

Complaints Policy and Procedure

Review Date: June 2024

Reviewed by: Senior Leadership Team

Final Approval: Pastoral, Safeguarding, Wellbeing Committee

Context

The Core Values which relate specifically to this policy state that we are working together to form relationships based on:

Faith – everyone is invited to develop their understanding of Christian belief, worship, and lifestyle.

Justice – everyone is entitled to be treated fairly and to promote the self-esteem of others.

Responsibility – everyone is expected to understand the consequences of their actions.

Truth – everyone is required to be honest and to communicate in a positive manner.

Compassion – everyone is encouraged to be generous in their concern for others

These values contribute to our common purpose of “Striving for high quality education with a strong Christian ethos”, and as such underpin the Academy’s approach to wellbeing.

Data Protection

Any personal data processed in the delivery of this policy will be processed in accordance with the Academy Data Protection policy.

Introduction

- The Academy aims to meet its statutory obligations when responding to complaints from parents of students attending, and others (See Appendix 5 for responding to complaints from those who are not parents.)
- This policy will meet the requirements set out in part 7 of the schedule to the Education (Independent Academy Standards) Regulations 2014 and is based on guidance published by the Education and Skills Funding Agency (ESFA), and guidance on setting up complaints procedures from the Department for Education (DfE).
- The academy is committed to dealing with all complaints fairly and impartially, and to providing a timely and responsive service to those who complain. In a minority of cases, complaints are pursued in ways which can impede an investigation or present significant resource implications for the academy. This can happen while the complaint is being investigated or once the matter has been concluded.
- Appropriate levels of courtesy are expected to characterise all interactions, and we will act in accordance with the seven principles of public life (‘The Nolan Principles’). Staff will not tolerate unacceptable behaviour in any circumstance and we will take action to protect our people and property if this is not the case.

This policy should be read in conjunction with the Confrontational Conduct Policy.

Scope

This procedure covers all complaints from parents about provision by Bishop Stopford School, other than complaints dealt with under statutory procedures. (Appendix 2.)

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams, or the courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

Definitions

‘Concern’: an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

‘Complaint’: an expression of dissatisfaction however made, about actions taken or a lack of action.

‘Parent’: any adult or organisation with parental responsibility for a student at the Academy.

‘Vexatious complaint’: See Appendix 6

Policy

- Complaints will be considered objectively and impartially.
- Complaints will be considered and resolved in a timely fashion.
- Complaints considered under this policy will be reviewed by governors.
- A Complaints Form will be expected for Stages 2 and 3 of the procedure.
- Anonymous complaints will not normally be investigated. (However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.)
- Individual governors will not respond to concerns or complaints and will refer any who approach them to this Policy.
- Complaints will only be investigated if they are raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside this time frame will only be considered if exceptional circumstances apply.
- Complaints made outside term time will be considered to have been received on the first academy day after the holiday period
- If a complainant commences legal action against Bishop Stopford School in relation to their complaint, consideration will be given as to whether to suspend the Complaints Procedure until legal proceedings have concluded.
- Outcome letters will state if the complaint is upheld in whole or in part or not upheld.
- Where a complaint is partially or wholly upheld one or more of the following will be offered:
 - 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 the matter will not happen again and an indication of the timescales within which any changes will be made:
 - an undertaking to review relevant academy policies in light of the complaint:
 - an apology.
- If a complainant wishes to withdraw their complaint, the academy will ask for confirmation in writing.
- Complaints which are considered to be unreasonable, persistent or vexatious will not be investigated. (Appendix 6).

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Procedure

Stage 1 (Informal)

The academy takes informal concerns made to its staff seriously and will make every effort to resolve matters appropriately and within an agreed timescale, usually not exceeding 15 days.

If the complainant believes there is not a satisfactory resolution, they can move to Stage 2 of the procedure.

Stage 2

Complaints must be made to the Headteacher (unless they are about the Headteacher), via the Headteacher's PA. This may be done in person or in writing but the Complaint Form must be used (Appendix 1). The academy will record the date the Complaint Form is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 academy days.

If complainants require help in completing the form, they can advise the academy of this. (Complainants can also ask third party organisations such as Citizens Advice to help.)

If it is not clear, the academy will clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The Headteacher will decide the most appropriate member of staff to undertake an investigation.

The 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, present their findings and recommendations to the Headteacher. The Headteacher will provide a formal written response within 15 academy days of the date of receipt of the complaint.

The response will detail the 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 also include details of proposed actions Bishop Stopford 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.

If the complaint is about the Headteacher, or a member of the governing body, a suitably skilled governor will be appointed to manage Stage 2 actions.

Complaints about the Headteacher or member of the governing body must be made to the Governance Professional. Contact details are on the academy website.

If the complaint is:

- jointly about the Chair and Vice Chair of governors or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the Headteacher/governor/independent investigator is unable to meet deadlines, they will provide the complainant with an update and revised response date.

Stage 3

This is the final stage of the Complaints Procedure.

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If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. The purpose of Stage 3 is not to “re-hear” the case investigated at Stage 2: it is to consider whether or not the Complaints Procedure has been followed and whether or not the outcome is reasonable. The panel will be formed of two governors and one independent member who have no prior knowledge, involvement or other conflict of interest in the complaint.

A request to escalate to Stage 3 must be made to the Governance Professional, via email, within 5 academy days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 academy days.

The Governance Professional will write to the complainant to inform them of a proposed date of the Stage 3 meeting. They will aim to convene a meeting within 25 academy days of receipt of the Stage 3 complaint. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason, the Governance Professional will decide when to hold the meeting. It will then proceed even in the complainant’s absence on the basis of written submissions from both parties.

The Panel will invite the complainant to a meeting. The complainant may be accompanied by a relative or friend. Names and relationships must be declared at least 5 days before the meeting. Legal representation is usually refused, (See Appendix 3). Representatives from the media are not permitted to attend.

The Governance Professional will confirm and notify the complainant of the date, time and venue of the meeting and request copies of any further written material to be submitted to the Governance Professional at least 5 academy days before the meeting.

Any written material will be circulated to all parties at least 4 academy days before the date of the meeting. The Governance Professional will not accept recordings of conversations which were obtained covertly and without the informed consent of all parties being recorded.

The Panel will not review any new complaints or consider new evidence, or evidence unrelated to the initial complaint. 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 permitted unless agreed as an access arrangement. In this circumstance, prior knowledge and consent of all parties attending must be sought. Consent will be recorded in minutes.

The Panel 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 Panel will:

- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and Bishop Stopford School with a full explanation of their decision and the reason(s) for it, in writing, within 10 academy days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been managed.

If the complaint is:

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- jointly about the Chair and Vice Chair of Governors or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a Panel of independent members.

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 Bishop Stopford School will take to resolve the complaint.

Next Steps

If the complainant believes the academy did not handle their complaint in accordance with this procedure, or acted unlawfully or unreasonably in the exercise of duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made, rather, they will consider whether education legislation and any statutory policies connected with the complaint have been adhered to.

If it is found that the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>.

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Appendix 1

Bishop Stopford School Complaint

Please complete and return to the Headteacher's PA (Stage 2); Governance Professional (Stage 3)

Your name:

Student's name (if relevant):

Your relationship to the student (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint at Stage 1.
(Who did you speak to and what was the response?)**

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What actions do you feel might resolve the problem?

What outcome would you like to see?

Are you attaching any paperwork?

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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Appendix 2 - Scope of this Complaints Procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with North Northamptonshire County Council.</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Email: MASH@northamptonshire.gcsx.gov.uk Phone: 0300 126 1000 or 101</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the academy's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our academy should complain through the academy's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the academy's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the academy's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use academy premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

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Appendix 3 – Legal representation

Bringing legal representatives to any stage of this process is generally inappropriate. However, consideration may be given in exceptional circumstances. If a parent believes their circumstances are exceptional, they will need to present the evidence in writing to the Headteacher/Governance Professional at least 10 days before any face to face meeting for consideration of the request. The Headteacher/Governance Professional will respond either granting or denying the request at least 3 days before the meeting is due to take place.

Appendix 4 - Roles and Responsibilities

Complainant

The complainant will receive an effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing all relevant parties to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant to clarify what the complainant feels would put things right.

The investigator must:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record meetings
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or Complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or Complaints Panel will then determine whether to uphold, uphold in part or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Governance Professional

The Governance Professional is the contact for the complainant and the Panel and must:

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

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- notify all parties of the Panel's decision.

Panel Chair

The Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an appropriate manner, is not adversarial, and everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Governance Professional.

Panel Members

Panel members should be aware that:

- the meeting must be independent and impartial. No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant. The complainant might not be satisfied with the outcome if the meeting does not find in their favour and it may only be possible to establish the facts and make recommendations.
- complainants may feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child.
- . Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.
- the welfare of a student is paramount.

Appendix 5 - Complaints from those other than parents

Complaints from other parties (eg former parents or students, residents) will be dealt with under Stages 1 and 2 of this policy: the Headteacher's decision is final and there is no Governor Panel.

Appendix 6 – Vexatious Complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

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Characteristics of Vexatious Interactions:

While the list below is not exhaustive, it identifies behaviours which can be defined as vexatious:

- Refusal to accept that issues are not within the remit of the Complaints Procedure despite having been provided with information about the scope of that Procedure;
- Insistence on a complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice (insisting, for instance, that there must not be any written record of the concern or complaint);
- Persistently seeking outcomes which have been explained as unrealistic for legal, policy (or other valid) reasons (eg seeking to have a member of staff dismissed or replaced, or a student permanently excluded);
- Continuing to make persistent and unreasonable demands or expectations of staff and/or the Complaints Procedure after the unreasonableness has been explained to the complainant (eg insisting on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails);
- Introducing trivial or irrelevant new information whilst a complaint is being investigated and expect this to be taken into account and commented on;
- Raising large numbers of detailed but unimportant questions, and insisting they are fully answered to the complainant's timescales;
- Changing the substance or basis of a complaint without reasonable justification whilst the concern or complaint is being addressed;
- Refusing to accept the outcome of the Complaint Procedure after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
- Making the same complaint repeatedly, perhaps with minor differences, after the Complaints Procedure has been concluded, and insisting that minor differences make these 'new' concerns or complaints which should be put through the full Complaints Procedure;
- Persistently approaching the academy through different routes about the same issue;
- Refusing to accept documented evidence as factual.

The Decision to Stop Responding

If a complaint reaches these thresholds, the complainant will be informed in writing of the academy's decision to refuse to investigate the complaint and the reasons why.

The decision to stop responding will not be taken lightly, and the academy will only consider this after it has taken every reasonable step to address the complainants' needs and where it has given the complainant a clear statement of the academy's position and their options.

The decision to stop responding will be taken in cases where:

- The complainant is contacting the academy repeatedly but making the same points each time;
- The academy has reason to believe the complainant is contacting them with the intention of causing disruption or inconvenience;
- Communication to the academy is often or always abusive, threatening or aggressive;
- Insulting personal comments are made towards staff.

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