



2.10 COMPLAINTS POLICY & PROCEDURES

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Introduction

In accordance with the Anglican values of our school, we seek fairness and justice in all aspects of school life.

It is the Governors' policy to take all complaints made to the School seriously, to investigate them and to ensure that appropriate, fair and proportionate follow up actions are undertaken in accordance with the School's Complaints Procedure detailed below. The school will ask the complainant at the earliest stage what they think might resolve the issue.

Aims

The School's Policy aims to ensure that the Complaints Procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the School's Senior Leadership Team so that services can be improved.

Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002 which states that school must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE) including model procedure, and model procedure for dealing with serial and unreasonable complaints.

Defining Complaints and Concerns

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

- A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Who Can Make Complaints?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the School provides. The School does not limit complaints to parents or carers of children who are registered at the School.

Recording Complaints

Formal complaints to the School will usually be made in writing, however the School recognises and acknowledges that the complainant may have communication preferences due to disability, learning difficulties or difficulties using English and therefore accepts alternative methods of contact:

- in person,
- by telephone,
- in writing (including electronically) or
- by a third party acting on behalf of the complainant;

The School will record the progress of the complaint and the final outcome. The Headteacher will be responsible for these records and hold them centrally. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be taken. These will be kept securely.

A copy of any written response will be added to the school's record of the complaint. It is the responsibility of the complainant to obtain informed consent from all parties present before recording any conversations or meetings. Unless exceptional circumstances apply, the school will refuse to accept, as evidence in a complaint, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Timescales for Response

These are detailed in the Complaints Procedure outlined below. The general principle to which the prescribed timescales adhere is that complaints need to be considered and resolved as quickly, fairly, and efficiently as possible. The time limits outlined are also designed to be realistic and reasonable within each stage. Where further investigations are necessary and it is clear that published timescales cannot be met, we will set new time limits and send the complainant details of the new deadline and explain the delay.

The school considers 3 months to be an acceptable timeframe in which to lodge a complaint. Additional time can be given in exceptional circumstances. It is for the school to determine what constitutes exceptional circumstances.

Complaints Procedure

The first point of contact for raising concerns or complaints is a student's Form Tutor. Attempts will be made first of all to resolve the matter either with the Form Tutor or in discussion with the Director of Learning or other appropriate senior member of staff.

Where a meeting is requested in writing by the complainant, it will be arranged within **ten working days** of the request being made.

Where the matter cannot be resolved under the procedures referred to above, a formal written notice of the concern or complaint will be submitted to the Headteacher. This should set out in detail the matter of concern or complaint. The Headteacher will respond in writing within **ten working days** of receipt of the written notice and, if necessary, arrange a meeting with the complainant to consider the response.

In investigating the complaint, the Headteacher will seek to establish how the complaint has been handled so far, who has been involved, to contact the complainant should further information be required, to clarify what the complainant feels would put things right (if this has not already been explained in their letter), to interview those involved in the matter and those complained of, allowing them to be accompanied if they wish. In all of these stages of the investigation, the Headteacher undertakes to keep an open mind and to keep notes of any interview for the record.

Where the complaint is concerning the Headteacher, a formal notice of the concern or complaint should be sent to the Chair of Governors.

Where the matter cannot be resolved under the procedures referred to under Section 3, a formal written notice of the concern or complaint should be sent to the Chair of Governors. This should be clearly marked "Confidential for the personal attention of the Chair of Governors" c/o St Saviour's & St Olave's School.

The Chair of Governors will investigate the complaint or concern and a meeting will be convened of the appropriate Governing Body Committee. The Committee will comprise

three Governors (excluding the Chair of Governors) who have had no prior exposure to the complaint. The Chair of Governors will respond in writing within fifteen working days, except that a longer period may be required should the full Governing Body be involved.

The Chair of Governors' investigation will follow the same process as the Headteacher's investigation.

Where the complaint is concerning the Chair of Governors or any individual governor, a formal notice of the concern or complaint should be sent to the Clerk to the Governing Body. Thereafter a meeting will be convened of the appropriate Committee (which will not, in this instance, include the governor who is the subject of the complaint); this final review panel will comprise three Governors who have had no prior exposure to the complaint. The Chair of Governors (or the Vice Chair of Governors, where the Chair is the subject of the complaint) will respond in writing within fifteen working days, except that a longer period may be required should the full Governing Body be involved.

If a complaint has passed through the above procedures and the complainant remains dissatisfied, they can refer the matter to the DfE. The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and other relevant statutory policies which the school holds were followed. The DfE also looks at whether the school's statutory policies adhere to education legislation.

N.B. When responding to a complaint, the school will advise the complainant of the escalation options at each stage of the procedure when communicating the outcome of the particular stage of the investigation.

The School's Response

Any decision made by the school in response to a complaint will be made in line with the principles of administrative law. This means a decision is:

- Lawful (it complies with education and other law, including human rights law and equality law, such as the Human Rights Act 1998 and the Equality Act 2010)
- Rational
- Reasonable
- Fair
- Proportionate
- Objective

Legal Representation

In the event that a complaint progresses to a committee of the school governors, the Department for Education recommends that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the governors' committee will be:

- To achieve reconciliation
- To put right things that may have gone wrong

The school recognises that there are occasions where legal representation may be appropriate (e.g. if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation).

If a complainant commences legal action against the school in relation to their complaint, the school may consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Complaints outside of scope

The School's Complaints Policy and associated procedures cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate statutory procedures (guidance on how these matters are resolved is contained within the DfE's Best Practice Advice for School Complaints Procedure paper published in January 2019 and in related School Policies including the Admissions Policy, the SEND Policy, the Safeguarding Policy, the Behaviour Policy, the Public Interest Policy (formerly Whistleblowing Policy) and the Child Protection Policy):

- School Admissions
- Statutory assessment of SEND
- Matters likely to require a Child Protection investigation
- Exclusion of a child from school
- Staff grievances and disciplinary procedures
- Complaints about other services provided by other providers who may use the School's premises or facilities
- Disciplinary procedures and staff conduct complaints
- School reorganisation proposals
- Whistleblowing
- Complaints about the content of the national curriculum
- Complaints about collective worship
- Withdrawal from the curriculum

Vexatious Complaints

If it appears to the Headteacher at Stage Three, or the Chair of the Complaints Committee or the Chair of Governors at Stage Six that a complaint:

1. Raises matters which have already exhausted the procedure; or
2. Is academic by reason of changes in circumstances; or
3. Is frivolous by reason of raising no issue that could possibly significantly affect the welfare or education of a student(s) or student(s)' family or that lack of co-operation from the complainant, or anybody on whose behalf the complaint is brought, prejudices the efficient and fair operation of the procedure they may inform the complainant of this and the complaint will be closed.

The complainant may ask that in such circumstances a decision be reviewed by the full Complaints Committee who may close the complaint without further considering its substance if they agree with the earlier decision.

Complaint Campaigns

The school may use a separate procedure if it becomes the focus of a campaign and receives large volumes of complaints:

- All based on the same subject
- From complainants unconnected with the school

Under these circumstances, the school may send a template response to all complainants or publish a single response on the school's website.

This policy is reviewed every 3 years.

Reviewed March 2022