



SOLENT SPECIAL EDUCATION TRUST (SSET) “THE TRUST”

Title: **Complaints Policy and Procedure**

Lead Reviewer: **Headteacher**

Who this is aimed at: **Whole school community**

Version	Reason for Change

Date Initially Implemented	
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Frequency of review		Review due	
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Policy Statement

The governors of Rosewood free School are committed to ensuring that the highest standards are maintained at the School both in the provision of education to pupils and in every other aspect of the running of the School.

A complaints procedure is an important part of the management of a well-run school, allowing parents and other members of the public the opportunity to voice any concerns they may have through appropriate channels. As required by legislation, this policy explains the procedure which has been adopted by the governing board to ensure a timely, systematic and fair approach to the resolution of such concerns.

This policy is available to parents on the School website and elsewhere (see paragraph on publicising the policy).

This policy does not cover certain specific types of complaints, which are dealt with under separate procedures. These include:

- Any complaint relating to child protection. (These will immediately be raised with the local authority (LA) for them to handle.)
- SEN complaints – addressed under the SEN procedures (published on the School website).
- Admissions – addressed under the admissions and admissions appeals procedure (published on the School website).
- Pupil exclusions – addressed under the school's behaviour policy/exclusion policy (published on the School website).
- Complaints by staff – addressed under the School's internal grievance procedure or other personnel policies.
- Complaints about staff – investigated under the School's internal staff disciplinary policy.
- Whistle blowing – (matters of impropriety eg a breach of law, school procedures or ethics) – addressed under the School's whistle blowing procedure.
- Complaints about the headteacher – governing board will investigate.
- Complaints about collective worship – these should be addressed to the LA or to the local SACRE.
- Complaints about the national curriculum – these should be sent to the DfE.

- Complaints about School re-organisation – these should be referred to the LA.
- Complaints against services provided by third party hirers/users of the School premises – the School will direct the complainant to the external provider's own complaints procedures.
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010 – the general complaints procedure applies but the complainant may have a further right of appeal to the Special Educational Needs and Disability First-tier Tribunal.

Objectives and Targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the School's obligations under current legislation.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved.

Action Plan

At Rosewood free School, the Headteacher has overall responsibility for the operation and management of the School Complaints Procedure. In practical terms, the Headteacher will nominate a senior member of staff as **Complaints Co-ordinator to deal with matters on a day-by-day basis** and hold records relating to any complaints received. The name of this member of staff is readily available from the School Office or from any

member of staff. We recognise the need to be clear about the difference between a concern and a complaint. Taking concerns seriously at the earliest stage reduces the numbers that develop into formal complaints and we aim to ensure that concerns are handled, if at all possible, without the need for formal complaints procedures.

Concerns and complaints from parents:

We attempt to resolve parental concerns informally, calmly and quickly with the class teacher/form teacher/head of year/tutor before being referred to the headteacher. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary (see below – Informal Stage 1 of the procedure).

Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. The informal stage of the procedure will be exhaustively applied before the matter is referred to the formal stage at which point a complaint form is issued (see Appendix 2). At this point it will be referred to the line manager or headteacher, as appropriate, (see below – Formal Stage 2 of the procedure).

Complaints arising through conflict between estranged parents:

Complaints arising through conflict between estranged parents over the application of parental responsibility will be dealt with through this policy. They will be dealt with having the best interest of the child in mind, with reference to the DfE guidance *Understanding and Dealing with Issues Relating to Parental Responsibility September 2018*, and with further legal advice if necessary.

Concerns and complaints from members of the public:

Complaints from anyone who is not a parent of a pupil currently attending the School should be addressed to the headteacher in the first instance. That person should obtain a complaints form from the School (see Appendix 2) and send it to the headteacher who may often be able to deal informally with the concern.

Third parties:

The School makes sure that any third party providers have their own complaints procedures in place if they are using school premises or facilities to offer community facilities or services.

Anonymous complaints:

Anonymous concerns or complaints are not normally investigated. However, the headteacher or Chair of Governors will, if appropriate, consider whether the complaint warrants an investigation and decide what stage of the procedure needs to be invoked.

Role of governors in complaints procedure:

Individual governors should not allow themselves to be approached by parents or members of the public who raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the formal procedure (see below). If the complaint is actually about an individual governor, group of governors or the governing board as a whole, it should be addressed to the clerk to the governing board who will determine the appropriate persons/board to deal with the complaint.

Complaints made during school holidays:

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Stages in the Complaints Procedure

If in the future face-to-face meetings are not possible at any stage of this procedure because of a resurgence of the COVID-19 pandemic, the School will make every effort to conduct the meetings remotely by video. This would only be practicable, however, if all the participants have access to the necessary remote technology and are willing to use this medium. The complainant will be informed by the School how the process will be carried out. It may be necessary to adjust some of the normal deadlines if more time is needed to gather information, communicate with all the participants and arrange suitable dates and times for meetings.

There are three stages in the school's complaints procedure. See Appendix 1 for a flow chart. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.

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

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence. At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Stage 1 – Informal – Complaint heard by staff member

Rosewood free School expects any concerns or complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances).

As a matter of staff development, all staff members receive training in handling complaints. A complaint may initially be made in person, by telephone, or in writing. In this informal stage, the investigator, ie the class teacher/form teacher/head of year/tutor (but not the subject of the complaint or a governor), will deal with the complaint. Most parents' concerns can be satisfactorily resolved by discussion with the class teacher/form teacher/head of year/tutor or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child.

At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The complaint should be resolved within 5 school days. However, if the concern is not met to the complainant's satisfaction by discussion, or if the complainant is not prepared to go through an informal procedure, then, if the complainant wishes to take the matter further, they are requested to complete the complaints form (Appendix 2) and return it to the School

within 5 school days. The headteacher is informed and Stage 2 is implemented.

Stage 2 – Formal – Complaint heard by headteacher or senior staff member

Once a formal complaint has been received, the School's cut-off timeframe will apply to both parties. However, the School will consider exceptions to this time-frame from both parties if necessary.

- The complainant puts the complaint in writing using the complaints form (Appendix 2).
- The initial recipient of the complaint will refer the matter to the investigator eg the headteacher or to a designated member of the senior management team.
- The Headteacher, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher or designated member of staff will consider the complaint but it will be the headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

For complaints against the Headteacher or governors:

- Complaints against the Headteacher will usually be dealt with by the chair of governors but might first involve a suitably skilled member of the governing board.
- Complaints against the chair of governors or any individual governor should be made by writing to the clerk to the governing board.
- Complaints about the governing board as a whole should also be referred to the clerk. In some circumstances, the School reserves the right to refer the matter to an external body.
- Complaints about the Chief Executive Officer and/or Multi-Academy Trust should be referred to the clerk to the trust.

If the complainant is unhappy with the outcome of Stage 2 of the procedure s/he will be informed of her or his right to have the matter referred to the governors' complaints appeal panel. Any such appeal must be lodged in writing within 5 school days and should be addressed to the clerk to the governors for the attention of the chair of governors and the governors' complaints appeal panel will be convened.

Stage 3 – Formal – Governors' complaints appeal panel

The aim of the review panel meeting is to review how the School has managed the complaint, not to re-investigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1 and 2 and evaluating whether the school has followed its policies and procedures. The panel should also give consideration to achieving reconciliation between the School and complainant, although it has to be recognised that this is not always possible.

When the clerk to the governors receives the request for the governors' complaints appeal panel to meet:

- A governors' complaints appeal panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally have a clerk in attendance.
- The clerk will inform the complainant/parent of the new timescale for the investigation and for the written report to be provided – within 14 working days. (However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed 14 days, the School will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.)
- The clerk will inform the complainant of the right to be accompanied by a friend.
- The clerk will write to the complainant, the Headteacher, the chair of governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.

If the complainant requests an independent panel, the School will consider the request but ultimately the decision is made by the governors.

One of the members of the panel **must** be independent of the School.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see Appendix 3) will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the governors' complaints appeal panel. The panel can:

- 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 procedures to ensure that similar problems do not recur.

The governors' appeal panel's decision is final.

After the Hearing

After the hearing, the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within 5 school days so that no additional complaints will arise because of the record of the meeting.

A copy of the findings and recommendations of the panel will be sent by letter or electronic mail to the complainant and, where relevant, to the person complained about, and will be available for inspection on the School premises by the headteacher.

