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TEACHING SCHOOL ALLIANCE



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## COMPLIMENTS, CONCERNS AND COMPLAINTS POLICY AND PROCEDURE

<b>Approved by:</b>	Governors' Personnel and Well Being Committee	<b>Date:</b> June 2015
<b>Last reviewed:</b>	May 2018, June 2018 (Compliments section added and ratified 10.10.18), February 2019 (updated in line with new Best Practice 2019 guidelines), December 2020, 22 January 2021, <b>22 February 2021</b>	
<b>Next review due by:</b>	Summer term 2021 or earlier if deemed necessary	

### Compliments

A compliment is an expression of praise or admiration and can be received either in writing, via email or verbally. Compliments are valuable, welcome and important to the staff and governors of the School. When they are received a copy will be sent to each member of staff to who the compliment relates and a copy will be sent to their relevant line manager. Verbal compliments will be recorded and forwarded via email. A file will be kept in the office of each campus containing copies of compliments received.

Compliments enable Linwood to:-

- Have knowledge that the service being provided is to the stake holders satisfaction
- provide positive feedback to our staff
- inform our strategic and operational development
- inform our quality assurance programme
- share good practice

### Concerns and Complaints

In writing this policy and procedures reference has been made to the Department for Education (DfE) published non-statutory guidance document entitled 'Best Practice Advice for School Complaints Procedures 2019'.

The guidance is written to help schools fulfil their obligations and duties, in relation to Section 24 of the Education Act 2002, which states that governing bodies should have regard to any guidance, given, from time to time, by either the secretary of state in England.

We are aware that Section 29 of the Education Act (2002) requires all local authority maintained schools to produce and make available a procedure to deal with complaints related to the school or any community facilities or services provided by the school.

The purpose of this policy and procedure is to ensure that all complaints are investigated speedily, efficiently, fully and fairly and that all aspects of each case are given appropriate consideration. The aim at every stage of the procedure is to satisfy those concerned that the complaint is being considered seriously and attempts are being made to resolve the issue, by informal means wherever possible.

This procedure is not designed to replace the normal discussions that take place in school on day-to-day problems and concerns as they arise.



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## Definitions and Scope

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".

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
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

We have a duty to publish the complaints policy and procedure on the school website with hard copies available from the school office.

## General Principles

This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.



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## Aims

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, non-adversarial, non-biased.
- 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.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes

## Roles and Responsibilities

The Governing Board has:

- a duty to have in place a complaints procedure;
- delegated powers and responsibilities to the Executive Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility of annually discussing any complaints with the Executive Headteacher;
- responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring all policies are made available to parents;
- responsibility for the effective implementation, monitoring and evaluation of this policy

The Executive Headteacher will:

- log all complaints received by the school and record how they were resolved;
- discuss any complaints annually with the Governing Board;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- make effective use of relevant research and information to improve this policy;

## The complaints procedure

### Stage 1 (Informal Stage)

- The school will take informal concerns seriously and make every effort to resolve the matter quickly.
- Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns/complaints will be resolved by this informal stage.
- The complainant should raise the concern as soon as possible with the relevant member of staff or the Executive Headteacher as appropriate, either in person or by letter, telephone or email. If the



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complainant is unclear who to contact or how to contact them, they should contact the school office.

- Where the complaint concerns the Executive Headteacher, then the complainant should be referred to the Chair of Governors.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.
- The school will acknowledge informal concerns/complaints within 5 working days, and investigate and provide a response within 10 working days. Holiday time would not be counted within this time frame.
- If the complainant is not satisfied with the outcome then the complainant should move to Stage 2.
- If the complainant wishes to proceed to Stage 2 of the procedure, they should inform the Executive Headteacher in writing within 5 days of receipt of the response.

### **Stage 2 (Formal Stage)**

- Once a formal written complaint is received from the complainant then the Executive Headteacher will undertake an investigation and reply in writing to the complainant within 15 working days. Holiday time would not be counted within this time frame.
- Where the complaint concerns the Executive Headteacher, then the complainant should be referred to the Chair of Governors.
- Details should be included which might assist the investigation, such as names of potential witnesses, dates and times of events and a clear statement of the actions that the complainant would like the school to take to resolve the concern- see example in appendix 1 below
- The Executive Headteacher (or Chair) may invite the complainant to a meeting to clarify concerns and to explore the possibility of an informal resolution. If accepted, 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.
- It is possible that your complaint will be resolved through a meeting with the Executive Headteacher (or Chair). If not, arrangements will be made for the matter to be fully investigated and reply in writing to the complainant within 15 working days. Holiday time would not be counted within this time frame.
- If the complainant is not satisfied with the outcome then the complainant should move to stage 3.
- If the complainant wishes to proceed to Stage 3 of the procedure, they should inform the Clerk to the Governing Board in writing within 5 days of receipt of the response.

### **Stage 3 (Formal Stage)**

- The complainant needs to write to the Clerk to the Governing Board, giving details of the complaint and asking that it is put before the Complaints Appeal Panel.
- An appeals panel will meet within 12 to 20 working days after receipt of the complainant's letter. Holiday time would not be counted within this time frame.
- The review panel consists of members of the governing board.



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- 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.
- 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.
- 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 must then put together its findings and recommendations from the case.
- The panel will also provide a copy of 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 Executive Headteacher.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

#### Notification of the panel's decision

- The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, including the reasons for the decision. This needs to be completed within 5 working days. Holiday time would not be counted within this time frame.
- The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

#### Local Authority/Department for Education

- The complainant may request an investigation by the Local Authority if he/she feels that that the review has not been handled fairly or if it has not been conducted in accordance with the school's complaints procedures.
- Once a request has been received then the Local Authority complaints officer will only investigate whether the school has followed correct procedures in dealing with complaints but **will not** investigate the complainant's original complaint.
- After the investigation the Complaints Officer will write formerly to the complainant.
- If the result is that the school did not follow correct procedures then the complaint will be referred back to the Chair of the Governing Board.
- If the outcome is that the school dealt with the complaint correctly then the Local Authority cannot make the school change its decision.
- The complainant may now wish to lodge an appeal with the Secretary of State for Education. For further information please refer to <https://www.gov.uk/complain-about-school>
- The Secretary of State's powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its

published procedures it has the power to direct that the process is re-visited. The SCU may choose to share information with Ofsted.

### **Serial and Persistent Complainants**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Complaint Campaigns**

If faced with such a complaint, a standard response to all complainants will be issued and it will be published on the school's website. Complainants will also be signposted to the DfE if they remain dissatisfied with the school's response.

### **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 appeals panel.

This is with the exception of 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 Act 2000)

request or under the terms of the Data Protection Act 2018, or where the material must be made available during a school inspection.

### **Recordings of Meetings**

At Linwood we comply with the Equality Act 2010 by offering reasonable adjustments. While recording a meeting would amount to a reasonable adjustment for people with a disability, learning difficulties, or only a rudimentary command of English, it would not be reasonable in all other circumstances, unless all parties agreed to it.

### **Accommodating Meetings**

If reasonable attempts to accommodate complainants with dates for complaint meetings have been made and they have unreasonably refused or are unable to attend, we are able to go ahead and convene meetings in their absence and reach a conclusion in the interests of drawing a complaint to a close.

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

### **Monitoring Arrangements and Policy Review**

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly and will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Executive Headteacher.

The practical application of this policy will be reviewed every three years or when the need arises.

### **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



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Appendix 1

**LINWOOD SCHOOL FORMAL COMPLAINT FORM**

Please complete this form and return it to the Executive Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =





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What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by: