ABBEY VIEW SCHOOL

Policy: Complaints Policy

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1. Aims

Abbey View aims to meet its statutory obligations when responding to complaints from parents/carers 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 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 make sure 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/carers of pupils at the school.

It is also based on best practice guidance for academies complaints procedures published by the Education and Skills Funding Agency (ESFA).

This policy complies with our funding agreement and articles of association.

3. Scope

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 daily 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
- Do not approach individual trustees about the complaint
- Do not publish details about the complaint on social media

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 principal or complaints committee, which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The principal
- The designated complaints trustee
- Any other staff member 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 principal, chair of trustees, and clerk
- 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 trust 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

4.5 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 Timescales

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 timeframe 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 timescales 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 principal or trustees)

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – review panel

6.1 Stage 1: informal

Abbey View will take informal complaints 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 within the timescales set out in section 5.1.

The complaint should be addressed to the relevant member of school staff or the principal, 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 on 01684 292829 or via email: office@abbey-view.org.uk

The school will acknowledge informal complaints within three (3) school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the principal and / or subject of the complaint. A written response will be provided by the school within five (5) school days following the informal meeting.

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

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the principal and/or the subject of the complaint:

- In a letter or email (this is preferred)
- Over the phone
- In person
- Through a third party acting on their behalf

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 on 01684 292829 or via email: office@abbey-view.org.uk

The principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five (5) school days.

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

How to escalate a complaint

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

Complaints can be escalated by contacting the clerk to the trust 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 clerk will acknowledge receipt of the request within five (5) school days.

6.3 Stage 3: review panel

Convening the panel

Complaints will 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 panel will be appointed by, or on behalf of, the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of trust board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within twenty (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 five (5) school days before the date of the meeting.

The board will ensure that the hearing is properly minuted.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. 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 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(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented 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 individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and principal.

The outcome

The committee can:

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

If the complaint is upheld, the committee 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 twenty (20) school days.

7. Complaints against the principal, a trustee or the trust board

7.1 Stage 1: informal

Complaints made against the principal, or any individual member of the trust board (including the chair or vice-chair) should be directed to the clerk of the trust board in the first instance.

A suitably skilled and impartial trustee will then carry out the steps at stage 1 set out in section 6 above.

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

Complaints about the whole trust board will be resolved at stage 2 below.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the trust 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.

7.2 Stage 2: formal

Complaints that involve or are about the principal should be addressed to the chair of the trust board, via the school office, marked as private and confidential.

Complaints about the chair of the trust board, any individual trustee or the whole trust board should be addressed to the clerk to the trust board via the school office, marked as private and confidential.

Formal complaints can be raised:

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

If the complaint is about the principal or an individual trustee, a suitably skilled and impartial trustee will then carry out the steps at stage 2 set out in section 6 above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire trust board or
- The majority of the trust board

An independent investigator will carry out the steps in stage 2 set out in section 6 above. They will be appointed by the trust board, and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within twenty (20) school days.

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

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

7.3 Stage 3: review panel

If the complaint is about the principal or an individual trustee, the steps outlined in stage 3 of section 6 above will be followed.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire trust board, or
- The majority of the trust board

A committee of independent trustees will hear the complaint. They will be sourced from local schools or a multi academy trust 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 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:

www.gov.uk/complain-about-school

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

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

www.gov.uk/complain-about-school

9. Unreasonable and persistent complaints

9.1 Unreasonable complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome

- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Steps we will take

We will take every reasonable step to address the complainant's comments, 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.

Whenever possible, the principal or chair of the trust board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the principal will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, 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

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

9.3 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 that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

9.4 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 and confidentiality

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 stored securely, 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 trust board in case a review panel needs to be organised at a later point.

Where the trust 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 trust board, who will not unreasonably withhold consent.

11. Learning lessons

The [trust board will review any underlying issues raised by complaints with the principal and senior leadership team, 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 trust board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The trust board 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 clerk to the trust board.

This policy will be reviewed by principal and the trust board every 3 years.

At each review, the policy will be approved by trust board.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices