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| **Statutory:** | Policy provided centrally for adoption by schools with minimal amendment to the core text. Changes are allowed to the text where indicated |

# Complaints Policy

John Henry Newman Academy

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| **Approved by:** | **Ethos & Governance Committee** |
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| **Adopted by school:** | **JGB** |
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# Contents


1. Aims ..... 3
2. Legislation and guidance ..... 3
3. Scope ..... 4
4. Roles and responsibilities ..... 4
    4.1 The complainant ..... 4
    4.2 The complaints co-ordinator ..... 4
    4.3 ODST central team ..... 5
    4.4 Governance professional to the Local Governing Body (LGB) (Stage 3) ..... 5
    4.5 Committee chair (Stage 3) ..... 5
5. Addressing a complaint ..... 5
    5.1 Timescales ..... 5
    5.2 Complaints about our fulfilment of early years requirements ..... 5
6. Stages of complaint procedure (not complaints about the headteacher or LGB) ..... 6
    6.1 Stage 1: informal ..... 6
    6.2 Stage 2: formal ..... 6
How to escalate a complaint ..... 7
    6.3 Stage 3: review panel ..... 7
7. Complaints against the headteacher, an LGB member or the local governing body ..... 8
    7.1 Stage 1: informal ..... 8
How to escalate a complaint ..... 8
    7.2 Stage 2: formal ..... 8
    7.3 Stage 3: review panel ..... 9
8. Referring complaints on completion of the school's procedure ..... 9
9. Unreasonable and persistent complaints ..... 10
    9.1 Unreasonable complaints ..... 10
    9.2 Serial/persistent complaints ..... 11
    9.3 Duplicate complaints ..... 11
    9.4 Complaint campaigns ..... 11
10. Record keeping and confidentiality ..... 11
11. Learning lessons ..... 12
12. Monitoring arrangements ..... 12
13. Links with other policies ..... 12

# 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- 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 and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- 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 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 make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

# 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of pupils at the school.

It is also based on best practice guidance for academies complaints procedures published by the 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 (EYFS) requirements.

# 3. Scope

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Withdrawal from the RE curriculum or collective worship:

- Parents and carers may withdraw their child from any aspect of religious education and/or the daily act of collective worship. They do not have to explain why. Please see the RE and collective worship policies.

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

# Complaints Procedure

# 4. Roles and responsibilities

## 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual LGB members about the complaint
- Do not publish details about the complaint on social media

## 4.2 The complaints co-ordinator

The complaints co-ordinator can be:

  - The headteacher
  - The designated complaints LGB member
  - Any other staff member providing administrative support

- The complaints co-ordinator will:
  - Keep the complainant up to date at each stage in the procedure
  - Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of LGB members, and governance professional
  - Be aware of issues relating to Sharing third-party information
  - Be aware of additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
  - Keep records

### 4.3 ODST central team

The ODST Governance team will:

- Provide advice about the application of the policy and its scope to LGB members
- Convene panel members (stage 3)
- Signpost training for governance professionals and panel members
- Monitor the effectiveness of the policy and ensure feedback is taken into account at annual review

### 4.4 Governance professional to the Local Governing Body (LGB) (Stage 3)

The governance professional will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### 4.5 Committee chair (Stage 3)

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. Addressing a complaint

When addressing a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### 5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe 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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will agree new time limits with the complainant

### 5.2 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 (EYFS) requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) 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 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at https://www.gov.uk/government/organisations/ofsted#org-contacts

# 6. Stages of complaint procedure (not complaints about the headteacher or LGB)

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – review panel

## 6.1 Stage 1: informal

Our 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.

The complainant should raise the complaint as soon as possible within the timescales set out in section 5.1.

The complaint should be addressed to the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office on 01865 772495 or email office.2000@jhnacademy.co.uk

The school will acknowledge informal complaints within 5 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage may involve a meeting between the complainant and the appropriate member of staff. A written response wil be provided by the school within 5 school days following contact.

This written communication concludes stage 1 of the process and complainants will be asked to confirm that the matter is closed within 5 school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the headteacher in writing using the complaint form on the school website.

If complainants need assistance raising a formal complaint, they can contact the school office on 01865 772495 or email office.2000@jhnacademy.co.uk

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing within 5 school days.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct an investigation and may arrange for a mediation meeting to be held. The written conclusion of this investigation (including any mediation) will be sent to the complainant within 5 school days.

