

# Complaints Policy



<b>Approved by:</b>	Jon Lisle (Head Teacher) Penny Harris (Director) Jane Cox (Director)	<b>Date:</b> 5 <sup>th</sup> October 2020
<b>Last reviewed on:</b>	1 <sup>st</sup> November 2019	
<b>Next review due by:</b>	5 <sup>th</sup> October 2021	

All policies are generated and reviewed with an awareness of equality and diversity in relation to pupils, staff and visitors. All policies are generated and reviewed placing safeguarding at the heart of all that we do.

There is a separate Pupil Complaints Policy.

Contact Details		
Name	Role	Contact details
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Penny Harris	Director	07792 236406 pharris@ontrackededucation.com
Devon (to report a safeguarding concern about a staff member)	Local Authority Designated Officer (LADO)	01392 384964

### **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.

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.

### **Aims of our Complaints Policy**

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.

### **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.

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.

### **Stages of Complaints**

There are three stages to the complaints procedure.

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

The school will take informal complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of senior staff or the Head Teacher, 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. Complaints about the Head Teacher should be made to a Director.

The school will acknowledge informal complaints within two working days, and investigate and provide a response within 10 working days.

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

The formal stage involves the complainant putting the complaint to the Head Teacher, usually in writing, confirming that they wish to proceed formally. This notification 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 Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct his or her own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform a Director, in writing, within five working 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.

A panel will be appointed by or on behalf of the Directors and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of Directors, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. 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 panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Head Teacher.

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

### **Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings. For more information or to refer a complaint, see the following webpage:

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

### **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, a Director (or other appropriate person in the case of a complaint about a Director) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the school's position and their options (if any), and
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Record-keeping**

The school will record the progress of all formal complaints, including information about actions taken, 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 under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of formal complaints will be kept for a minimum of six years.

### **Learning lessons**

The Directors will review any underlying issues raised by complaints with the Head Teacher 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.

### **Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy
- Admissions policy
- Exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN and Inclusion policy

### **Review**

In order to ensure that this policy is relevant, if you have any suggestions for additions or amendments, please email [directors@ontrackededucation.com](mailto:directors@ontrackededucation.com)

**Forms associated with this policy begin on next page.**



**Record of a Complaint Received**

Date:		Time:	
Person making the complaint:			
Recorded by whom:			
Complaint received:	By phone / in person / by letter / by email		
Is this a concern, informal complaint or formal complaint?			

**Details of the Complaint:**

Person (s) involved:		Location:	
Brief description of the event / identified problem:			
What the complainant feels would put things right:			

Interim actions:	
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## Investigation Report

[This is a template investigation report that an investigator may adapt to suit the particular circumstances of their investigation]

<b>Introduction</b>	<b>Investigation authorised by:</b> [Name and role]
	<b>Investigator:</b> [Name and role]
	<b>Date investigation began:</b>
	<b>Terms of reference:</b> [include if they were amended and how]
	<b>Background to the investigation:</b> [Brief overview of the matter]
<b>Process of investigation</b>	<b>The investigation process:</b> [Explain how the investigation was authorised]

	<b>Evidence collected:</b> [List all evidence collected]
	<b>Evidence not collected:</b> [List all evidence that could not be collected and why]
	<b>Persons interviewed:</b> [List all people interviewed]
	<b>Persons not interviewed:</b> [List any witnesses that could not be interviewed and why]
	<b>Anonymised statements:</b> [If any, explain why and provide details of any enquiries into witness statements]

<b>The investigation findings</b>	<b>Summary of written and physical evidence:</b> [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
	<b>Summary of witness evidence:</b> [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]



	<b>Facts established:</b> [detail what the investigation has established]
	<b>Facts that could not be established:</b> [detail any part of the investigation that was inconclusive]
	<b>Mitigating factors:</b> [detail if there were any mitigating factors uncovered that are relevant to the investigation]
	<b>Other relevant information:</b> [detail any other information that is relevant to the matter]

<b>Conclusion</b> [if required]	<b>Recommendation:</b>  <b>Formal action/Informal action/No action required</b>
	<b>Further details on recommendation:</b> [such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]
	<b>Investigator's signature:</b>  <b>Date:</b>

<b>Supporting documents</b>	[List all documents collected as part of investigation and included in report]
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