



Edgbarrow School Complaints Policy

Complaints Policy



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Policy Statement:

This is a Corvus Learning Trust policy that should be adopted by the Board of Trustees and all Local Governing Bodies within the Trust

This policy has been developed following consultation with Bracknell Forest, Headteachers and the Board of Trustees

Purpose:

This policy sets out the procedure to be followed in the event of complaints received within the Trust and its schools

Responsibility for Approval:

Board of Trustees

Responsibility for Updating:

Board of Trustees

Related Policies/Guidance:

This policy complies with:

- The Guidance given by the EFSA: Creating an academy complaints procedure Updated 27 January 2015
- The Education (Independent School Standards) Regulations 2014 - Part 7

Policy

1. Corvus Learning Trust (the Trust) Schools are concerned with meeting the needs of students, parents and others who have a stake in their schools. The Local Governing Body (LGB) believes that feedback is an important aspect of self-review, school improvement and the raising of standards. Students, parents, carers or other adults who have concerns or complaints should feel that they can be voiced and that the complaint will be considered seriously.
2. The Headteacher will seek to resolve complaints by informal means wherever possible.
3. Certain topics are beyond the scope of this policy for example complaints about the national curriculum, collective worship, religious education, pupil exclusions and school admissions. These will be covered directly by the Trust. In such cases the Headteacher will advise the complainant and direct them to the Trust.
4. This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally. All complaints will be dealt with through stages which are outlined in Sections 15-19.
5. The difference between a concern and a complaint: A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Edgbarrow School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, (school to nominate the headteacher or the complaints administrator if one is used), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Edgbarrow School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.
6. Complaints will be dealt with quickly, fully and fairly and within the clearly defined time limits. The aim is to provide effective responses and appropriate redress whilst maintaining good working relationships between all people involved with the school.
7. You must raise the complaint 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.
8. Who can make a complaint? This complaints policy is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Edgbarrow School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this complaints policy.
9. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage two of the procedure.
10. Complaints against school staff (except the Headteacher) should be made in the first instance, to The Headteacher via the school office. Please mark them as Private and Confidential.
11. Complaints that involve or are about the Headteacher should be addressed to The Chair of Governors, via the school office. Please mark them as Private and Confidential.

12. Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to The Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.
13. Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.
14. If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.
15. This policy will be available via the school website or at request.
16. Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.
17. This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see 3 above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (Informal stage) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the school's Headteacher directly, Stage one will be missed out and the formal Complaints Procedure will begin at Stage two.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Headteacher directly (i.e. begin at Stage one). Complainants may choose to contact the Headteacher directly of their own accord. In these cases, it will be at the discretion of the Headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to Informal Stage).

If and when complaints about the school are brought to the attention of the Trust the majority of complainants will be advised to contact the relevant school and to follow the procedures set out within this document from the Informal Stage onwards. In certain exceptional cases, however, it may be decided, at the discretion of the Chief Executive Officer (CEO) of The Trust that it is appropriate to deal with the complaint at a different stage.

18. Monitoring and Evaluation

All complaints and the action taken will be documented and will be reported to the Chair of the LGB and the Central Trust Office.

19. Upholding or not upholding complaints

At each stage of the Complaints Procedure, the conclusion will be either that firstly the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken or secondly that the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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 explanation of the steps that have been taken to prevent re-occurrence;
- an undertaking to review school policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

20. Equal Access, Accompaniment and Representation

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, appropriate arrangements will be made. It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

21. Recording of Information

At all formal stages of the Complaints Procedure, the following information should be recorded and stored securely:

- The name of the complainant;
- The date and time at which the complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations; whether they are resolved following a formal procedure, or proceed to a panel hearing;
- Any action taken by the school as a result of those complaints (regardless of whether they are upheld);
- The complainant's response (satisfaction or further pursuit of complaint).

Correspondence, statements and records relating to individual complaints are to 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.

Stages of the Complaints Procedure

22. Informal Stage

22.1. Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's Headteacher, Stage one is not required and the formal procedure begins at Stage two.

22.2. Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, or Headteacher depending on their wishes and the type of issues they want to discuss.

22.3. Monitoring

It is not necessary to record or monitor complaints at this level.