This concludes stage 2 of the process and complainants will be asked to confirm that the matter is closed within 5 school days.

# How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the governance professional to the local governing body in writing within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the governance professional to the governing body office.2000@jhnacademy.co.uk for the attention of the governance professional.

The governance professional will need the details of the complaint as set out above (using the complaint form), as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The governance professional will acknowledge receipt of the request within 5 school days.

## 6.3 Stage 3: review panel

**Convening the panel**
Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by ODST 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 body 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 (see section 10).

The complainant must have reasonable notice of the date of the review panel. The governance professional will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates, the governance professional will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least [5] school days before the date of the meeting.

The panel will ensure that the hearing is properly minuted.

**At the meeting**
The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless required as part of reasonable adjustments. In such circumstances, prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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 if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, if appropriate, to present their evidence.

The panel will be given the chance to ask questions of each party. 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 will then put together its findings and recommendations from the case. The panel will provide these, and the minutes of the hearing, on request, to the complainant, the school and ODST.

**The outcome**
The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 5 school days.

# 7. Complaints against the headteacher, an LGB member or the local governing body

## 7.1 Stage 1: informal

Complaints made against the headteacher or any individual member of the LGB (including the chair or vice-chair) should be directed to the governance professional of the LGB in the first instance. Please email office.2000@jhnacademy.co.uk FAO Linsey Jones or call 01865 772495.

A suitably skilled and impartial LGB member will then carry out the steps at stage 1 set out in section 6 above.

If the complaint is not resolved informally, including through mediation, it will be escalated to a formal complaint.

Complaints about the whole LGB will be resolved at stage 2 below.

# How to escalate a complaint

Complaints can be escalated by contacting the governance professional to the LGB, using the complaint form on the school website.

## 7.2 Stage 2: formal

Complaints that involve or are about the headteacher should be addressed to the LGB chair, via the school office, or using the LGB chair email.

Complaints about the LGB chair, any individual LGB member or the whole governing body should be addressed to the governance professional to the LGB via the school office, marked as private and confidential.

Formal complaints can be raised in writing using the complaint form on the school website.

If the complaint is about the headteacher or an individual LGB member, a suitably skilled and impartial LGB member appointed in consultation with ODST governance, will then carry out the steps at stage 2 set out in section 6 above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire LGB
- The majority of the LGB

An independent investigator will be appointed by the ODST governance team to carry out the steps in stage 2 set out in section 6 above. They will be appointed by the trust board and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the governance professional to the LGB in writing within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The governance professional will acknowledge receipt of the request within 5 school days.

### 7.3 Stage 3: review panel

If the complaint is about the headteacher or an individual LGB member, the steps outlined in stage 3 of section 6 above will be followed.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire LGB, or
- The majority of the LGB

A committee of independent LGB members will hear the complaint. They will be sourced from local schools by ODST and will carry out the steps at stage 3 (set out in section 6 above).

## 8. Referring complaints on completion of the school's procedure

If the complainant is not satisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Department for Education (DfE) The (DfE) will check whether the complaint has been dealt with properly by the school. The (DfE) will not overturn a school's decision about a complaint, but will intervene if a school has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

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: DfE Customer Help Portal

We will include this information in the outcome letter to complainants.

# 9. Unreasonable and persistent complaints

## 9.1 Unreasonable complaints

A complaint may become unreasonable 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
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the DfE
- Seeks an unrealistic outcome
- 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
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school and ODST as to what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent in any form as it could delay the outcome being reached. Complainants will be expected to abide by the relevant Code of Conduct.

**Steps we will take**

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or LGB chair will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### 9.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- 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
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
    - The complainant's communications are often or always abusive or aggressive
    - The complainant makes insulting personal comments about or threats towards staff
    - We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

### 9.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

### 9.4 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 10. Record keeping and confidentiality

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 stored securely, 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 requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and data retention schedule.

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

Where the LGB 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 Trust, who will not unreasonably withhold consent.

# 11. Learning lessons

The LGB will review any underlying issues raised by complaints with the headteacher and 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.

# 12. Monitoring arrangements

The LGB will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The LGB will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the relevant complaints co-ordinator (see section 4.2 above).

This policy will be reviewed by the ODST trust board (or its appropriate committee) on an annual basis.

At each review, the policy will be approved by the LGB.

# 13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices