



## Complaints Policy

Date Published	June 2018
Next Review	June 2020
UCC Governor Approval Committee	Full Governing Body
UCC Staff Role Responsible	Principal

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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents 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
- 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 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.

## 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”.

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.

**3.1 The following policy applies to complaints, other than:**

- a. those relating to the issuing of Education Health Care Plans (EHCP) of students with special educational needs which are governed by a separate statutory process;
- b. admissions to schools where concerns should be raised directly with the Local Authority;
- c. matters likely to require a Child Protection Investigation which should be raised with Children's Services;
- d. exclusions, which are covered by the UCC Exclusion Policy;
- e. whistleblowing, which is covered by the UCC Whistleblowing Policy;
- f. staff grievances and disciplinary procedures, which are covered in the UCC Disciplinary Policy;
- g. complaints about services provided by other providers who may use the premises, who should have their own complaints procedures.

**NB:** arrangements for handling complaints from parents of children with Special Educational Needs & Disabilities (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the SENCO; 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.

**3.2 The matters covered by the Complaints Policy are:**

- a. policies and decisions made by individual teachers, teams of teachers, the Principal or the Governing Body
- b. procedures, following from policies or decisions, carried out by individual teachers, teams of staff, the Principal or the Governing Body
- c. the actions of individual teachers, teams of staff, the Principal or the Governing Body in fulfilling their duties;
- d. the quality of teaching;
- e. incidents which occur in the school involving students;
- f. GDPR & DPA Complaints

### **3.3 Complaints time frame**

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.

### **3.4. Representations and accommodations**

The Complainant may make representations in writing or in person at Stage 1, accompanied by a friend if so desired. At Stage 2 all representations are to be made in writing. At Stage 3 the Complainant can make both written and verbal representations to the Review Panel. If necessary, steps will be taken to ensure that information is available to Complainants in languages other than English, and arrangements will be made for an interpreter to be present during any oral representations.

### **3.5 Expectations of the investigation**

At each stage, the person investigating the complaint should ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the Complainant or contact them (if unsure or further information is necessary);
- clarify what the Complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning and keep notes of the interview;
- set realistic and reasonable time limits for each action within each stage.

### **3.6 Potential early resolutions**

At each stage in the procedure, the school will consider ways to resolve a complaint.

It might be sufficient to acknowledge that the complaint is valid in whole or in part. In

addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **3.7 Confidentiality**

All complaints will be recorded and kept confidential.

### **3.8 GDPR**

GDPR and DPA complaints are the responsibility of our Data Compliance Manager with advice from our Data Protection Officer. This policy will be the basis for dealing with Data Protection Complaints and Appeals. A written outcome will be provided.

## **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.

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

### **Stage 1: informal (complaint heard by member of staff or member of Senior Leadership Team (SLT))**

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, 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 5 working days, and investigate and provide a response within 10 working days of this acknowledgement.

The informal stage might involve a meeting between the complainant and the member of staff dealing with the complaint and/or the subject of the complaint, as appropriate. The complaint might be resolved through a communication via email, telephone or a meeting in person between the complainant and the member of staff dealing with the complaint or delegated member of the leadership team.

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

### **Stage 2: formal (complaint heard by the Principal)**

The formal stage involves the complainant putting the complaint into writing, usually to the Principal and/or the subject of the complaint. 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 10 days, or if additional time is required for investigation then a holding response will be sent within 10 days indicating the expected time required to send a full response.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 10 days.

### **Stage 3: review 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 or on behalf of the Governing Body 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 will have access to the existing record of the complaint's progress (see section 9).

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. 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.

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 complainant and the school representatives may be asked questions by the panel and will be given opportunities to ask questions and make comments to the panel. 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 proprietor and Principal.

The panel may recommend that the matter warrants consideration under the school's disciplinary procedures but such action will not be determined by this panel nor will it be communicated to the complainant.

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

## **6. Complaints against the Principal or a governor**

Complaints made against the Principal should be directed to the Clerk to the Governing Body ([nicola.tyers@sky.com](mailto:nicola.tyers@sky.com)).

### **Stage 1: informal resolution**

The Chair of Governors will encourage the complainant to resolve the issue through a face to face discussion with the Principal if this has not already occurred.

### **Stage 2: formal resolution**

The formal stage involves the complainant putting the complaint in writing to the Chair of Governors either by mail to the school address or by email to the Clerk to the Governing Body. The Chair (or nominated deputy) will investigate the complaint and may ask for one or more reports to be produced by a member of the Senior Leadership Team, especially if student witness statements are required. The Chair will respond to the complainant within 10 working days either with the conclusion or by way of a holding letter to advise when the conclusion is expected to be available.

If the complainant is not satisfied with the response, they may respond with their issues either to the Chair of Governors to seek a further response or they may escalate the issue to Stage 3 by writing to the Clerk to the Governors. The Chair may also escalate the issue to Stage 3.

### **Stage 3: review panel**

The panel will be assembled by the Clerk to the Governors and will comprise 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 procedure for Stage 3 is as set out above for general complaints.

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 Body and will go straight to Stage 3.

### **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 any 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>

### **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 Principal or chair of governors (or other appropriate person in the case of a complaint about the Principal or 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 the school acts reasonably.

### **Unreasonably persistent complaints**

If the school judges that the complaints of an individual or individuals are unreasonably persistent, the same steps outline earlier in section 8 will be adopted.

## **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. 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 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 for 3 years.

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 Chair of Governors, or a delegated member of the governing body in the Chair's absence, who will not unreasonably withhold consent.

## **10. Learning lessons**

The UCC governing body will review any underlying issues raised by complaints with the Principal, 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.

## **11. Monitoring arrangements**

The UCC governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The UCC governing body will track the number and nature of complaints, and review underlying issues as stated in section 10.

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

This policy will be reviewed bi-annually by the UCC governing body.

## **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

## Appendix 1

UCC COMPLAINTS FORM	
Your name	
Relationship with the school (e.g. parent)	
Student name	
Relationship to the student	
Address Postcode Telephone number	
Please give details of your complaint	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response)  Where possible we would encourage you to speak to the member of staff directly in the first instance.	
What actions do you feel might resolve the problem at this stage?	
Have you attached any additional paperwork?	
Signature:	
Date:	
Please send this form via email to Mrs L St John <a href="mailto:stjohn_l@ucc.rutland.sch.uk">stjohn_l@ucc.rutland.sch.uk</a>	