



Title:	Complaints Policy
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Learning4Life-GY

## **Complaints Policy**

## Overview

Under Section 29 of the Education Act 2002, schools must have a complaints procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides.

- **Anonymous Complaints** – These will not normally be investigated. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.
- **Complaint Campaigns** – where the school is the focus of a campaign and receive a large volume of complaints (All based on the same subject); (From complainants unconnected with the school.) The school may choose to respond by sending a template response to all complainants or publish a single response on the school's website.

## Time Scales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

**Complaints received outside of term time** – Complaints received outside of term time will be considered on the first school day after the holiday period.

There are certain complaints, which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures. Separate procedures are in place for dealing with these cases.

In addition, it is recommended that the governing body ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, should have their own complaints procedure in place.

It should also be noted that the majority of issues raised by parents, the community or pupils, are concerns rather than complaints. However the governing body and school is committed to taking concerns seriously, at the earliest stage to resolve any issues which is always in the best interest of children and parents/carers.

Any formal complaints made will be dealt with fairly and as speedily as possible, in a sensitive, impartial and confidential manner.

## **Purpose of the Complaints Policy/Procedure**

This procedure aims to reassure parents and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution: and
- The school recognises that a willingness to listen to concerns/criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

## **General Principles of Complaints**

In summary there are four stages:

- Stage 1 (informal): concern heard by an appropriate staff member
- Stage 2 (formal): complaint heard by Principal;
- Stage 3 (formal): complaint heard by Panel hearing

### **Stage 1 – Informal Stage**

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Schools need to be clear about the difference between a concern and a complaint. It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints policy/procedure need not in any way undermine efforts to resolve the concern informally.

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write to or call the school within 10 school working days. The school will then look at your complaint at the next stage.

### **Stage 2 Complaint heard by Principal**

If the concern is not resolved immediately and the parent confirms a complaint, the opportunity to refer the complaint in writing about the matter with an appropriate member of staff will be given e.g. Principal, Teacher. In the case of the complaint being against the Principal, this stage will always be heard directly by the Panel hearing.

The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Principal will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following the investigation the Principal will aim to provide a written response within 10 school working days of sending the acknowledgement. However if a complaint is more complex to review this can be extended to a maximum of 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are not satisfied with the result

at stage 2 please write to or call the school within 10 school working days of getting our response. The school will then look at your complaint at the next stage

### **Stage 3 – Complaint heard by Panel Hearing**

If the matter has not been resolved at Stage 2 or the complaint is about the Principal, then you will need to write to the Chair of Governors c/o the school for a Panel Hearing to be organised. The Panel Hearing lead will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting convened to discuss the matter further. Following an investigation, the Panel hearing committee will aim to provide a written response within 10 school working days of sending out the acknowledgement. The panel will consist of at least three people who were not directly involved in matters detailed in the complaint and at least one panel member will be independent of the management and running of the school. However if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. Parents will be able to attend the panel hearing if they wish and a copy of the panel findings and recommendations will be provided to the complainant and, where relevant, the person complained about; and available for inspection on the school premises by the proprietor and Principal. If you are dissatisfied with the result at stage 3, you will need to let the school know within 10 school working days of getting the response. The school will then look at your complaint at the next stage.

A written record will be kept of all complaints that are made whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints. Such files will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them

### **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint makes sure that they:-

- establish **what** has happened so far, and **who** has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

### **Resolving Complaints**

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Unreasonably Persistent Complaints**

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. If the complainant tries to reopen the same issue, the chair of governor is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Withdrawing a Complaint**

If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Complaining to Ofsted**

- Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to the Secretary of State, ESFA or Ofsted, it is expected that all stages of this procedure have been exhausted.

## **MANAGING AND RECORDING COMPLAINTS**

### **Recording Complaints**

Learning4life-GY will record the progress of the complaint and the final outcome. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record. All notes will be kept securely and encrypted where appropriate.

### **Governing Body Review of Complaints**

The governing body will monitor the level and nature of complaints received and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the governing body will not name individuals.

In line with GDPR the school will retain records relating to complaints for a period of six years.

## **COMPLAINTS PROCEDURE**

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Principal. If the issue remains unresolved, the next step is

### **Stage 1 Informal Stage – Complaint heard by staff member**

If wishing to proceed with the complaint, the person will be invited to put the complaint in writing to the Principal or chair of governors using the form attached at Appendix 7. The form should be sent to the Principal or chair of governors within **ten school days**. Advice on how to complete the form may be requested from Governor Development Service 201988.

### **Stage Two and Three– Complaint heard by Panel Hearing**

Where the Principal has addressed the complaint at stage one, the chair of the panel hearing will become involved at this stage. Where another staff member has addressed the complaint at stage one, the Principal will hear this stage.

The chair of the panel hearing or Principal will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint. At this point the chair of governors and Principal may still seek to resolve the complaint informally.

The chair of **the panel hearing** or Principal will investigate the complaint; hold the panel (to which the complainant can be in attendance if they wish, and a written response will normally be made within **ten school days** of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached by the panel hearing or Principal and what action, if any, the school proposes to take to resolve the matter.

## Complaints Flowchart

### CONCERN OR COMPLAINT RECEIVED

INFORMAL PROCEDURE STAGE 1	SCHOOL ACTION
<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.</p> <p><b>If the complaint is about the Principal – proceed to Stage 3</b></p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school’s complaints policy/procedure and information on how to proceed to stage 1.</p>
FORMAL PROCEDURE- STAGE 2	SCHOOL ACTION
<p>The written complaint is submitted to the Principal.</p>	<p>The Principal acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 2.</p>
FORMAL PROCEDURE – STAGE 3	SCHOOL ACTION
<p>A written complaint is submitted to the chair of the Panel Hearing</p>	<p>The chair or nominated panel member acknowledges receipt within 5 school days and provides a full written response with 15 school days.</p>
FURTHER RECOURSE	
<p>Complainant regarding maintained schools forwarded to the DfE addressed to the Secretary of State</p> <p>The department’s executive agency, the Education Funding Agency (EFA), will handle complaints about academies and free schools</p>	<p>The Secretary of State may intervene if a governing body has acted unreasonably.</p>