



Empowering our unique schools to excel

Curzon CE Combined School

Complaints Policy Guidance

	ODBST v2.0	
Policy Level:		
	3	<u>ODBST Statutory Policy Guidance</u> All Academies must adopt a policy on this topic/area. All Local Governing Bodies will follow and have due regard to this guidance when drafting their local policy. No approval from the ODBST Board is necessary.
Other related ODBST policies and procedures:	Safeguarding Policy Behaviour Policy Exclusion Policy SEN Policy Anti-bullying Policy Whistleblowing Policy Disciplinary, Capability and Grievance	
Committee responsible:	Finance and Personnel Committee Curzon	
Approved by:	Finance and Personnel Committee Curzon	
Date Approved:		
Date for Next Review:	Every 2-3 years The procedure may need to be amended before the review date if there are any changes to the law, or if it becomes apparent as a result of a complaint that the procedure is not working effectively. The amendment of the procedure should usually be carried out by a staff member and submitted to the local governing body for approval. The Trust will review this guidance to reflect any changes to the law.	

In reviewing this policy guidance the Trust Board has had regards to the Equality Act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged.

Learning, Sharing and Growing under God



ODBST Complaints Guidance & Model Procedure

Guidance for handling complaints

All schools face complaints at some stage, and they are required by law to have a procedure for dealing with them. It is in everyone's interest that complaints about a school are resolved at the earliest possible stage and a school must be clear about the procedures they will apply when they receive a complaint.

A thorough and straightforward complaints procedure should minimise time spent dealing with complaints in schools by providing a clear process from which they can be efficiently dealt with. Complaints must still be dealt with thoroughly and schools should aspire to ensure that all parties are satisfied with the outcomes.

Academies are required by the **Independent School Standards 2014** to have a publicised complaints procedure with clear timescales and an informal stage that is available to parents and specifies that one member of any review panel must be independent from the school.

The Local Governing Body has delegated responsibility on behalf of the trustees of ODBST for the school and for ensuring that all pupils receive an appropriate and high standard of education. The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. As such, the school should make it clear that parents and third parties should direct complaints to the school in most circumstances.

This guidance is not intended to cover matters for which there is a specific statutory process to object, complain or appeal. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. Similarly, separate procedures will apply in relation to appeals related to admissions, special educational needs and exclusions.

Any feedback or concerns regarding this guidance or the model procedure should be reported back in the first instance to the ODBST Academy Effectiveness Committee via either the CEO or the Governance Services Officer.

Some key principles

Most complaints should be dealt with by staff and never reach the local governing body

The vast majority of complaints should be dealt with at the informal stage by school staff. There should not be a significant volume of complaints being dealt with by the local governing body. The ODBST model procedure is based on a three stage school process, one informal and two formal: in the first instance 'concerns' are dealt with by the relevant member of staff; if a parent is dissatisfied s/he complains formally to the headteacher who responds formally and if the parent remains dissatisfied there is a final stage which is a complaint to a panel of the local governing body. It is the view of ODBST that governors, including the chair, should only be involved in complaints at the final stage of the procedure i.e. when a review panel of governors would need to be convened. The headteacher or another member of staff should act as the complaints co-ordinator within the school, and the Trust should be notified of the number of complaints reaching the formal stages each academic term.

Schools should always seek resolution

In ensuring that complaints do not escalate, staff should endeavour to resolve complaints informally wherever possible. It is important that they recognise the difference between a concern and a complaint:

- a **concern** is the raising of a potential issue that is an expression of some worry or apprehension
- a **complaint** is an actual statement of dissatisfaction that requires resolution. Staff should be clear on how to deal with complaints appropriately, depending on their seriousness.

Staff should be open and welcoming to parents and willing to discuss issues with them when they are raised. The aim is not to silence the complainant but to work together to resolve whatever issue there is. If schools adopt such an

open culture it is less likely that 'concerns' will escalate into complaints. Complainants should always be asked what outcome to a concern or complaint they are seeking.

At every stage of the process, informal and formal complainants should be asked what resolution they are seeking and the individual investigating the complaint at that stage should consider whether the school is able to offer that solution.

Even where a formal complaint is required, resolution should be sought at every stage of the process, including at the local governing body review.

As few people should be involved as possible

As few people as possible should be involved in complaints at each stage, partly for confidentiality purposes, but also to ensure that individuals who could be called upon to review the situation do not become tainted. By this, we mean that governors called upon to review complaints should have minimal prior knowledge about the situation in order to ensure that they have not formed any biases that may influence their ability to be impartial.

Records should be kept at each stage of the process

While escalation of the complaint will ideally not result in further investigation, it is important that those responsible for reviewing the complaint at each stage keep records of what the complaint was, any relevant evidence that was considered and the outcome. Ideally, this would be sent to the complainant to sign that it was a true reflection of what was said.

In doing this, the school is making it easier to review the complaint at any later stages of the procedure (saving time for governors on appeal panels in the process) and also ensuring that it has the strongest base possible from which to defend itself if the complaint is taken to the Department for Education. Any personal information recorded in regard to the complaint must be kept according to the principles of the Data Protection Act 1998 .