If a complaint results in disciplinary action by the School against a member of staff this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint.

A written record will be kept of all complaints stating:

- Whether the complaint was resolved following Stage 2 or proceeded to Stage 3 of the complaints procedure.
- The action taken by the School as a result of the complaint (regardless of whether it is upheld).

All correspondence, statements and other records relating to individual complaints will be kept confidential except where the Education Secretary or Ofsted requests access to them.

Roles and Responsibilities of the Participants in the Investigation of a Complaint

The complainant:

The person who makes the complaint will receive the most effective response if s/he:

- Expresses the complaint in full as early as possible.
- Asks for assistance if needed throughout the handling of the complaint.
- Co-operates with the School in its procedures of seeking a solution to the complaint.
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- Treats all those involved in the complaint with respect.

The governors:

When responding to, or making criticism or complaints affecting the School, all governors must follow the complaints policy and procedures as agreed with the school leadership and management.

The complaints co-ordinator (or headteacher):

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (the complaints co-ordinator), must:

- Ensure that everyone involved in the complaint procedure is aware of the legislation and guidance around complaints including:
 - The Equality Act 2010.
 - Data Protection Act 1998 and the General Data Protection Regulation.
 - Freedom of Information Act 2000.
 - Part 7 of the Education (Independent School Standards) Regulations 2014.
 - Best practice guidance for academies complaints procedures (March 2021).
- Be aware of issues regarding the sharing of third-party information.

- Provide additional support for the complainant when making a complaint including interpretation support.
- Liaise with staff members, Headteacher, chair of governors and clerk to ensure the smooth running of the complaints procedure.
- Keep the complainant fully updated at each stage of the procedure.
- Keep records.

The investigator:

The investigator is involved in Stages 1 and 2 of the procedure. They investigate the complaint and will ensure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning.
- Keep notes of the interviews or arrange for an independent note taker to record minutes of all meetings.

The investigator's role will include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved.
- Interviewing staff, pupils and other people relevant to the complaint.
- Consideration of records and other relevant information.
- Analysing information.
- Effectively liaising with the complainant and the complaints co-ordinator to clarify what the complainant feels would put things right.
- Identifying solutions and recommending courses of action to resolve problems.
- Being mindful of the timescales to respond.
- Responding to the complainant in plain and clear language.

The review panel (governors' complaints appeal panel):

The review panel will normally be composed of three school governors, one of the members of the panel must be independent of the school and it is good practice not to involve the chair of governors. The school may use their own governors, but it is also permissible under the School

Governance (Collaboration) England Regulations 2003 to have a panel composed of independent governors from other schools. It is legally possible, though not recommended by the ESFA, for the independent panel member to be a member of a local governing board of a school within the trust who has no conflict of interest or prior knowledge of the complaint.

The panel clerk:

This could be the clerk to the governors or the complaints co-ordinator if s/he is not the Headteacher.

The clerk is involved from Stage 3 of the complaint procedure. The panel clerk is the contact point for the complainant for the panel meeting and will:

- 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.
- Circulate the minutes of the panel hearing.
- Notify all parties of the panel's decision.
- Liaise with the complaints co-ordinator.

The panel chair:

The panel chair will ensure that:

- S/he liaises with the clerk and complaints co-ordinator.
- 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 panel is open-minded and acts independently.
- The layout of the room is informal and not adversarial.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a youngster).

- The hearing is conducted in an informal manner with everyone treated with respect and courtesy.
- While the hearing is conducted in an informal manner, all matters brought up will be considered seriously.
- The role of the panel is explained to the complainant and both they and the School have the opportunity of putting their case without undue interruption.
- The meeting is minuted.
- The issues are addressed.
- Both the complainant and the school are given the opportunity to state their case and seek clarity where necessary.
- Key findings of fact are made.
- Written material is seen by everyone in attendance.
- If a new issue arises, a short adjournment of the hearing will take place so that everyone will have the opportunity to consider and comment upon it.