22.4. Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

22.5. Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

22.6. Options for Complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's Complaints Procedure and told how to move on to the next stage.

23. Stage One (1) (Referral to the Headteacher)

23.1. Introduction

This is the first stage of the formal Complaints procedure and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'Recording of Information' section of this document.

23.2. Informal discussion with Headteacher

Before proceeding with a formal investigation, the Headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

23.3. Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Headteacher.

As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

23.4. Acknowledgement and time scales

The Headteacher should formally acknowledge the complaint within three (3) school days of receiving it and begin an investigation.

23.5. The investigation

The Headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

23.6. Response

The Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

23.7. Options for Complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's Complaints Procedure and told how to move on to the next stage.

24. Stage Two (2) (The Local Governing Body / Trustees)

24.1. Introduction

Complaints only rarely reach this formal level, but it is important that the LGB is prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding a Complaints Committee hearing. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a Complaints Committee review. The Complaints Committee must be clerked. The Clerk may be a member of the school staff, the Clerk to the governing body or another Governor. If required, the Clerk to the Trustees will offer support and guidance to the Clerk, the Chair of Governors and/or the members of the Complaints Committee on procedural issues.

This is the first stage under which a formal complaint about the Headteacher will be dealt with.

24.2. The Complaints Committee

It is recommended that school LGBs annually agree three Governors who will be able to form part of a Complaints Committee if and when this becomes necessary at any point. The one Governor appointed to the Complaints Committee will usually be chosen from this group of three and will be joined by two other members; one member who is independent of the operations, management and running of the school and of the Trust; and one Trustee/Governor appointed by the Board of Trustees.

The Committee of three must always have one independent member. The Committee should elect its own Chair.

24.3. Submitting a formal complaint

The complainant must submit a written request to the Chair of Governors for their complaint to be considered by a Complaints Committee.

24.4. Acknowledgement and time scales

The Chair of Governors should acknowledge receipt of this letter within five (5) school days if possible but no more than ten (10) at most by writing to the complainant. This letter will inform them that their complaint will be heard by a Complaints Committee within fifteen (15) school days of receiving the complaint.

24.5. Preparation

The Chair of Governors will then contact their Clerk and ask him or her to begin making preparatory arrangements.

The Clerk will convene a meeting of the Complaints Committee. The membership of the Complaints Committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed members of the Committee.

The Clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the Committee to consider must be returned to the Clerk no later than five (5) school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the Committee will reach their decision.

It is the responsibility of the Clerk to ensure that all parties receive all relevant documents at least three (3) school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

24.6. The Hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The Chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the Complaints Committee will be allowed to ask the complainant questions
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this, the complainant and Committee will be allowed to question the Headteacher
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties
- The Headteacher and the complainant will both be given the chance to give final statements

The hearing will be concluded by the Chair who should explain that the Committee will provide the complainant, Edgbarrow School and where relevant the person complained about, with a full explanation of their decision and the reason(s) for it, in writing, within five (5) school days. A copy of the findings and recommendations will be available for inspection on the school premises by the Trust and Headteacher.

This format will need to be altered under certain circumstances, including instances where the Trust, rather than the Headteacher, has played an investigating role. Ultimately, the Chair of the meeting has control over its proceedings.

24.7. After the Hearing

The Committee will consider the complaint and all the evidence presented. The Committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the Committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

24.8. Complaints about the Governing Body:

Complaints about the conduct of a Governor of the school will be referred to the Trust's Governor & Trustee Disciplinary Committee.

24.9. Options for Complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's Complaints Procedure and told how to move on to the next stage.

25. Stage Three (3) Complaining to the ESFA

Complainants that are not satisfied about the handling of their complaint can contact the ESFA via the [schools complaints form](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen):
https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

The role of ESFA:

It is the responsibility of the school to make sure that their complaints procedure is fully compliant.

If a complaint comes to the EFSA they will check whether the complaint has been dealt with properly by the school. It will consider complaints about a school where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint.

It will not overturn a school's decision about a complaint. However, if it finds a school did not deal with a complaint properly, it will request the complaint is looked at again and its procedures meet the requirements set out in the regulations.

If the school's complaints procedure does not meet the regulations, it will ask the school to make the necessary adjustments.