

	<b>The Duston School</b>  <b>Policy</b>	
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<b>Policy Title</b>	Complaints Policy	<b>Version No</b>	3
<b>Policy Statement</b>	<p>The Duston School is a 4-19 co-educational, all-through Academy and is part of The Duston Education Trust.</p> <p><b>1. Aims</b></p> <p>Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.</p> <p>When responding to complaints, we aim to:</p> <ul style="list-style-type: none"> <li>• Be impartial and non-adversarial</li> <li>• Facilitate a full and fair investigation by an independent person or panel, where necessary</li> <li>• Address all the points at issue and provide an effective and prompt response</li> <li>• Respect complainants’ desire for confidentiality</li> <li>• Treat complainants with respect</li> <li>• Keep complainants informed of the progress of the complaints process</li> <li>• Consider how the complaint can feed into school improvement evaluation processes</li> </ul> <p>We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.</p> <p>The school will aim to give the complainant the opportunity to complete the complaints procedure in full.</p> <p>To support this, we will ensure we publicise the existence of this policy and make it available on the school website.</p> <p><b>2. Legislation and guidance</b></p> <p>This document meets the requirements set out in part 7 of the schedule to <a href="#">the Education (Independent School Standards) Regulations 2017</a>, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.</p> <p>It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on <a href="#">creating a complaints procedure that complies with the above regulations</a>, and refers to <a href="#">good practice guidance on setting up complaints procedures</a> from the Department for Education (DfE).</p>		

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 any query concerning the operation of the Academy which reflects adversely upon it
- **A continuing concern** is any query left unsolved or any query which is received more than once
- **A persistent concern** is any query which is repeatedly brought to the attention of the Academy
- **A complaint** requires the attention of the Senior Leadership Team of the Academy. Complaints are defined as matters relating to breaches of the law, to non-compliance with DfE regulations, any issue which would bring the reputation of the Academy into disrepute and any unresolved persistent concerns

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

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.

## **4. Procedures**

### **Concerns**

Concerns (as defined in 3 above) will be dealt with by the member of staff who in the view of the Principal is best placed to address the issue.

Upon receipt of a concern expressed in writing an initial response will be provided as soon as possible and in any event within 5 school days and a final resolution of issues arrived at as soon as possible.

Resolutions may include an apology, explanation, admission that the situation could have been dealt with more effectively, an assurance that the situation will not recur or that The Duston School will review its procedures in light of the complaint.

### **Complaints**

#### **Principles and Procedure 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.

#### **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 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](mailto: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.

## **5. Stages of complaint (not complaints against the Principal or a Governor)**

### **Stage 1: First Informal Complaint**

The school will take informal complaints 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 an Assistant Principal, 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 working days, and investigate and provide a response within five working days.

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

If the informal complaint is not resolved, it may be escalated to a second stage informal complaint by the complainant.

### **Stage 2: Second Informal Complaint**

The school will take informal complaints 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 second informal complaint, it should be raised as soon as possible with a Vice Principal, 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 working days, and investigate and provide a response within five working days.

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

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

### **Stage 3: Formal**

The formal stage involves the complainant putting the complaint into writing, usually to the Principal. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the 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 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should write to the Clerk to the Governing Body within ten working days.

#### **Stage 4: Complaint To The Governing Body**

Once the Clerk to the Governing Body receives a complaint this matter will be considered by the Chair of the Trust. The Chair will appoint a lead Governor to undertake a formal investigation of the complaint. A response will be issued, in writing, within fifteen working days, to the complainant. If the complainant is still not satisfied with the response and wishes to proceed to the review panel phase they will need to put this in writing to the Clerk to the Governing Body within ten working days.

#### **Stage 5: 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 4.

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.

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.

The complainant must be allowed to attend the panel hearing and be accompanied 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(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.

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 individual who is the subject of the complaint, and make a copy available for inspection by the Academy and Principal.

The school will inform those involved of the decision in writing within ten working days.

**The Complaints Review Panel decision will be final.**

## **6. 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.

## **7. 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 reinvestigate 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>

## **8. Persistent complaints**

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 (or other appropriate person in the case of a complaint about the Chair) 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.

### **9. 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.

	<p>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.</p> <p>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.</p> <p><b>10. Learning lessons</b></p> <p>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.</p> <p><b>11. Monitoring arrangements</b></p> <p>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.</p> <p>The complaints records are logged and managed by the PA to the Principal.</p> <p>This policy will be reviewed by the Governing Board every 2 years.</p> <p>At each review, the policy will be approved by the full Governing Board.</p> <p><b>12. Links with other policies</b></p> <p>Policies dealing with other forms of complaints include:</p> <ul style="list-style-type: none"> <li>• Child protection and safeguarding policy and procedures</li> <li>• Admissions policy</li> <li>• Exclusions policy</li> <li>• Staff grievance procedures</li> <li>• Staff disciplinary procedures</li> <li>• SEN policy and information report</li> </ul>
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<b>Staff Responsible</b>	SST		
<b>Date approved by GB:</b>	25/04/2019	<b>Review Date</b>	April 2021