Panel members:

Panel members become involved at Stage 3 in the complaint procedure. They need to be aware that:

- The aim of the hearing, which will be held in private, is not to re-investigate the complaint but to try to resolve it and achieve reconciliation between the School and the complainant.
- The panel hearing is independent and impartial, and must be seen to be so.
- Many complainants will feel nervous and inhibited in the setting.
- Extra care must be taken when the complainant is a youngster and present during all or part of the hearing and the welfare of the youngster is most important.

If the Complainant is Still Not Satisfied:

If the complainant is still not satisfied after all the processes of the School's Complaints Procedure have been undertaken or tries to re-open the same issue, the chair of governors will inform them in writing that the procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the School.

If complainants wish to take the complaint further, they must complete the form available at: www.gov.uk/complain-about-school/state-schools.and the complaint will be directed to the Education and Skills Funding Agency who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- The procedures in the School's policy and other relevant policies were followed correctly.
- The School has complied with its funding agreement with the Education Secretary.
- The policy meets all legal requirements.

Complaints to the ESFA may also be sent to:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Telephone helpline: 0370 000 2288.

Recording Complaints

The Complaints Co-ordinator will maintain a written record of the progress of all complaints from initiation, through formal and appeal processes (where necessary) to the final outcome and the record will include the action taken by the School as a result of the complaint regardless of whether they are upheld or not.

Findings of individual complaints will be made available to the complainant and, where relevant, the person complained about. They will be available for inspection on the School premises by the Headteacher. They will be kept confidential except where the Education Secretary or body conducting an inspection (Ofsted) requests access to them.

Publicising the Policy and Procedure

Rosewood free School's Complaints Policy and Procedure is referred to in many of the School's other policies and details of the School's complaints policy and procedure are included, as appropriate, in:

- The School website.

- The information given to new parents when their children join the school.
- The information given to the children themselves.
- Home-school bulletins or newsletters.
- Documents supplied to community users, including course information or letting agreements.
- A specific complaints leaflet which includes a form on which a complaint can be made (see Appendix 2).
- Posters displayed in areas of the School that will be used by the public, for example, reception or the main entrance.

Unreasonable and/or Persistent Serial Complaints

Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

The School is committed to dealing with complaints fairly and impartially and to providing a high quality service to those who do complain. However, we do not expect our staff to accept unreasonable complaints.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.

- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.

A complaint will be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically in a way that could be described as:

- Maliciously.
- Aggressively, using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where aggression or abusive behaviour has been used, the school may have to:

- Ask them to leave the School premises.
- Inform the police.
- If necessary, bar them from being on School premises. The School will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the complainant and either confirmed or lifted. If the bar is confirmed, the complainant will be given an explanation as to how long the bar will be in place, usually 3 months.

Serial or Persistent Complaints

We do not normally limit the contact complainants have with the School but it is not helpful if repeated correspondence is sent or repeated requests for meetings are made while a complaint is being progressed.

Such situations may occur when the complainant:

- Makes excessive demands on School time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.

- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.

Where complainants excessively contact the School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

If a complaint is investigated according to the School's policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the governing board will inform them in writing that the procedure has been exhausted and that the matter is now closed.

However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the school's complaints procedure.

The same applies to 'duplicate' complaints by a relative or friend of a previous complainant who seeks to re-open a closed issue. However, if the duplicate complaint contains new allegations, then these must be considered under the School's procedure.

Monitoring and Evaluation

The governing board will monitor the level and nature of complaints using the records kept by the Complaints Co-ordinator. Wherever possible, complaints information shared with the whole governing board will not name individuals. The policy will be evaluated in the light of complaints made and their resolution in order to contribute to school improvement.

Should the ESFA advise the School that the policy or procedures need to be amended, these will be effected as soon as possible. Where changes in legislation require changes to the policy, these will also be introduced as soon as possible.

