

	<p>The Duston School</p> <p>Policy</p>	
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Policy Title	Complaints Policy	Version No	3
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The Duston School is a 4-19 co-educational, all-through Academy and is part of The Duston Education Trust.

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or pane, 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

We try to resolve concerns or 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 ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2017](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

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

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school’s fulfilment of Early Years Foundation Stage requirements.

3. 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”.

A **school day** excludes weekends, academy holidays and periods of partial or total academy closure.

A **parent** means a parent, carer or anyone with legal responsibility for a child.

The **trust** means the academy trust

A **meeting** means an in person or virtual meeting (ie telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in person meeting, at the discretion of the trust.

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 in respect of the matters set out at Annex 1.

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the Form Tutor/SENCO/Assistant Principal ie Student Care; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

The timeframes referred to in this policy are our usual timeframes and the academy will seek to adhere to these timeframes where possible.

4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

5. Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 school days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the Principal or a Governor)

Stage 1: informal

The school will take informal concerns 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.

If there is a complaint, it should be raised as soon as possible with the relevant member of staff, either in person or by letter, telephone or email. If the complainant is unclear whom to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within three school days, and investigate and provide a response within five school days.

The informal stage may involve a meeting between the complainant and the appropriate member of staff.

If the complaint is not resolved informally, it may be escalated to a formal complaint by the complainant.

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, usually to the Principal. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

The Complainant may wish to use the form attached at Annex 2 to set out their complaint.

If appropriate, the Principal (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

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 ten school days. This will include what action will be taken to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you should write to the Clerk to the Governing Body within ten school days.

Stage 3: Review Panel

This is the final stage of The Duston Education Trusts complaints process

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at Stage 2.

The panel will be appointed by or on behalf of the Academy Trust 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 Governing 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.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the academy (referred to in this policy as the 'academy representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

The complainant has the right to be accompanied to the hearing by a friend, relative, advocate or interpreter. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

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.

After the hearing, the panel will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within 10 school days. The panel will make a copy available for inspection by the Academy and Principal. The letter will set out the decision of the panel together with the reasons underpinning that decision. The panel can (by a majority if necessary):

- 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 academy or trust systems or procedures to ensure that problems of a similar nature do not happen again.

The Complaints Review Panel decision will be final.

7. Complaints against the Principal or a governor

Complaints made against the Principal should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the Clerk to the Governing Board in the first instance.

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 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. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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:

<https://www.gov.uk/complain-about-school>

9. Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out in this procedure. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the governing body is abusive, offensive, discriminatory or threatening;
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the academy because of the frequency or nature of the complainant's contact, such as, if the complainant:
 - 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
 - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
 - 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

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full. In these circumstances, we may:
 - inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
 - restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after six months;
 - conduct the Complaints Committee on the papers only i.e. not hold a hearing;
 - refuse to consider the complaint and, where Stage 1 of this procedure applies, refer the complainant directly to Stage 3.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- 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 and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the governing body, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

10. Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the academy or the trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this

policy and instead:

- send a template response to all complainants and/or
- publish a single response on the academy/trust's website (as applicable)

11. Concerns or complaints from other persons

This complaints policy applies only to complaints made by parents or carers of current registered pupils of the academy. However, the trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

Stage 1 - a concern regarding the academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

Stage 2 - where a concern is not resolved at stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Principal of the academy to investigate. The Principal may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.

Stage 3 - if you are not satisfied with the response at stage 2, you may request a review by writing to the Clerk of the governing body. You should write to the Clerk within 10 school days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will arrange for a [governor] to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the academy's complaints procedure.

Concerns or complaints regarding the Principal or the trust as a whole should be referred direct to the Clerk to governing body c/o ssafford@thedustonschool.org who will arrange for the stages above to be considered by an appropriate person.

12. 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 review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant request access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Record of complaints will be kept on file by the school.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Board in case a review panel needs to be organised at a later point.

Where the Governing 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 Governing Body, who will not unreasonably withhold consent.

13. Learning lessons

The Governing Board will review any underlying issues raised by complaints with the Principal/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.

14. Monitoring arrangements

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

The complaints records are logged and managed by the PA to the Principal.

This policy will be reviewed by the Governing Board every 2 years.

At each review, the policy will be approved by the full Governing Board.

12. 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

Staff responsible	SST		
Date approved by GB:	March 2021	Review Date	March 2022

Annex 1

Matters excluded from scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at https://www.gov.uk/school-discipline-exclusions/exclusions
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
School re-organisation proposals	Where concerns are not adequately addressed by the trust, complaints can be raised direct with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the academy's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for

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	Education (see link above), depending on the substance of the complaint
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Annex 2
Complaints Form

Your name:
Pupils name:
Your relationship to pupils:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the academy office in a sealed envelope addressed to the Principal or Clerk of the governing body (as appropriate).

Office use

Date received

Date acknowledgement sent

Responsible member of staff