


Complaints Procedure

THE
C  **MPASS**
PARTNERSHIP OF SCHOOLS

Aims

We aim to meet our statutory obligations when responding to complaints.

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 all 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 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.

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 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.

Definitions and scope

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"

Scope

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
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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

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 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:

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

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 (see section 10) and make this available to Ofsted on request.

Stages of complaint *(not complaints against the headteacher, local governors or Trustees)*

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.

The complainant should raise the complaint as soon as possible with the relevant member of 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

The school will acknowledge informal complaints within **3 school days**.

Given the importance of dialogue through informal discussion, there is no suggested timescales for the resolution at this stage. We would however expect most issues to be resolved within **15 school days**.

Where no satisfactory solution can be found, you will be advised that if you wish your concerns to be considered further you should write to the headteacher under stage two of this procedure within **10 school days**.

If the Head Teacher is the subject of the complaint then an Executive Head will be responsible for the response at this stage. Where this is the case, you must write to the CEO at: The Compass Partnership of Schools, c/o Alderwood Primary School, Rainham Close, Eltham, London, SE9 2JB.

Stage 2: formal

The formal stage involves the complainant putting the complaint to a headteacher or executive headteacher who has not been involved under stage one of this procedure.

- In a letter or email
- In person
- Through a third party acting on their behalf

The complainant 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 Headteacher or Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The headteacher or Executive Headteacher will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **20 school days**.

Where further time is required to investigate the complaint, the complainant will be informed of any new deadline set.

The complainant must also be informed that if they are still dissatisfied with the outcome they can write to the Chair of the Trust Board outlining why they are still unhappy at:

The Compass Partnership of Schools c/o Alderwood Primary School, Rainham Close, Eltham, London, SE9 2JB,

All stage 2 complaints will be reviewed by the CEO of the Compass Partnership of Schools to ensure that procedures have been followed in dealing with the complaint, unless the complaint is about the CEO, in which case it will be reviewed by the Chair of Trustees.

If the complainant is not satisfied with the response and wishes to proceed to Stage 3 this must be put in writing and sent within **10 school working days**.

Where the CEO is the subject of the complaint, the complainant should be advised to address it to the Chair of the Trust Board at **The Compass Partnership of Schools c/o Alderwood Primary School, Rainham Close, Eltham, London, SE9 2JB**. If the complaint is being dealt with by the Chair this will bypass Stage 2 and go to Stage 3 of the procedure.

Stage 3: review panel

The complaint will be acknowledged within **10 school working days**. Panel hearing will usually be held within **20 school working days** from the acknowledgement of the complaint.

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 the Chair of Trustees and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint.. No governor or trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel can be made up of trustees from the Trust Board or governors from the Local School Committee (LSC) of any school within the Trust, and must include one member who is wholly independent of the management and running of the Trust.

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

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. The clerk will aim to find a date within **10 school days of the request**, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk 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 **7 school days** before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. 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 do not 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, 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 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 individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

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
- Make any recommendations about further investigation or action to be taken under Trust capability or disciplinary policies

The school will inform those involved of the decision in writing within **14 school days**.

Complaints against the headteacher, a governor or the governing board

Complaints of this nature should be made in writing to the **Chair of Trustees, The Compass Partnership of Schools C/O Alderwood Primary School, Rainham Close, Eltham, London, SE9 2JB**, who will select the most appropriate method of dealing with this complaint.

Complaints against the Chair of Trustees or the entire Trust Board

Complaints of this nature should be made in writing to the Clerk to the Trust Board, who will select the most appropriate method of dealing with this complaint. C/O NPW Governor Services, The Education Space, Boardman House (3rd Floor), 64 Broadway, Stratford, London E15 1NT / clerk@npw.uk.com

Stage 1: informal

Complaints made against the headteacher or any member of the governing board should be directed to the CEO in the first instance.

If the complaint is about the headteacher or 1 member of the governing board the executive headteacher will carry out the steps at stage 1 as set out above.

Stage 2: formal

If the complaint is:

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

An independent investigator will carry out the steps in stage 2 as set out above. They will be appointed by the Trustees and will write a formal response at the end of their investigation.

Stage 3: review panel

If the complaint is:

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

A committee of Trustees with at least one independent governor will hear the complaint. They will be sourced from local schools, the local authority or and will carry out the steps at stage 3 as set out in above.

At the outcome of the complaint, the panel will make any recommendations about further investigation or action to be taken under Trust capability or disciplinary policies.

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 Education and Skills Funding Agency (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, but will intervene if a school or trust 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:

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

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

Persistent complaints

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
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- 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 timeframes it sets out
- 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
- 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.

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

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.

Anonymous Complaints

Anonymous complaints will not usually be considered, but the Headteacher/CEO or Chair may choose to investigate further under exceptional circumstances.

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 line with data protection law, our privacy notices and record retention schedule.

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.

Learning lessons

The local school committee chair 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.

Monitoring, Evaluation and Review

The Board of Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout all Trust schools.

This Policy will be reviewed every two years by the Board of Trustees.

Adherence to the policy will be monitored by the local school committee.

Policy Reviewed:	Autumn 2023
Other related policies:	Governance Code of Conduct Grievance Procedure Whistleblowing Child protection and safeguarding policy and procedures Admissions policy Suspension and permanent exclusion policy SEN policy and information report
Next Review:	Autumn 2025

Annex 1
Complaints Form

Your name:
[Pupils/students]'s name:
Your relationship to [pupils/students]:
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) in accordance with Stage 1 of the academy's complaints procedure? (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 headteacher, CEO or Clerk of the trustees (as appropriate).

Office use

Date received
Date acknowledgement sent
Responsible member of staff

Complaints Flow Chart

Stage 1

- Complainant not happy with informal response
- Complaint is then raised as a formal complaint
- Letter acknowledging complaint sent within 3 school days by the investigating officer (see format)
- Investigation to take place by Headteacher or Deputy headteacher (unless complaint is about head or governors)
- Written response sent to complainant within 15 school days (see format)

Stage 2

- Complainant to confirm they are not happy with the outcome at stage one within 10 days of receiving the written response
- CEO to appoint an Executive Headteacher to investigate the complaint. The Trust strategic SEND lead may be appointed if the complaint is specifically related to SEND provision
- A response acknowledging the complaint is sent to the complainant within 5 school days (see format)
- Written response is sent to the complainant outlining the investigation outcomes and recommendations within 20 school days (see format)

Stage 3

- Complainant to confirm they are not happy with the outcome at stage two within 10 school days of receiving the written response
- Chair of Trustees to liaise with COO/CEO to organise a panel of 3 LSG/Trustees to hear the complaint, one of whom must not be directly affiliated with the trust
- Complaint acknowledged and response including the panel date to be shared with all involved within 10 school days
- Panel to hear complaint within 20 school days
- Panel chair to issue written response within 14 days of the hearing (see format)