Reviewing

The governing board will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

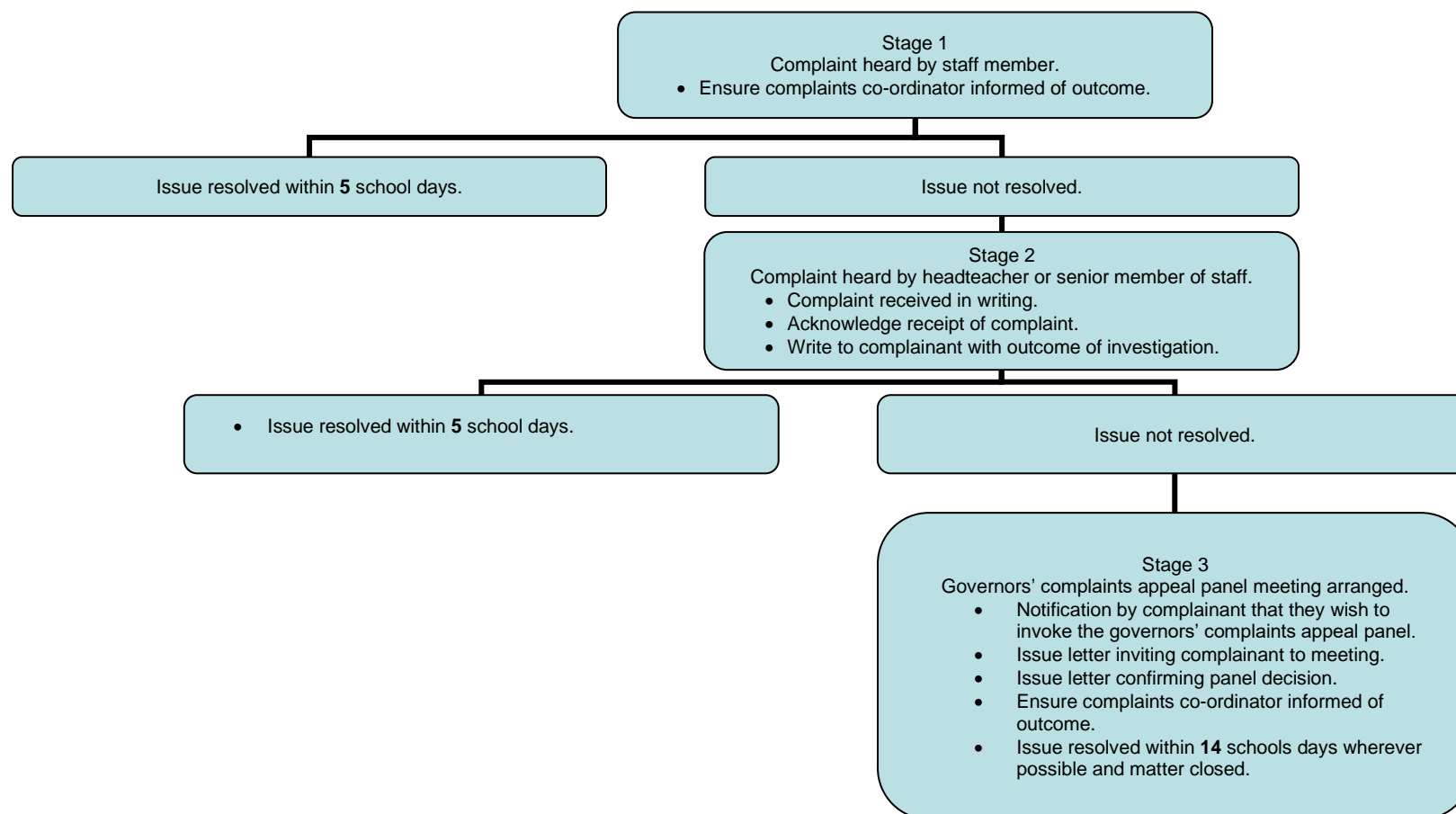
Related Documents

This document should be read in conjunction with other Trust Policies, including Disciplinary and Grievance Policy and Whistleblowing Policy.

Complaints

Any employee is entitled to make a complaint in respect of any breach of this Policy through the Trust's Grievance Policy and Procedure.

APPENDIX 1: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after Stage 3, the complainant will be advised of how to take their complaint further if they so wish.

APPENDIX 2: COMPLAINTS FORM

Please complete and return to Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name: (omit if complainant is a member or the public)

Your relationship to the pupil (omit if complainant is member of the public)

Address:

Postcode:

Daytime telephone number: Evening telephone number:

Email address:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?
(To whom did you speak and what was the response)?

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 whom:

Complaint referred to:

Date:

Signed:

APPENDIX 3: CHECKLIST FOR A PANEL HEARING

The governors' complaints appeal 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 time scale.