



# Red Lane Complaints Policy

September 2019

## Version Control

Current version	Previous version	Summary of changes made
01 Mar 17	01 Sep 13	Formatting of paragraphs, headings and appendices standardised.

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# 1 Introduction

- 1.1 BASE Multi Academy Trust has a complaints procedure which will ensure we respond to complaints as quickly and effectively as possible.
- 1.2 The procedure will set out exactly what will happen with a complaint and how long the process will take. The procedure will be used to deal with complaints relating to the school and any community facilities or services that the school provides.
- 1.3 We value all comments about our school and we will endeavour to address your concerns at the earliest stage possible.
- 1.4 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes the matter to be heard by an impartial committee of the Local Governing Board.
- 1.5 In the first instance complaints should be directed to a member of staff who will refer the issue to the most appropriate person. If the complaint concerns the Head of School or a Governor, the complainant should contact the Chair of The Local Governing Board in writing via the school.
- 1.6 When making a complaint it is important that the complainant identifies their desired outcome, that is what actions they feel might resolve the problem at any stage.
- 1.7 Pupils, parents or carers can make a complaint to the school about most aspects of its function including;
  - Attitude or behaviour of staff
  - Teaching and learning
  - Application of behaviour management systems
  - Bullying
  - Provision of extra-curricular activities
  - Academy curriculum, collective worship, religious education and the provision of information required by law
  - Appeals about admission
  - Appeals about assessment and statements of special educational needs
- 1.8 The same complaint could be made jointly by a number of persons, in this case it is expected that a nominee or representative speak on behalf of all complainants, otherwise, all complaints will be dealt with on an individual basis.
- 1.9 Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.
  - Behaviour of pupils during break-times
  - Health and safety issues of premises
  - Behaviour of staff
- 1.10 These complaints will not fall within the jurisdiction of the Secretary of State or Ofsted, therefore only the Head of School and the Local Governing Board will consider them.

- 1.11 This procedure will not be used for a staff grievance or disciplinary procedure. Legal, safeguarding or disciplinary proceedings take precedence over complaints procedures and timescales. A complaint about any community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third party provider who will have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.
- 1.12 The Local Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the Local Governing Board will not normally name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, any underlying issues that are identified will be addressed. The monitoring and review of complaints by the school and the Local Governing Board is seen as a useful tool in evaluating a school's performance.
- 1.13 The role of the Local Authority in school complaints is prescribed by legislation. Local Management of Schools made schools self-managing and therefore responsible for administering procedures that deal with complaints made against them.

## **2 Dealing with unreasonable complaints**

- 2.1 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.
- 2.2 A complaint can be regarded as unreasonable when the person making the complaint;
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
  - Seeks an unrealistic outcome
  - Has a history of making unreasonable complaints
  - Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint
- 2.3 A complaint will be considered unreasonable if the person making the complaint does so;
- Maliciously
  - Aggressively
  - Using threats, intimidation or violence
  - Using abusive, offensive or discriminatory language
  - Knowing it to be false
  - Anonymously
- 2.4 The presumption should be in favour of not restricting access unless it is absolutely necessary. The governors may consider;
- Warnings for future conduct
  - Restricting telephone calls to a particular day, time or person
  - Restrictions on methods of contact (e.g. in writing)
  - Not acknowledging future correspondence that does not present new information
  - Temporary suspension of the person's access to the complaints system

## 3 Complaint heard by staff member

### Stage 1

- 3.1 The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, Senior Staff or Head of School, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage.
- 3.2 Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.
- 3.3 The member of staff first contacted should clarify the nature of the concern and re-assure the complainant that the school wants to hear about it. Once a complaint has been received by a member of staff they should determine whether they are the best person to resolve the complaint. The complaints co-ordinator should be informed of the complaint.
- 3.4 The school respect the views of any complainant and if they express a difficulty in discussing their complaint with a particular member of staff the complaints co-ordinator will refer the complainant to another member of staff.
- 3.5 Where the complaint concerns the Head of School, the complaints co-ordinator will refer the complainant to the Chair of the Local Governing Board.
- 3.6 If the concern involves any child protection issue, Head of School / Executive Headteacher will inform the relevant Local Authority social care team or Local Authority Designated Officer ('LADO').
- 3.7 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints coordinator may consider referring the complainant to another staff member.
- 3.8 Once the complaint has been investigated the outcome should be communicated to the complainant and the complaints co-ordinator. The complaint will be responded to within 10 working days either verbally or in writing. The complainant must also be informed of what do next if they remain dissatisfied with the response.
- 3.9 If the complainant remains dissatisfied with the outcome of the investigation into their complaint they should write to the Head of School within 10 working days asking for your complaint to be investigated at [Stage 2](#).

## 4 Complaint heard by Head of School

### Stage 2

- 4.1 Parents and pupils should be advised of their right to make complaints. Complaints should be made either in writing or by arrangement of an appointment with the Head of School. The complainant may choose to use the attached complaints form in [Appendix A](#).
- 4.2 If the complaint is about the Head of School, the Chair of The Local Governing Board should deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.
- 4.3 The Head of School may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The person investigating the complaint should be clear what exactly the complaint is and the desired outcome as soon as possible.

- 4.4 The Head of School should contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It should be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should be made available where necessary.
- 4.5 The Head of School should have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant. If it is necessary to interview pupils as part of the investigation, this should be done in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents.
- 4.6 Written notes should be kept of all communications with regard to the complaint and its investigation.
- 4.7 The complaint will be investigated and written response will be provided within 10 working days, unless the complaint is complicated and to allow for a full investigation to be carried out an extension of 10 working days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to the complainant.
- 4.8 The complainant must be informed of the right to take the complaint to [Stage 3](#) if they remain dissatisfied.

## 5 Complaint heard by the Local Governing Board

### Stage 3

- 5.1 Where a complainant remains dissatisfied with the outcome of a complaint at stage two they should write to the Chair of the Local Governing Board within 10 working days of receipt of the decision of the stage two investigation.
- 5.2 The Chair of The Local Governing Board should first ensure that the complaint has been dealt with at [Stage 2](#), and the complaint is covered by the school's complaints procedure, not other procedures e.g. personnel or child protection. If not the matter should be referred back to the Head of School and the Chair of The Local Governing Board should write to the complainant advising them of the correct procedures.
- 5.3 Upon receipt of a letter notifying the complainant is not satisfied with the outcome of a [Stage 2](#) investigation, the Chair of The Local Governing Board should write acknowledging that the complaint has been received.
- 5.4 At this point the Chair of The Local Governing Board may offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used such as Parent Partnership, Bully Free-zone or a professional mediation service.
- 5.5 If the matter cannot be resolved through mediation the Chair of the Local Governing Board should arrange for the Local Governing Board Complaints Committee to be convened. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given, which should be at least five working days before the hearing.

- 5.6 A clerk, appointed by the Local Governing Board, will convene the Complaints Committee meeting. The committee should comprise of three governors who have no previous involvement with the complaint, of which one will assume the role of chair for the committee, who will have delegated powers to hear complaints at this stage.
- 5.7 The complaint should never be heard by the entire Local Governing Board as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.
- 5.8 The Head of School should also be invited to submit a written report for the committee; this may be a copy of the [Stage 2](#) response. The Head of School may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.
- 5.9 The complaints committee should set a timetable for the hearing and should notify the complainant of this. The hearing should be heard within 20 working days of receiving the letter.
- 5.10 It is strongly recommended that the complaints hearing meeting 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 are convenient to all parties and that the venue and proceedings are accessible;
  - collate any written material and send it to the parties in advance of the hearing;
  - welcome the parties as they arrive to the hearing;
  - record the proceedings;
  - notify all parties of the committee's decision
- 5.11 The clerk should write to inform the committee, Head of School, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of five days' notice. All documents submitted should be circulated to the committee, the Head of School and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of The Local Governing Board should ensure that minutes are taken at the complaints committee meeting.
- 5.12 The committee should be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.
- 5.13 The decision of the committee must be final as they have been delegated authority by the Local Governing Board to hear and make decisions about the complaint.
- 5.14 The hearing should be held in private. Any witnesses (other than the complainant and the Head of School) should only attend for the part of the hearing in which they give evidence. Good practice would be that at no point should the Head of School or the complainant be left with the complaints committee without the other being present.
- 5.15 The committee should remember that the complainants may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the committee. It is recommended that the chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child.
- 5.16 If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.



5.17 The meeting should allow for;

- The complainant to explain their complaint and the Head of School to explain the school's response
- Witnesses to be brought by the complainant or the Head of School
- The Head of School and the complainant to ask questions of each other and any witnesses
- The committee to ask questions of the complainant, Head of School and any witnesses
- The complainant and the Head of School to summarise their position

5.18 The chair of the committee should thank the complainant and Head of School for their attendance and request they leave the meeting while the committee consider their decision.

5.19 They should then decide;

- Whether to dismiss the complaint in whole or part
- To uphold the complaint in whole or part
- To approve any appropriate action to be taken to resolve the complaint
- Where appropriate, recommend to Local Governing Board what action can be taken to prevent similar difficulties in the future

5.20 A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant and the Head of School within five working days of the meeting.

