



# Ousedale School

Aspire | Believe | Achieve

## Complaints Policy and Procedure for Parents and Carers

Reviewed and approved by Personnel Committee	23/06/2021
Approved by Full Governors	05/07/2021
Next due for review by Personnel Committee	June 2024

## **1.0 Introduction**

1.1 Ousedale School endeavours to provide the best possible education for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

1.2 In order to do so, the governing board has approved the following procedure which explains what you should do if you wish to make a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

## **2.0 Purpose**

2.1 This policy applies to any matters (other than matters relating to admissions, external examinations, exclusions, staff grievance, capability or disciplinary, which have their own processes), which have been raised with the School as a matter of concern, but has not been capable of resolution and which the complainant or the School considers should be dealt with on a formal basis.

2.2 Where the complaint concerns a third party used by the School, please complain directly to the third party themselves.

2.3 It is a pre-condition of the operation of this policy that the complainant shall have made reasonable attempts to seek a resolution to their concern before it becomes a complaint and shall have acted in relation to the matter in a reasonable, measured and proportionate way. The headteacher/chair of governors will not allow a complaint to be pursued unless the precondition has been met. Parents/Carers may find it helpful to read our behaviour and other policies prior to raising a concern.

2.4 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **3.0 The difference between a concern and a complaint**

3.1 For the purpose of this procedure concerns are defined as 'having a worry or doubt over an issue considered to be important for which reassurances are sought'. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

3.2 The governing board encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's form teacher) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed

may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

#### **4.0 Resolving concerns informally**

- 4.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 4.2 Do not hesitate to contact the school if you are uneasy or dissatisfied about something. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 4.3 Concerns should be raised (either in writing or by telephone) with either the child's form tutor or pastoral academic leader who will investigate the matter. These are the people who have immediate responsibility for your child's studies, pastoral care, discipline and involvement in school life.
- 4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 4.5 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the formal stages of the procedure. If a parent/carer approaches a member of the governing body directly, the governor will direct that person to take the concern to the headteacher.
- 4.6 At the conclusion of their investigation, the appropriate person investigating the concern will provide an informal written response within 10 school days of the date of receipt of the concern.
- 4.7 If the issue remains unresolved, the next step is to make a formal complaint. The formal stages of the procedure should only be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

#### **5.0 How to raise a complaint**

- 5.1 Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher. Please mark them as Private and Confidential.
- 5.2 Complaints that involve or are about the headteacher should be addressed to the clerk to the governors. Please mark them as Private and Confidential.
- 5.3 Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governors. Please mark them as Private and Confidential.

5.4 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

## **6 Formal Stage 1 - Formal investigation by headteacher**

6.1 If the concern is not resolved at the informal stage, the complainant must complete the complaints form (Appendix 1) and write to the appropriate person (as set out above in section 5) within 5 working days of receiving the outcome of the informal stage. The headteacher (or chair of governors/clerk to the governors) will record the date the complaint is received and acknowledge the complaint within 10 working days in writing (either by letter or email).

6.2 Within this response, the headteacher will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

6.3 The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

6.4 During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

6.5 The complainant, and staff member, should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

6.6 The investigator may meet with the complainant, who may be accompanied by a friend, to clarify the complaint.

6.7 The investigator will be responsible for collecting such other evidence, as deemed necessary. In addition to receiving a copy of the complaint, the member of staff will be provided with any additional evidence presented by the complainant or collected by the headteacher.

6.8 The investigation will be undertaken as soon as possible and will be completed within 10 working days of acknowledging receipt of the formal complaint.

6.9 At the conclusion of their investigation, the headteacher will provide a formal written response within 15 school days of having issued written acknowledgement of receipt of the complaint.

6.10 If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

6.11 After considering the available evidence, the headteacher can decide to:

- uphold the complaint and direct that certain action be taken to resolve it,
- uphold the complaint in part and direct for certain action to be taken, or;
- dismiss the complaint entirely.

- 6.12 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint. However, details of the investigation or of any disciplinary procedures will not be released.
- 6.13 The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the governors.
- 6.14 If the complaint is about the headteacher, or a member of the governing body (including the chair or vice-chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.
- 6.15 Stage 1 will be considered by an independent investigator appointed by the governing body if the complaint is about:
- jointly the chair and vice-chair or
  - the entire governing body or
  - the majority of the governing body
- At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **7.0 Formal Stage 2 – Review by a panel**

- 7.1 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a panel hearing appointed by or on behalf of the academy trust (governing board and trust members) and consisting of at least three people who were not directly involved in the matters detailed in the complaint. The panel will comprise of two governors and one member who is independent of the management and running of the school. This is the final stage of the complaints procedure.
- 7.2 A request to escalate to Stage 2 must be made in writing to the clerk to the governors, within 5 school days of receipt of the Stage 1 response. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.
- 7.3 The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 7.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 7.5 The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.
- 7.6 If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

- 7.7 Stage 2 will be heard by a completely independent panel if the complaint is about:
- jointly the chair and vice-chair or
  - the entire governing body or
  - the majority of the governing body
- 7.8 Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the panel hearing, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the panel hearing.
- 7.9 The clerk will:
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the panel at least 7 school days before the meeting.
- 7.10 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 7.11 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from the beginning of the procedure.
- 7.12 Along with the complainant, the panel may decide to invite the following to attend the panel hearing;
- the headteacher (or member of governing board appropriate) who investigated the complaint and made the decision at stage 1
  - relevant persons involved in the complaint persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint.
- 7.13 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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 7.14 The panel will consider the complaint and all the evidence presented. The panel can:
- uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- 7.15 The panel will also consider the school's response and carry out further investigations and/or interviews as appropriate.
- 7.16 If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint,
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

- 7.17 The chair of the panel will provide the complainant and the School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.
- 7.18 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.
- 7.19 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the academy trust (governing board and trust members) and the headteacher.
- 7.20 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 7.21 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the School.

## **8.0 Timescales**

- 8.1 A concern or complaint should be raised as soon as possible. You must raise the complaint within one month of the incident or, where a series of associated incidents have occurred, within one month of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 8.2 The designated timescales apply during term time and additional time will be required over school holiday periods.
- 8.3 Where the headteacher or chair of governors is unable to comply with the timescales for reasons beyond their control for a stage 1 or 2 complaint, such as the complexity of the complaint or the availability of witnesses, either will inform the complainant, within seven working days of receipt of the complaint, when the outcome will be communicated.

## **9 Vexatious and anonymous complainants**

- 9.1 There may be rare occasions when the complainant is deemed to be “vexatious”. This could be because it is clear that the complainant has insufficient grounds for complaint and is seeking to annoy, or evidence has been fabricated or that a complaint has been investigated and is found not to be justified, but the complainant persistently engages in making further accusations relating to the same issues.
- 9.2 Any such case will be dealt with on an individual basis but the headteacher and chair of governors reserve the right to close the complaint if the complainant is deemed to be “vexatious”, and to determine that the matter is now concluded. It is vital that full notes of the reasons for this are made.

9.3 If a concern or complaint is raised anonymously it will be most likely ignored by all parties concerned.

## **10. Part 7 of the Education (Independent School Standards) Regulations 2014**

10.1 In relation to Part 7 of the Education (Independent School Standards) Regulations 2014, which all academies must follow, the School will:

- keep confidential correspondence, statements and records relating to individual complaints except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- keep a written record of all formal complaints, whether or not they are resolved at the preliminary stages, proceed to panel hearing or whether or not they are upheld and the action taken.

## **11.0 Next steps**

11.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 2.

11.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

11.3 The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

**Appendix 1: Complaint Form**

Please complete and return to headteacher for stage 1 or clerk to the governors where the stage 1 complaint is about the headteacher/for a stage 2 complaint.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions 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:**

**Action taken:**

**Date:**

## **Appendix 2: Checklist for a panel hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set timescale.

## **Appendix 3: Roles and responsibilities**

### **The School's expectation of parent/carers**

We would ask that, for your part:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance and seek information from the School as needed
- treat all those involved in the complaint with respect
- do not believe everything you hear - things are often not entirely the way they are reported (by children or by other parent/carers); children very much see things from their own point of view and important elements, circumstances and nuances of the story are often omitted in the version told to parent/carers;
- trust the school to resolve matters according to the aims and methods stated in this policy;
- consider what the school has to say;
- disclose full and frank information which would help the school to resolve situations with integrity and justice;
- take seriously, and report without delay, any concerns or suspicions of bullying;
- do not involve your child inappropriately in your complaint -
- refrain from publicising the details of the complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

*(this could be the headteacher or other staff member providing administrative support)*

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, chair of governors or the clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **The Role of the chair of the panel**

The chair of the panel, who is nominated in advance of the meeting, has a key role, ensuring that:

- both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the clerk

### **Clerk to the Governors**

The clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

## Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
  - Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
  - The panel should respect the views of the child/young person and give them equal consideration to those of adults.
  - If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
  - However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.