Saddleworth School

Complaints Policy and Procedure



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# 1. Aims

Saddleworth School is dedicated to providing all pupils with the best possible education and will aim to care properly for their health, safety and welfare at all times. We welcome feedback from parents, pupils and others and accept that this will not always be positive.

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
* Ensure 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 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.

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 of section 29 of the [Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/29), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](https://www.gov.uk/government/publications/school-complaints-procedures) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

# 3. Definitions and scope

3.1 Definitions

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”
* A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

Saddleworth School intends to resolve concerns and complaints informally where possible, at the earliest possible stage. Most concerns can be dealt with quickly and efficiently, without the need to proceed to the formal stages of the complaints procedure. We encourage those that have concerns to raise them with the appropriate person at school (e.g. your child’s subject Teacher, Curriculum Leader, or Home School Leader) and to work constructively with that person towards resolving them.

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

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the school’s SENDCO; they will then be referred to this complaints policy. Our SEND Policy 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. 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
* Refrain from publishing details about their complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

* Interview all relevant parties, keeping notes
* Consider records and any written evidence and keep these securely
* Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The Clerk 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

4.4 Committee Chair

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. 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

5.1 Time scales

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 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.

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 time scales we have set out in this policy, we will:

* Set new time limits with the complainant
* Send the complainant details of the new deadline and explain the delay

# 6. Stages of complaint (not complaints against the Headteacher or governors)

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 you need to raise a concern, then please do so with the relevant member of staff or their line manager who will be happy to discuss your concern and seek to resolve it.

6.1 Stage 1: Formal (Headteacher)

Formal complaints can be raised:

* By letter or email
* Over the phone
* In person
* By a third party acting on behalf of the complainant

The complainant should complete the **Complaints Form**, providing details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office on 01457 872 072 or by email: info@saddleworthschool.org

The Headteacher will acknowledge the complaint in writing no later than 10 school days (excluding school holidays) of receiving it. The written acknowledgement will, as far as possible, explain how the complaint will be investigated and the timescales for completing the investigation. The Headteacher may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher, or other nominated person, will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days (excluding school holidays) of having issued written acknowledgement of the receipt of the complaint. The written notification will include a summary of the complaint, where the complaint has been upheld in full/part, what actions will be taken as a result of the complaint and will also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they feel their complaint has not been dealt with in line with the school policy or feel that the response is unfair or unreasonable.

**How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the governing board (see contact details below) no later than 20 days after written notification of the decision taken has been received. Requests received outside of this time frame will only be considered in exceptional circumstances. The Clerk will acknowledge receipt of the request within 10 school days (excluding holidays) of receiving it.

Complaints can be escalated by contacting the Clerk to the governing board:

* By letter or email
* Over the phone
* In person
* Through a third party acting on behalf of the complainant

The Clerk will need the details of the complaint as set out above, as well as details from the complainant stating clearly why they believe the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

Clerk: Mrs E Kershaw emma.kershaw@j-a-s.co.uk

6.2 Stage 2: Governor Review Panel

**Convening the panel**

The Clerk will fulfil the role of organising the time and date of the review meeting, inviting all attendees, collating all the relevant documentation and distributing this 5 school days in advance of the meeting. Minutes of the review meeting will be taken by a member of the clerking team.

The review panel consists of any 3 members of the governing board available, who don’t have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint’s progress (see section 10). The governors will select a panel Chair from amongst themselves.

If not enough impartial Governors are available, we will seek panel members from other schools or from the local authority.

The review meeting will take place within 20 school days (excluding holidays) of the receipt of the written acknowledgment of the Clerk.

**Governor Review Panel**

Where the review panel feel appropriate they **may** decide to invite the following to attend the review meeting:

* the complainant
* the Headteacher
* relevant persons involved in the complaint

The complainant and school representative will have an opportunity to set out written or oral submissions prior to the meeting.

Where the complainant, Headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. 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.

Where it is deemed applicable, each individual will have the opportunity to provide written or verbal evidence, and witnesses may be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting 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 also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

**The outcome**

The committee can:

* Disagree with the outcome at Stage 1 and uphold the complaint, in whole or in part setting out recommendations for further actions, if necessary
* Agree with the outcome at stage one and 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 Clerk to the Governors will inform those involved of the decision in writing within 10 school days (excluding school holidays) of the review meeting.

# 7. Complaints against the headteacher, a governor or the governing board

7.1 Stage 1: Formal

Complaints made against the Headteacher or any member of the governing board should be directed to the Clerk to the governing board in the first instance. These should be addressed for the attention of the Mrs E Kershaw emma.kershaw@j-a-s.co.uk.

If the complaint is about the Headteacher or one member of the governing board (including the Chair or Vice-Chair), a suitably skilled and impartial Governor will carry out the steps at stage 1 (set out in section 6 above).

If the complaint is jointly about the Chair and Vice-Chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board, and will write a formal response at the end of their investigation.

7.3 Stage 2: Review panel

If the complaint is jointly about the Chair and Vice-Chair, the entire governing board or the majority of the governing board, a committee of independent Governors will hear the complaint. They will be sourced from local schools or the local authority 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 unsatisfied with the outcome of the school’s complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school’s complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school’s statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

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

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

# 9. Vexatious complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

* Has made the same complaint before, and it’s already been resolved by following the school’s complaints procedure
* Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
* Knowingly provides false information
* Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
* Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
* Changes the basis of the complaint as the investigation goes on
* Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
* Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

**Steps we will take**

We will take every reasonable step to address the complainant’s concerns, 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. 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](https://www.citizensadvice.org.uk/)
* Put any other strategy in place as necessary

**Stopping responding**

We may stop responding to the complainant when all of these factors are met:

* We believe we have taken all reasonable steps to help address their concerns
* We have provided a clear statement of our position and their options
* The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

9.2 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 the local process is complete
* Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 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

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 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 accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

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 board, who will not unreasonably withhold consent.

# 11. Learning lessons

The governing body will review any underlying issues raised by complaints with the Headteacher, 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 governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body 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 Claire Briggs, Deputy Headteacher.

This policy will be reviewed by the Governor’s Personnel Sub-committee every year.

At each review, the policy will be approved by the full governing body.

# 13. 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
* Privacy notices

# Complaint Form

|  |
| --- |
| **Your name:**  |
| **Student’s name/Year Group (if relevant):**  |
| **Your relationship to the student (if relevant):**  |
| **Address:**    **Postcode:** **Day time telephone number:** **Evening telephone number:**  |
| **Please give full details of your complaint** |
| **Actions taken so far (including staff member who has dealt with it so far) or solutions offered** |
| **The reason that this was not a satisfactory resolution for you** |
| **What outcomes do you feel might resolve the problem at this stage?**  |
| **Are you attaching any paperwork? If so, please give details.** |

|  |
| --- |
| **Signature:** **Date:**  |
| **Official use**  |
| **Date acknowledgement sent:**  |
| **By who:**  |
| **Complaint referred to:**  |
| **Date:**  |