

Samuel Cody School

Complaints Procedure



1. Introduction

Samuel Cody School is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the public, may make a complaint about provision of facilities or services that our school provides, unless separate statutory procedures apply.

This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Matters concerning Staff Grievance and Discipline
- Matters concerning Whistleblowing
- Complaints about services provided by other providers who may use the school's premises or facilities
- National Curriculum Content

In these cases, there are other separate and statutory policies and procedures

1.1 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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Most issues can be resolved informally, without the need to use the formal stages of this complaints procedure. Samuel Cody School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you should contact the key stage lead or a member of the Senior Leadership Team.

In the event the Headteacher is contacted, they will refer you to the appropriate member of staff.

If the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior than the member of staff directly involved but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Samuel Cody School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

A complaint may be withdrawn at any time, but the person complaining will be asked to confirm this in writing, to avoid any misunderstanding.

The school will not respond to anonymous complaints under this policy, however, the Headteacher and / or Chair of governors will consider whether the issue and fear of identification are genuine, or the issue is one of child protection and in either case, requires further action.

For more information on our school's provision for protecting our pupils, please refer to our **Child Protection** policy and our **Allegations of Abuse against Staff** policy, both of which are available from the school office.

All conversations and correspondence will be treated in confidence; however, it is important that all parties involved should be aware that some information may have to be shared with others as part of the handling of the complaint in accordance with this procedure. You should also ensure that confidentiality is maintained, and any correspondence is marked as Private and Confidential when sent to the school office, and matters relating to any complaint are not put onto any form of social media.

1.2 Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

Any time scales referred to within this policy in relation to a complaint will begin on the next school working day after receipt.

If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

1.3 Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

2. Stage One - Informal Complaints

If you have a concern that you would like to take up with the school you should initially inform your child's form tutor, school nurse or other member of staff, either in person, over the telephone or in writing. You may wish to approach your child's form tutor first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to. For example, subject tutor, head of year, or subject lead.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

2.1 Dealing with a concern

When a concern has been received, you may receive either a telephone call from the member of staff, senior leadership team or Headteacher or you may be invited to attend a meeting with a member of staff, member of the senior leadership team, or the Headteacher to discuss your concerns.

If invited to a meeting, you are welcome to bring along for support, a friend, partner or, in the case of a pupil who has raised a concern, a parent. In certain circumstances it may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff will make a record of what has been discussed, as well as any outcomes and a plan of action if one has been agreed and have a responsibility to ensure that the person making the complaint understands any future points of action that have been agreed.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

All staff will do their best to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the Headteacher.

3. Formal Complaints

To ensure complaints are dealt with efficiently and effectively, Samuel Cody School deals with formal complaints in two stages. **The informal procedure should be followed in all instances**, unless there are exceptional circumstances, before entering the formal complaints process.

3.1 Stage Two Formal Complaint – Complaint heard by the Headteacher

If you feel that your concern has not been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint to the Headteacher (unless the complaint is about the Headteacher – see later in the document). It is preferable for you to make your formal complaint in writing, using the proforma at Appendix A but complaints can be made in person or by telephone.

At each stage in the procedure, Samuel Cody School wants to resolve your 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 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 reoccur
- an explanation of the steps that have been or are planned 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.

If full details cannot be provided of the outcome and action taken, confirmation of the reason this information cannot be provided will be given.

A record of any complaint and outcome will be recorded on the pupil's individual records and retained in accordance with GDPR regulations.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, if unclear in the complaint itself, the Headteacher may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. The Headteacher can consider whether a face-to-face meeting or a telephone call is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) may:

- if necessary, interview those involved in the matter or those who may be able to provide relevant information, allowing them to be accompanied for support if they wish
- keep a written record of any meetings/interviews or actions in relation to their investigation

The Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide you with an update and revised response date.

The response will provide where possible a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Samuel Cody School intends to take to resolve the complaint. If a full explanation cannot be given, reasons will be provided for this.

The Headteacher will advise you of how to escalate the complaint to Stage Three Formal Complaint – Complaint to the Governing Board.

3.2 Stage Three Formal Complaint - Complaint to the Governing Board

If you are dissatisfied with the outcome at stage two formal complaint and wish to take the matter further, you can escalate the complaint to stage three formal complaint, which is a meeting of the governing body's complaints panel, which will be formed of three, impartial governors. This is the final stage of the complaints procedure.

A request to escalate to the stage three formal complaint must be made to the Clerk to Governors, via the school office, within 10 school days of receipt of the stage two formal complaint response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if the complaints panel considers that exceptional circumstances apply.

The Clerk will write to you to inform you of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the stage three formal complaint request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence based on written submissions from yourself and the school.

The complaints panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel.

If there are fewer than three governors from Samuel Cody School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, to make up the panel. Alternatively, an entirely independent panel may be convened to hear the formal complaint second stage.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the parties needs.

If you are invited to attend the meeting, you may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal support is appropriate but notification of this should be given to the panel via the Clerk at least 5 school days before the meeting.

Note: Complaints about staff conduct alone will not be handled under this complaints procedure. You will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but in accordance with those procedures, outcomes will not be shared with you.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the date, time, and venue of the meeting, ensuring that the dates are convenient to invited parties and that the venue and proceedings are accessible
- request from you, copies of any further written material to be submitted to the panel at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 beginning from stage two formal complaint of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a party's own disability or special needs require it. Prior knowledge and the consent of all parties attending must be sought before recording of any meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. 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 the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide you and Samuel Cody School with a letter providing a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The recommendations if there are any will be put before the next full meeting of the Governing Board for discussion, consideration of approval, and implementation.

The letter will include details of how to contact the Department for Education if you are dissatisfied with the way the complaint has been handled by Samuel Cody School.

3.3 Complaint about the Headteacher or member of the Governing Board

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at stage three formal complaint.

Complaints about the Headteacher or member of the governing body must be made to the Clerk to Governors, via the school office.

If the complaint is:

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

stage two formal complaint 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.

The independent investigator will advise how the complaint can be further escalated to stage three formal complaint.

Any complaint at stage three formal complaint in respect of the Headteacher or member of the Governing Board, must follow the procedure set out at this stage, but the complaint will be heard by a panel of independent co-opted governors.

The response will detail actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it. Where appropriate it will include details of actions Samuel Cody School intends to take to resolve the complaint and the timescale involved.

The response will also advise you of how to escalate your complaint to the Department of Education should they remain dissatisfied.

4. Next Steps

You can refer your complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

However the Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Samuel Cody School. They will consider whether Samuel Cody School has adhered to education legislation and any statutory policies connected with the complaint.

5. Unreasonable Complaints

Samuel Cody School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

We will not normally limit the contact complainants have with the school. Operating from a position of mutual respect, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour including that which is abusive, offensive, or threatening.

Samuel Cody School defines unreasonable complaints as being made by “those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints”.

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

- 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the school’s complaints procedure or with good practice
- introduces trivial or irrelevant information which is expected to be considered 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 comments about staff who are trying to deal with the issues, and seeks to have them removed and replaced
- changes the basis of the complaint as the investigation proceeds
- 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 a complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome as decided by the complaints panel
- either in person, in writing, by email or by telephone makes excessive demands on school time by frequent, lengthy, complicated or stressful contact with staff regarding the complaint while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively

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

The number of communications with a school while a complaint is being progressed should be limited. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the unreasonable behaviour of the complainant continues the Headteacher will write to them explaining that their behaviour is causing a significant level of disruption. In these circumstances, we may specify methods of communication and limit the number of contacts by way of a communication plan that will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Samuel Cody School.

6. Governing body review and monitoring of complaints

The Headteacher will report annually to the governing body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complainant or any member of staff will be published.

The governing body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

7. Staff Complaints

Staff who have a concern about a colleague or volunteer in school should refer to the **Whistleblowing** policy which is available in the Policies folder.

This procedure will be reviewed annually.
Date for review: March 2024

8. Appendix A

8.1 Complaint Form

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

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

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 who:

Complaint referred to:

Date:

9.Roles and Responsibilities

9.1 Complainant

You will receive a more effective response to the complaint if you:

- explain the complaint in full as early as possible
- co-operate with the school 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 and observe the expectations of reasonable behaviour outlined above
- refrain from publicising the details of the complaint on social media and respect confidentiality.

9.2 Investigator

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

- liaising with you and the complaints co-ordinator as appropriate to clarify what you feel would put things right
- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of you 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

The investigator should:

- conduct interviews with an open mind and be prepared to persist and be robust 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.

9.3 Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that you are fully updated at each stage of the procedure
- keep records in line with GDPR regulations
- liaise with staff members, Headteacher, Chair of governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed when making a complaint including interpretation support or where the complainant is a child or young person

9.4 Clerk to the Governing Body

The Clerk is the contact point for the you and the complaints panel and should:

- 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; school 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.

9.5 Panel Chair

The panel 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
- 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 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 school 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 school has one).

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.

9.6 Panel Member

Panel 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 school and the complainant

We recognise that you might not be satisfied with the outcome if the meeting does not find in your 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 panel 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 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 committee considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.

Contact Details

adminoffice@samuelcody.hants.sch.uk