant is clear what action or monitoring of the situation, if any, has been agreed. This will be confirmed in writing, which may be an email.

The relevant member of staff will ensure that they speak directly to all appropriate persons who may be able to assist with enquiries into the concern.

The relevant person will discuss with the complainant [normally within ten school days] the progress of enquiries. The complainant will have the opportunity of asking for the matter to be considered further, once the school has responded to the concern.

If the complainant is still dissatisfied following this informal approach, their concern will become a formal complaint and the school will deal with it at the next stage.

If the complainant is unclear who to contact or how to contact them, they should contact the school office by telephoning 01702 900 777 or emailing [Info@southchurchschool.com](mailto:Info@southchurchschool.com)

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 10 school days.

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

## **Stage 2: Formal consideration of the complaint**

The formal stage involves the complainant putting the complaint, in writing, to the Headteacher, using the **Complaints form** which can be found at the end of this document.

The form can be returned to the school:

- with a letter
- attached to an email
- delivered in person

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office by telephoning 01702 900 777 or emailing [Info@southchurchschool.com](mailto:Info@southchurchschool.com)

Receipt of the complaint will be acknowledged as soon as possible, normally within three working days.

The Headteacher [or other person appointed by the Headteacher for this purpose] will then conduct their own investigation.

As part of the school's consideration of the complaint, an invitation may be issued to the complainant to attend a meeting to discuss the complaint and supply any further details required.



Following the meeting, the investigator will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, they will speak to the student concerned and, where appropriate, others present at the time of the incident in question.

The investigator will normally talk to students with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a student has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, the school will ensure that another member of staff, with whom the student feels comfortable, is present.

If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

The Headteacher or other appointed person will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

Once all the relevant facts have been established, a written response will be sent to the complainant, this may be by email. This will give a full explanation of the Headteacher's decision and the reasons for it. If follow-up action with the complainant is needed, the school will indicate what action it is proposing. The school may invite the complainant to a meeting to discuss the outcome as part of the commitment to building and maintaining good relations with parents/carers.

The person investigating the complaint may decide that the school has done all it can to resolve the complaint, in which case the school may use its discretion to close the complaint at this point.

The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 10 school days.

## **7. Closure of complaints**

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

The school will do all it can to help to resolve a complaint, but sometimes it is not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the Headteacher, designated Governor, Chair of Governors or anyone else - this can be extremely time-consuming and can detract from the school's responsibility to look after the interests of all the children in its care.

For this reason, the school is entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where it feels that it has taken all reasonable action to resolve the complaint.

In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and the school must be confident that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Review panel would not help to move things forward.



### Stage 3: review panel

Complaints may be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage. The Chair of Governors has discretion to agree to this form of meeting where they feel it would be helpful in resolving the complaint.

The panel will be appointed by or on behalf of the school and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint; one of whom must be independent of the management and running of the school.

The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer. The school recognises, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure the complainant that the school has taken the complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The Clerk to the Local Governing Board will aim to arrange for the panel meeting to take place within 20 working days.
2. The Clerk will ask the complainant whether they wish to provide any further written documentation in support of the complaint. The complainant can include witness statements, or ask witnesses to give evidence in person, if they wish.
3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in the complaint will also be asked to prepare reports or statements.
4. The Clerk will inform the complainant, the Headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting.
5. With the letter, the Clerk will send the complainant all relevant correspondence, reports and documentation about the complaint and ask whether they wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and the Clerk will also inform the complainant that they are entitled to be accompanied to the meeting. The choice of person to accompany the complainant is their own, but it is usually best to involve someone in whom they have confidence, but who is not directly connected with the school. They are there to give the complainant support but also to witness the proceedings and to speak on behalf of the complainant, should this be appropriate.
7. With the agreement of the Chair of the panel, the Headteacher may invite members of staff, directly involved in matters raised by the complainant, to attend the meeting.
8. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating and will do their best to put the complainant at ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.