5.21 The school should retain a copy of all correspondence and records of meetings in line with current retention guidelines.

5.22 If the complaint remains unresolved and the complainant feels that the school has behaved unreasonably about their concerns, they can write to the Vicky Beer the Regional Schools Commissioner. If you have any questions email the commissioner's office [lwy.rsc@education.gov.uk](mailto:lwy.rsc@education.gov.uk)

### The role of the EFA (Education Funding Agency)

The EFA will only consider complaints about academies that fall into the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- Where the academy is in breach of its funding agreement
- Where the academy has failed to comply with any other legal obligation.

Ofsted will also consider a complaint if they affect the school as a whole. For example;

- The school is not providing a good enough education
- The pupils are not achieving as much as they should, or their different needs are not being met
- The school is not well led and managed, or is wasting money
- The pupils' personal development and wellbeing are being neglected

Ofsted can be contacted on 08456 404045 or email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

# APPENDIX A

## Complaints proforma



Please complete and return to Head of School who will acknowledge receipt and explain what action will be taken.

Your Contact Details			
<b>Name</b>			
<b>Address</b>	Line 1		Line 2
	Line 3	Town or City	Postcode
<b>Telephone</b>	Home	Work	Mobile
Complaint			
Please provide details of your complaint. Continue on a separate sheet if necessary.			
<b>What has happened?</b>			
<b>What action, if any, have you already taken to try and resolve your complaint? Who did you speak to? What was the response?</b>			
<b>What actions do you feel might resolve the problem at this stage?</b>			
<b>Are you attaching any information? If so, please give details.</b>			
<b>Signed</b>			<b>Date</b>

After completion please return this form to school.

# School complaints guide for parents

BASE Multi Academy Trust has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. A copy of the full policy can be obtained from the school.

This procedure is to deal with complaints relating to the school and any community facilities or services that the school provides. We value all comments about our school and we will endeavour to address your concerns at the earliest stage possible to prevent escalation to the formal stage and a protracted complaint that can be distressing for all involved.

When making a complaint it is important you identify your desired outcome, that is what actions you feel might resolve the problem at any stage. If the complaint concerns the Head of School or Governors you should contact the Chair of The Local Governing Board directly in writing.

## **Stage 1: Complaint Heard by Staff Member**

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, Senior Staff or the Head of School, can resolve your concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Once the complaint has been investigated the outcome will be communicated to you. Your complaint will be responded to within 10 working days either verbally or in writing. If you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Executive Headteacher within 10 days asking for your complaint to be investigated at Stage 2.

## **Stage 2: Complaint Heard by the Head of School**

When a complaint is received at Stage 2 it will be acknowledged within five working days. The Executive Headteacher will contact you to provide an opportunity to discuss your concerns and find possible solutions. This could be by phone or in a meeting. You may bring a friend, family member or advocate to any meeting if you wish.

The complaint will be investigated and a written response will be provided within 10 working days, unless the complaint is complicated and to allow for a full investigation to be carried out, an extension of 10 days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to you. You have the right to take the complaint to Stage 3 if you remain dissatisfied.

## **Stage 3: Complaint Heard by the Local Governing Board**

You should write to the Chair of The Local Governing Board within 10 working days of receipt of the decision of the stage two investigation. Upon receipt of your letter the Chair of The Local Governing Board will write acknowledging receipt of your complaint.

At this point the Chair of The Local Governing Board may offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of The Local Governing Board, or if it is felt to be more appropriate an external agency may be used such as Parent Partnership, Bully Free-zone or a professional mediation service. If the matter cannot be resolved through mediation the Chair of The Local Governing Board should arrange for the Complaints Committee to be convened.

You have the right to submit any further documents or information relevant to your complaint and the deadline for submission of these documents will be at least five days before the hearing.

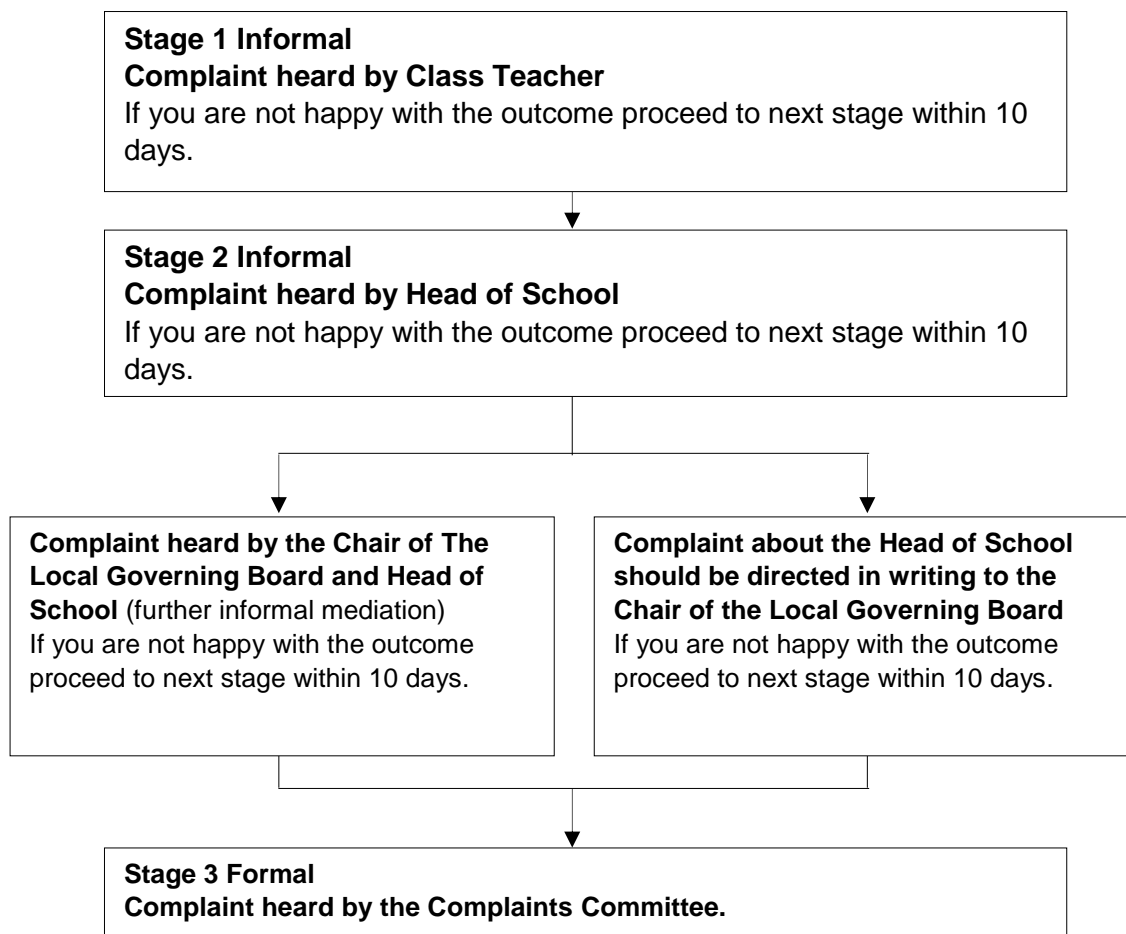
The committee will comprise of three governors who have no previous involvement with the complaint. The review hearing should be heard within 20 working days of receipt of your letter.

The clerk to the committee will write to inform you of the date and time of the hearing, giving a minimum of five days' notice. All documents submitted will be circulated to all parties. You may bring a friend, family member or advocate to the meeting if you wish.

At the end of the meeting, the committee will decide whether to dismiss the complaint in whole or part, to uphold the complaint in whole or part, decide on the appropriate action to be taken to resolve the complaint and where appropriate, recommend what action can be taken to prevent similar difficulties in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to you and the Head of School within five working days. The decision of the Committee is final.

The following diagram details the stages you should follow in the event of a complaint.



# School complaints guide for governors



BASE Multi Academy Trust has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. A copy of the full policy can be obtained from the school.

If the Head of School or Chair of The Local Governing Board is unable to resolve the matter at Stage 2 the complaint can be referred to a Complaints Committee appointed from the Local Governing Board. The aim of the hearing is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

The Local Governing Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include;

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The procedure adopted by the committee for hearing appeals would normally be part of the school's complaints procedure. The committee can be drawn from the nominated members and may consist of three governors. The committee may choose its own chair.

## The remit of the complaints committee

The committee has delegated powers to;

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any governor sitting on a complaints committee needs to remember;

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

## **Role of the chair of the complaints committee**

The committee needs to take the following points into account;

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head of School may question both the complainant and the witnesses after each has spoken.
- The Head of School is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head of School and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head of School is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The chair explains that both parties will hear from the committee within a set time scale.

## **Notification of the committee's decision**

The chair of the Local Governing Board Complaints Committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response; this is usually within a set deadline which is publicised in the procedure.