

Complaints Procedure

(Statutory)

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students at the school, and others. When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process

- Consider how the complaint can feed into school improvement evaluation processes
- 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.

We understand however, that there may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints. The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

3.2 Scope

This policy does **not** cover complaints procedures relating to:

- Admissions to schools
- Statutory assessments of special educational needs and disability (SEND)
- Safeguarding matters
- Exclusion of children from school
- Whistle-blowing
- Staff grievances
- Staff conduct

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs and disability (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENDCO)]; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Do not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the board of trustees

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Resolving complaints

- At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
 - An explanation
 - An admission that the situation could have been handled differently or better
 - An assurance that we will try to ensure the event complained of will not recur
 - An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
 - An undertaking to review school policies in light of the complaint
 - An apology

7. Withdrawal of a complaint

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

8. Stages of complaint (not complaints against the headteacher or trustees)

8.1 Stage 1: Informal complaints

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

The complainant should raise the complaint as soon as possible with the relevant member of staff (class teacher, head of year, head of department) or the headteacher, either in person or by letter, telephone or email. Complainants should not approach individual trustees 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 Stage 3 of the procedure.

If the complainant is unclear who to contact or how to contact them, they should contact the school office on 01425 652039 or email: burgate@burgate.hants.sch.uk.

The informal stage will involve a meeting between the complainant and a member of the Leadership Team and/or person with responsibility pertaining to the nature of the complaint, if appropriate.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide a response within fifteen school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

8.2. Stage 2: Formal Complaints - Complaining to the Headteacher

Formal complaints must be made to the headteacher (unless they are about the headteacher). This may be done in person, over the phone or in writing (preferably on the Complaint Form which can be found at the end of this policy in Appendix One).

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office on 01425 652039 or email: burgate@burgate.hants.sch.uk

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. 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.

At the conclusion of their investigation, the headteacher will provide a formal written response within twenty school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

8.3 Stage 3: Formal Complaints – Complaining to the Chair of Trustees (or nominated trustee)

If a concern has not been satisfactorily resolved by the Headteacher, the complainant should write to the Clerk to the Board of Trustees, who will be responsible for logging the complaint, acknowledging receipt of the letter and forwarding it to the Chair of Trustees.

The complainant should send a letter, outlining their complaint, explaining their reasons for pursuing it beyond the Headteacher's response and enclosing any relevant paperwork.

The timescales for acknowledging the complaint and making a response at this stage will be as indicated at Stage 2. When acknowledging receipt of complaints, the Clerk to Trustees will outline the Trustees' powers relating to complaints and remind the complainant not to write to other trustees, explaining that it would make it difficult to set up a panel of three trustees, for any potential future panel hearing, who have had no prior involvement in the case.

The Clerk will also remind the complainant that the Board of Trustees has a largely strategic role, responsible for the School's strategic framework, including its aims and objectives, priorities and targets and policies to achieve those aims and objectives. The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Trustees' policies. The Headteacher is solely responsible for making day to day decisions.

This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Trustees and the Headteacher will be key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.

The Chair of Trustees or nominated trustee will decide who is responsible for dealing with the issues involved and what powers are, therefore, available to Trustees in respect of the particular complaint. In reaching this decision, the Chair of Trustees or nominated trustee will determine to what extent the issues relate to responsibilities that:

- are delegated to the Headteacher by the Board of Trustees; or
- fall within the Board of Trustees' remit only; or
- are within the Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the Board of Trustees, the Chair of Trustees or nominated trustee may look at the whole issue afresh.

If the matter relates to the Headteacher's conduct, the Chair of Trustees or nominated trustee will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the school's HR advisers.

For matters that are the Headteacher's responsibility, the Chair of Trustees or nominated trustee is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

In the rare circumstances that a complainant is unhappy with the outcome, the Chair of Trustees or nominated trustee will advise the complainant of how to escalate their complaint to Stage 4.

8.4 Stage 4: Panel hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing by a committee, appointed by or on behalf of the trust, consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the Clerk to the Governing Body within fifteen school days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The panel will have access to the existing record of the complainant's progress (see section 12).

The complainant will have reasonable notice of the date of the panel hearing. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. 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.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, 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 committee at least five school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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 Stage 1 of the procedure.

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.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

Once the complainant and school representative(s) have presented their cases, they will be asked to leave and the committee will consider the complaint and all the evidence presented.

The committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee 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.

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

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.

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.

The panel will ensure that the findings and recommendations and copies of the minutes 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 proprietor and the headteacher.

9. Complaints against the headteacher, a trustee or the board of trustees

9.1 Stage 1: Informal

Complaints made against the headteacher or any member of the board of trustees should be directed to the clerk to the board of trustees in the first instance.

If the complaint is about the headteacher or one member of the board of trustees (including the chair or vice-chair), a suitably-skilled and impartial trustee will carry out the steps at stage 1 (set out in section 8 above).

9.2 Stage 2: Formal

If the complaint is about the headteacher, or a member of the board of trustees (including the Chair or Vice-Chair), a suitably skilled trustee will be appointed to complete all the actions at Stage 2.

If the complaint is jointly about the chair and vice-chair, the entire board of trustees or the majority of the board of trustees, an independent investigator will carry out the steps in stage 2 (set out in section 8 above). They will be appointed by the board of trustees and will write a formal response at the end of their investigation.

9.3 Stage 3: Panel hearing

If the complaint is jointly about the chair and vice-chair, the entire board of trustees or the majority of the board of trustees, a committee of independent trustees will hear the complaint. They will be sourced from local schools and will carry out the steps at stage 3 (set out in section 8 above).

10. Referring complaints on completion of the school's procedure

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 DfE/ESFA after they have completed Stage 4 or Stage 3 if the complaint is against the headteacher, a trustee of the board of trustees.

The DfE/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](#).

The complainant can refer their complaint to the DfE/ESFA online at: 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. Persistent complaints

11.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter

throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site (see policy on Managing Aggressive Behaviour from Parents and Visitors to The Burgate School and Sixth Form).

11.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

11.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

12. Record keeping

The school will record the progress of all formal complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records may also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our data retention policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case a panel hearing needs to be organised at a later point.

Where the board of trustees is aware of the substance of the complaint before the panel hearing stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the board of trustees, who will not unreasonably withhold consent.

13. Learning lessons

The board of trustees will review any underlying issues raised by complaints with the headteacher/ leadership team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

14. Monitoring arrangements

The board of trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The board of trustees will track the number and nature of complaints, and review underlying issues as stated in section 13.

The complaints records are logged and managed by the clerk to the board of trustees.

This policy will be reviewed by the headteacher every year.

At each review, the policy will be approved by the full board of trustees.

15. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

Date reviewed/approved by the Board of Trustees:

Date: 12/07/2022

Complaint Form
Appendix One: Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

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

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What actions do you feel might resolve the problem at this stage?
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Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date complaint first received:

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:
