

Complaints Policy and Complaints Procedure

Review Date: November 2023

Reviewed by: SLT

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 at the Academy, and others.

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).

It should be read in conjunction with the Academy Persistent and Vexatious Complaints Policy.

Scope of this procedure

This procedure covers all complaints about provision by Bishop Stopford School, other than complaints dealt with under statutory procedures; see appendix 2.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.

Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions, whistleblowing, and staff grievances and disciplinary), we will use this complaints procedure.

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*’.

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A complaint is defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

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.

Policy

- Complaints will be considered objectively and impartially.
- Complaints will be considered and resolved at the earliest possible time.
- Complaints considered under this policy will be reviewed by governors.
- A Complaints Form will be used for Stages 2 and 3 of the procedure.
- We will not normally investigate anonymous complaints. (However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.)
- Complainants should not approach individual governors 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 2 of the procedure.)
- A complaint must be 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 of this time frame will only be considered if exceptional circumstances apply.
- We will consider complaints made outside term time to have been received on the first school day after the holiday period
- If a complainant commences legal action against Bishop Stopford School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.
- At each stage in the procedure, the academy wishes to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part.
- 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 academy policies in light of the complaint;
 - an apology.
- If a complainant wishes to withdraw their complaint, we will ask for confirmation in writing.

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Procedure

Stage 1

The Academy takes informal concerns made to any member of the academy seriously and makes 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 Headteachers 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 school days.

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

If necessary, 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.

During the 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.

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

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 also include details of 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 complete Stage 2 actions.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via Reception.

If the complaint is:

- jointly about the Chair and Vice Chair 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 this deadline, they will provide the complainant with an update and revised response date.

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Stage 3

This is the final stage of the Complaint's Procedure. 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. This will include a meeting with members of the Governing Body's Complaints Committee, which will be formed of the first three impartial, governors available. Should governors feel it is necessary, this panel may comprise independent members.

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

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 25 school days of receipt of the Stage 3 complaint. 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.

The Complaints Committee will consist of at least three governors (independent panel members) with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide who will act as the Chair of the Complaints Committee. If there are fewer than three members available, the Clerk will source any additional members.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. If the complainant is invited to attend the meeting, they 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 Clerk 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 Clerk at least 5 school days before the meeting.

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

The Committee will not review any new complaints 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 permitted unless agreed as an access arrangement. In this circumstance, prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in minutes.

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 prevent similar issues in the future.

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The Chair of the Committee 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 school 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:

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

Stage 3 will be heard by a Committee 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.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

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

The ESFA will check whether the complaint has been dealt with properly by the academy. It will not overturn the panel's decision about a complaint, but will investigate whether:

- there was undue delay, or the academy did not comply with its own complaint's procedure;
- the academy was in breach of its funding agreement with the Secretary of State; or
- the academy has failed to comply with any other legal obligation.

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); Clerk to Governors (Stage 3)

| |
|---|
| <p>Your name:</p> <p>Student's name (if relevant):</p> <p>Your relationship to the student (if relevant):</p> <p>Address:</p> <p>Postcode:</p> <p>Day time telephone number:</p> <p>Evening telephone number:</p> <p>E-mail address:</p> <p>Please give details of your complaint.</p> <p>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?)</p> |
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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 school'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 school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school 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 the meeting is generally inappropriate. However, there may be occasions when it is appropriate.

For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not be considered under this procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

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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 staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate 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 minutes of the meeting
- 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 committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee 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 school 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
- notify all parties of the committee's decision.

Committee Chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

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- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee 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.
If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- 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 committee is open-minded and acts independently
- no member of the committee 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 Clerk (and complaints co-ordinator, if the academy has one).

Committee Members

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor may sit on the committee 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. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee 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 committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

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