Review the procedure regularly

The local governing body should be confident that its complaints procedure is thorough, clear and robust.

As a matter of good practice, the local governing body should review its procedure every two or three years to make sure it is still fit for purpose. The procedure may need to be amended before the review date if there are any changes to the law, or if it becomes apparent as a result of a complaint that the procedure is not working effectively. The amendment of the procedure should usually be carried out by a staff member and submitted to the local governing body for approval. The Trust will review this guidance to reflect any changes to the law.

Curzon CE Combined School Complaints Procedure

Approved by the Finance Committee – 20 January 2021

Review Date: January 2023

Anything highlighted or in italics should be checked and edited as necessary.

Introduction

Curzon CE Combined School endeavours to provide the best education possible for all of its pupils 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

In order to do so, the local governing body of Curzon CE Combined School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's admissions policy
- Pupil exclusions; please see the school's behaviour policy
- Staff grievance, capability or disciplinary; these are covered by the school's grievance and capability procedure.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher or the member of staff most directly concerned via the phone or in person. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school website <https://www.curzonschool.co.uk/wp/statutory-documents/> or a copy obtained from the main reception of the school.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Curzon CE Combined School requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

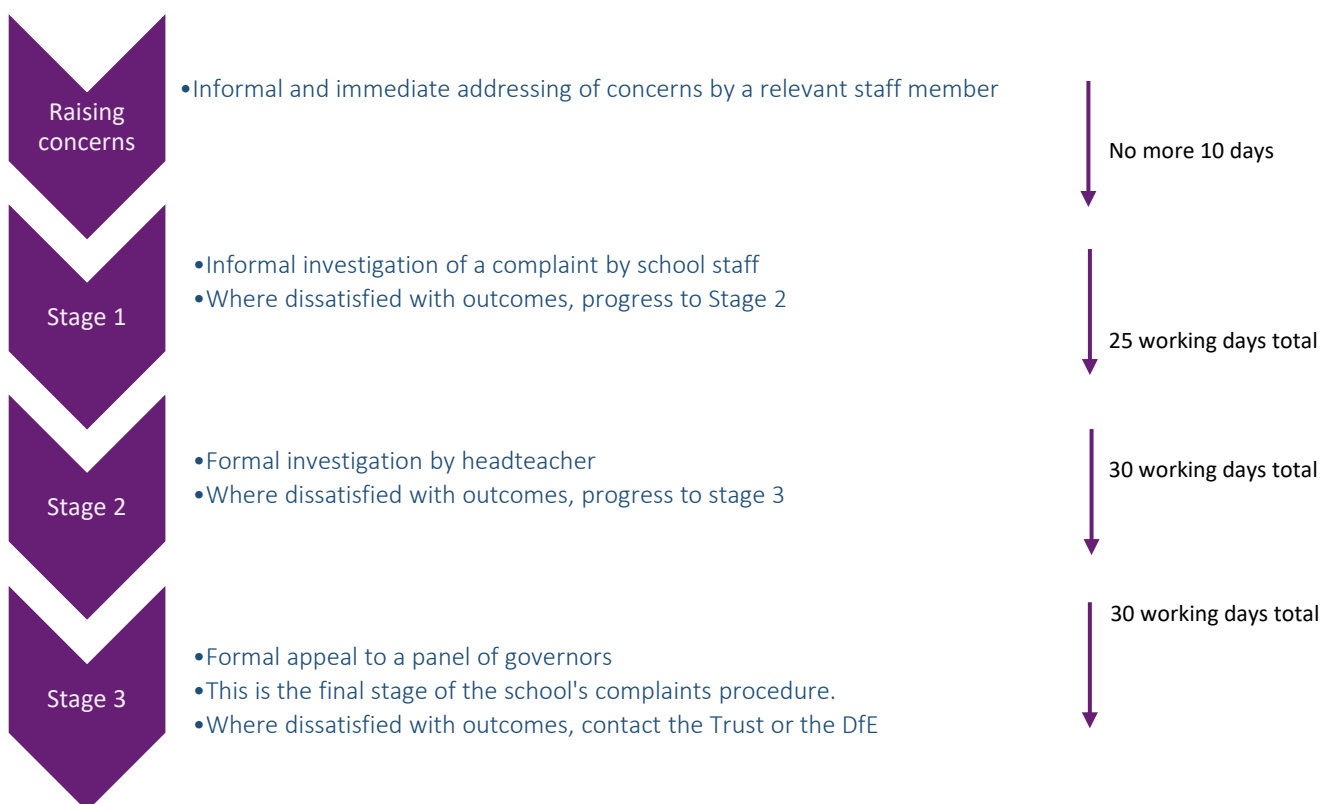
Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



If an investigation is needed, it will begin within five school days of receipt of the written complaint and completed as soon as reasonably practicable.

Timeframes

Curzon CE Combined School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Curzon CE Combined School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision and recording the reasons.

Who should I approach?

Educational matters: Class teacher

Pastoral care: SENCO

Behavioural matters: the staff member who initiated the sanction

Financial/Administration matters: office manager or bursar

Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.

Complaints about the headteacher or the governors

Where a complaint regards the headteacher, the complainant should first directly approach the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the clerk to the chair of governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the headteacher or another member of the senior leadership team.

Where a complaint regards a governor, the same process applies as for the headteacher. Where a complaint concerns the chair of governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair or an independent investigator will mediate any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by a staff member

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation and so cannot be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the relevant staff member. (The class teacher or staff member directly involved)

We would expect most issues to be resolved informally by direct communication with the member of staff concerned as this is by far the easiest and most successful method to secure a resolution. This can be arranged via the school office and

should be the first step in all cases. (An unreasonable refusal to attempt informal resolution may result in the investigation being terminated.)

2. The complainant should explain:
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The staff member will respond within **10 working days** (excluding those which fall in the school holidays) of having received the complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the staff member will arrange an informal mediation meeting between the two parties to see if a resolution can be reached.
5. The staff member will provide written confirmation of the outcome of their investigation, or of the informal mediation if this was able to resolve the complaint, within **15 working days** (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome of the informal investigation, they are able to progress to stage 2 of the complaints process and launch a formal written complaint.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

If this does not resolve the problem, the complainant should arrange to meet the Headteacher and explain the nature of the complaint. The Headteacher will then consider whether the complaint should continue to be handled informally or whether to move immediately to the formal stage. Only in exceptional situations will the Headteacher agree to receive a complaint without the complainant first communicating with the staff member concerned.

Stage 2 – Formal investigation by the headteacher

1. The complainant must submit a formal complaints form to the headteacher via the office email.
2. The headteacher will respond in writing within **10 working days** (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The headteacher will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.



6. After considering the available evidence, the headteacher can:
- Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
- In coming in to the decision, the head teacher may recognise:
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
 - The complaint is judged to be vexatious and will not be progressed further
 - The concern is not substantiated by the evidence.
 - The concern is substantiated in part or in full. Details may be given of action the school is taking to review procedures etc. but details of the investigation will not be released.
7. The headteacher must inform the complainant of their decision in writing within **20 working days** (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how

The complainant will be told that consideration of their complaint is complete

Stage 3 – Appeal – Review by a panel of the local governing body

The following section, stage 3, will be the final stage for schools. Trustees of ODBST Multi-Academy Trust have delegated the task of reviewing complaints appeals to the local governing bodies. There is an option to write to the Trust if complainants are not satisfied with the outcome.

If the complainant is not satisfied with the manner in which the process has been followed, he or she may, within two weeks of the conclusion, request a review by the Governing Body specifying any perceived procedural failures. If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher.

If the complainant wishes to appeal a decision by the headteacher at stage 2 of the procedure, or they are not satisfied with the action that the headteacher took in relation to the complaint, the complainant is able to appeal this decision within 2 weeks.

They **must** write to the clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel **within 4 weeks** of receiving the headteacher's decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant **within five working days** (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of **two school governors from the ODBST schools**. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place **within 20 working days** (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the headteacher (or senior staff member) who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the local governing body who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school sources appropriate individuals for the review.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part.
 - Uphold the complaint in whole or in part.
 - Decide on the appropriate action to be taken to resolve the complaint.
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome and any recommendations of the appeal **within 5 working days** (excluding those which fall in the school holidays). This letter will also be available for inspection on the school premises by the representatives of ODBST and the headteacher.

If the member of staff wishes to appeal against a decision taken under this procedure, he/she shall inform the Head Teacher in writing within 10 working days of receiving written details of the decision.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Records

Written records will be kept at each stage of the process to show:

- What the complaint was

- Any relevant evidence that was considered
- The outcomes including any action taken by the school throughout the process.

The information, and any correspondence, statements or records relating to the complaints will be kept confidentially in line with the data Protection Act 1998 except where the Secretary of State or a body conducting an inspection under section 109 of the 2005 Act requests access to them.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to ODBST (see the contact details at the end of the document) and to the DfE.

In the context of Freedom of Information requests, 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' It is not, however, a term the DfE employs - preferring the terms 'serial' or 'persistent' complaints. We advise that these criteria may be used in determining whether the situation may be defined as 'serial' or 'persistent'.

What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and / or threatening comments are made.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors Rachel Lawson via school office email.
- If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the Multi-Academy Trust:

The Oxford Diocesan Bucks Schools Trust,
Moat Farm,
Marsh Lane,
Stoke Mandeville,
Bucks. HP22 5UZ
- If the complainant feels that the local governing body acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.
- The headteacher can be contacted : office@curzonschool.com
- The Chair of Governors can be contacted: office@curzonschool.com

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014 <http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Curzon CE Combined School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint (include dates, times, witnesses)	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What actions do you feel might resolve the problem at this stage?	

Signed:	
Dated:	

<p><i>Official use</i></p> <p>Date received:</p> <p>Signed:</p>