10. The Chair of the panel will ensure that the meeting is properly minuted. It must be understood that any decision to share the minutes with the complainant is a matter for the panel's discretion and the complainant does not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. During the meeting, the complainant can expect there to be opportunities for:
  - the complaint to be explained
  - to hear the school's response from the Headteacher
  - the complainant to question the Headteacher about the complaint
  - the complainant to be questioned by the Headteacher about the complaint
  - the panel members to be able to question the complainant and the Headteacher
  - any party to have the right to call witnesses [subject to the Chair's approval] and all parties to have the right to question all witnesses
  - the complainant and the Headteacher to make a final statement
12. In closing the meeting, the Chair will explain that the panel will consider its decision and that written notice of the decision will be sent to the Headteacher and the complainant **within two weeks**. All participants other than the panel and the clerk will then leave.
13. The panel will consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the complaint
  - decide on the appropriate action to be taken to resolve the complaint
  - recommend, where appropriate, to the Local Governing Board changes to the school's systems or procedures to ensure that similar problems do not happen again
14. The Clerk will send the complainant and the Headteacher a written statement outlining the decision of the panel, within two weeks. The panel may make findings and recommendations and a copy of those findings and recommendations will be provided to the complainant and, where relevant, the person complained about, and be available for inspection on the school premises by the proprietor and the Headteacher.
15. The school will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

## 8. Complaints against the Headteacher, a governor or the governing board

Complaints against the Headteacher or any member of the Local Governing Board should be sent to the Clerk of the Local Governing Board in the first instance. The Clerk will seek advice from the Trust.

The Trust may take any of the following courses of action:

- Refer the matter back to the Local Governing Board for it to consider at either the next full Local Governing Board meeting, or a special full Local Governing Board meeting for this



purpose, where the matter will be considered, responded to and recorded as set out in Stage 3 of the Complaints Procedure

- Seek to secure the agreement of the Local Governing Board that a complaint be heard by a committee independent of the Local Governing Board and constituted for that purpose

## 9. 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 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. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own Complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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.

## 10. Persistent complaints

### 10.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore the school will treat them seriously.

However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's Complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- 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, refuses 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
- Changes the basis of the complaint as the investigation goes on
- 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 the school will take

The school will take every reasonable step to address the complainant's concerns, and give them a clear statement of the school's position and their options. The school will maintain its role as an objective arbiter throughout the process, including when meeting with individuals.



The school will follow the Complaints procedure as normal [as outlined above] wherever possible.

If the complainant continues to contact the school in a disruptive way, the school may put communications strategies in place.

The school 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

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

- The school believes it has taken all reasonable steps to help address the complainant's concerns
- The school has provided a clear statement of its position and options
- The complainant contacts the school repeatedly, and the school believes their intention is to cause disruption or inconvenience

Where the school stops responding, it will inform the individual that it intends to do so. The school will also explain that it will still consider any new complaints the complainant might make.

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

### 10.2 Duplicate complaints

If the school has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, it will assess whether there are aspects that had not previously considered, or any new information it needs to consider.

If the school is satisfied that there are no new aspects, it will:

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

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

### 10.3 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.



## 11. 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 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 and our privacy notices.

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

Where the 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.

## 12. Learning lessons

The Chair of Governors 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.

## 13. Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues as stated in section 11. This policy will be reviewed every three years.

## 14. 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

- SEND policy and information report
- Privacy notices



## Annex A: Complaints Form

<b>Please complete and return this form to Mr S Reynolds, Headteacher, who will acknowledge receipt and explain what action will be taken.</b>	
Name:	
Student's Name (if relevant):	
Address:	
Daytime telephone number:	Evening telephone number:
Please give details of your complaint: [use the reverse of this form if necessary]	
What action, if any, have you already taken to try to resolve your complaint? Who have you spoken to and what was the response?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature:	Date:
<b>Office use only</b>	
Date acknowledgement sent:	Signature:
Complaint referred to:	Signature:



Final Action agreed/taken:

Signature:

Date: