



## COMPLAINTS POLICY

Last Review:	May 2021
Committee:	FGB
Date Ratified:	20/05/2021
Next Review:	May 2023

### 1. Rationale

- 1.1. Oldfield School is a large and complex organisation. We strive constantly to fulfil our strategic commitment, purpose and intent and do our best for all the young people in our care and for the adults on our staff.
- 1.2. In the course of every day there are thousands of interactions between staff and students, staff and parents and carers and between students. We always try to communicate effectively and implement all processes and procedures fairly – but, as with any human organisation, sometimes things go wrong, communication fails, or we make a mistake.
- 1.3. In these circumstances we are very willing to listen to criticism and challenge and we hope to respond in a positive spirit in order to bring about improvement or redress.

### 2. Aims

- 2.1. The aims of our complaints procedure are:
  - to enable complainants to express their dissatisfaction;
  - to ensure that anyone making a complaint about the School, or between persons within or connected with the School, is dealt with sympathetically and courteously. (Students will be dealt with in accordance with the Behaviour for Learning Policy);
  - to inform any member of staff involved about the nature of the complaint, if appropriate
  - to take complaints seriously and investigate them fairly and thoroughly;
  - to ensure that where errors or faults on our part are demonstrated, they are remedied as far as is possible, to the satisfaction of the complainant;
  - to learn from complaints in order to make improvements to our practice and procedure.

### 3. Resolving Complaints

At each stage in the procedure the School will want to keep in mind ways in which the complaint might be positively resolved through:

- an explanation;
- an apology;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to ensure that every effort will be made to prevent a similar situation arising;
- an undertaking to review school policies in the light of the complaint

#### 4. Withdrawal of a Complaint

If the complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

#### 5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants investigation.

#### 6. Time Scales

- 6.1. This procedure is designed to give parents and carers of registered students at the School a means of making complaints within six school weeks of an alleged incident which they can be confident will be addressed properly. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 6.2. We will consider complaints made outside of term time to have been received on the first day after the holiday period
- 6.3. A complaint may result in disciplinary action by the School against a member of staff which would be confidential between that member of staff and the school but otherwise parents should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

#### 7. Scope

The following exceptions will apply:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Bath & North East Somerset Local Authority Designated Officer (LADO) Tel: 01225 396810. Information may then be requested to be sent to, e-mail: <a href="mailto:LADO@bathnes.gov.uk">LADO@bathnes.gov.uk</a> .
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>

<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

## 8. The difference between a concern and a complaint

- 8.1. A concern may be defined as 'an expression of doubt over an issue considered to be important for which reassurances are sought'.
- 8.2. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'.
- 8.3. 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. Oldfield School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 8.4. We understand however, that there are occasions when people would like to raise concerns formally. In this case, the School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 9. How to raise a concern or make a complaint

- 9.1. Think clearly about the issue you wish to raise and what you want to achieve. If this concerns an incident, please be ready to tell the School where, when and how you think it happened and who was involved. Your issue might be about a difference of opinion, a matter of School policy or practice or a matter that needs clarifying.
- 9.2.
- 9.3. The School staff with designated responsibilities, the Headteacher and the Governing Board are variously responsible for handling complaints about the School. In the first instance you must take your issue straight to the School. If you are unsure who is the most appropriate person to take this to, contact the School and ask – giving an indication of the nature of your concern.

### Informal Stage

- 9.4. In the first instance, contact the School and find out who would be the most appropriate person to talk to.
- 9.5. Arrange to speak to that person, either on the phone or by making an appointment to speak to them in person or fax, e-mail or write to them at the School.

- 9.6. Their response will be by phone, e-mail or in writing within 15 working days.
- 9.7. Most concerns are resolved satisfactorily at this stage and are brought to a close. If you are not satisfied your complaint moves on to Formal Stage 1.

### **Informal Complaints Log**

- 9.8. This is kept by the Personal Assistant to the Headteacher. The file records complaints made by parents which have required a written response to a complaint from a member of middle leadership (Leader of Learning / Head of Subject or Head of Year).
- 9.9. Each entry should record:
  - the name of the person making the complaint;
  - the date of the complaint;
  - the nature of the complaint and the name of all those involved;
  - if the complaint was resolved and how;
  - if it was not resolved, to whom it was referred and why;
- 9.10. The Headteacher will review the informal complaints file on a regular basis and will report on its contents on a termly basis to the Chair of Governors.

### **Formal Stage 1**

- 9.11. Contact the Headteacher in writing (letter or email), describing your complaint and/or the reason you remain dissatisfied with the School's response.
- 9.12. It would be most helpful if you could state what you wish to achieve – an apology, an explanation, a change to School practice etc. Please do not forget to give your full name and contact details and, where applicable, the student's name, year and tutor group.
- 9.13. The Headteacher or designated member of staff will investigate the matter and will let you know in writing the outcome and any action to be taken. Please note that it can take some time for a School to complete an investigation. Teachers spend most of their time teaching and the Headteacher has many planned commitments. Therefore it can take time to discuss matters with all those who may be involved. The School will respond to you within 15 working days.
- 9.14. If the complaint is about areas of the Headteacher's or Governing Body's responsibility then the complaint will be investigated by the Chair of Governors or a designated Governor.
- 9.15. If you are not satisfied that the situation is resolved after the Headteacher's response, you may contact the Chair of Governors via the Clerk to the Governors. This must be done in writing to the School within 15 working days of the completion of Stage 1. This moves the complaint to Formal Stage 2.

### **Formal Stage 2 - Reference to the Chair of Governors**

- 9.16. The Chair will investigate your complaint and, in most cases, seek to resolve the matter through discussion with yourself and the Headteacher. At the end of this stage the Chair will provide you with a written response. This will normally be within 10 School days, but you will be kept informed if more time is needed. The chair can be contacted through the Clerk to the Governing Board; whose email address is on the school website.
- 9.17. If you are not satisfied with the Chair's response, the complaint can be referred to the Governing Body by writing to the Clerk to the Governing Board for reference to the Complaints Panel.

### **Formal Stage 3 - Reference to the Complaints Panel**

- 9.18. A request to convene a Complaints Panel will only be considered if the complainant has completed all the procedures at earlier stages and made a request in writing within 7 School days of receiving the decision from the Chair of Governors.
- 9.19. When writing to the Clerk to the Governing Board, complainants must ensure to include copies of all the relevant paperwork, and clearly state what outcome they desire. All correspondence relating to a complaint will be kept confidential whenever possible. The Clerk must be provided with the complainant's full contact details.
- 9.20. The Governing Body will convene a small panel (usually two governors and one person independent of the running and management of the School) to consider the process to date and the outstanding concerns and dissatisfactions.
- 9.21. The Complaints Panel will meet, usually within 15 School days of the request.
- 9.22. The panel will select a chair from among themselves.
- 9.23. The Governors will ask the complainant and the Headteacher to submit a written statement.
- 9.24. A date and time will be set for the panel to meet. You will be invited to attend so that you may present your views in person. If you wish, you may be accompanied by a friend or representative who can also speak for you to the panel will consider the views of both sides. They will come to a conclusion or a decision. This will be communicated in writing to both parties within 10 working days.
- 9.25. The decision of the panel is final. If you still feel that the School has acted unreasonably or not followed the correct procedures, you may wish to put your complaint in writing to the Secretary of State for Education.

### **10. Next Steps**

- 10.1. 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 3.
- 10.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Oldfield School. They will consider whether Oldfield 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.
- 10.3. 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

### **11. Establishing a Complaints Panel**

- 11.1. There are several points which any governor sitting on a complaints panel needs to remember:
  - 11.1.1. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the

circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

11.1.2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

11.1.3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

11.1.4. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

## **12. Remit of the Complaints Panel**

12.1. The panel needs to consider whether the complaint:

- relates to a decision taken by the Headteacher, member of staff or the Governing Body;
- is about the way a complaint or concern was handled.

12.2. If the complaint was in relation to a decision taken by the Headteacher or member of staff, the panel will need to consider whether:

- it was a decision within the Headteacher's responsibility or
- an area where the Governing Body has responsibility, or share responsibility but have delegated this to the Headteacher.

## **13. The Role of the Clerk to the Complaints Panel**

13.1. Any panel or group of governors considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## **14. The Role of the Chair of the Governing Body or the Nominated Governor**

14.1. The Chair of the Governing Body or nominated governor should:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to the Panel to arrange the panel.

## **15. The Role of the Chair of the Panel**

15.1. The Chair of the Panel has a key role, ensuring that:

- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acts independently;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- ensure that everyone except the panel withdraw while a decision is made.

## **16. The Formal Complaints File**

16.1. This is kept by the Personal Assistant to the Headteacher. The file records complaints made by parents.

16.2. Each entry should record:

- the name of the person making the complaint;
- the date of the complaint;
- the nature of the complaint and the name of all those involved;
- if the complaint was resolved and how;
- if it was not resolved, to whom it was referred and why;
- the report of the incident will have attached any supporting witness statements or other evidence.

16.3. The Headteacher will review the formal complaints file on a regular basis and will reported on its contents on a termly basis to the Chair of Governors.