

# Complaints Procedure

## 1. Introduction and Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students at the school.

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

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

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation by an independent person or panel, where necessary;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect;
- keep complainants informed of the progress of the complaints process;
- consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Definitions and scope

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

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions;
- Statutory assessments of special educational needs (SEN);
- Safeguarding matters;

- Exclusion;
- Whistle-blowing;
- Staff grievances;
- Staff discipline.

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

### **3. Principles for investigation**

When investigating a complaint, we will try to clarify:

- what has happened;
- who was involved;
- what the complainant feels would put things right.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

This complaints procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling with established time-limits for action and keeping people informed of the progress;
- ensures 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 senior management team so that services can be improved.

Where further investigations are necessary new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## **4. Stages of complaint (not complaints against the principal or a trustee)**

### **4.1 Informal complaints**

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. It is the aim of the school that most complaints can be dealt with following an informal procedure. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. The concern should be raised either in person or

by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 24 hours, and investigate and provide a response within three days.

It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary. The informal stage will be concluded with a meeting between the complainant, the subject of the complaint and another member of staff as appropriate.

If the complaint is not resolved informally, it may be escalated to a formal complaint.

#### **4.2 Dealing with complaints – formal procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The formal procedures have three clear stages which are detailed in this policy.

#### **4.3 Investigating formal complaints**

Whenever a formal complaint covered by these procedures is received, the principal shall be informed and the principal will appoint an appropriate member of the leadership team / house team to investigate and hear the complaint. If the complaint concerns the principal, it shall be referred to the chair of the board of trustees and the chair of the board of trustees will decide whether to appoint another trustee to investigate and hear the complaint or to investigate and hear it themselves.

The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of any interviews.

#### **4.3 Resolving complaints**

At each stage in the procedure it is important to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of fault.

It is useful to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

#### **4.4 Vexatious complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of the board of trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which the school will not respond is if:

- The school has taken every reasonable step to address the complainant's needs; *and*
- The complainant has been given a clear statement of the school's position and their options (if any); *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- they have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience; and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive; and/or
- the individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

#### **4.5 Time-limits**

Complaints need to be considered and resolved, as quickly and efficiently as possible using time limits given in this procedure. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **5. Managing and recording complaints**

#### **5.1 Recording complaints**

Each complaint, and all documents relating to the investigation and resolution of that complaint, shall be filed together and kept confidential whether they are resolved following a formal procedure, or proceed to a panel hearing.

With the exception where the Secretary of State or Ofsted inspectors under section 109 of the 2008 Act requests access to them.

All records relating to complaints should be retained by Uxbridge High School for a minimum of six years from the date on which the complaint was concluded.

It is essential to record the progress of the complaint and the final outcome.

A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found at Appendix 1. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

## **5.2 Formal Complaints stage 1 - complaint investigated and heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff should be periodically made aware of the procedures, so that they know what to do when they receive a complaint.

Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on their child and the child's opportunities at Uxbridge High School.

Members of staff appointed to investigate and hear complaints should try to investigate and resolve those complaints in a positive manner and will treat every complaint as an opportunity to improve service.

Uxbridge High School should respect the views of a complainant who indicates that they would have difficulty discussing a complaint with the particular member of staff appointed by the principal to investigate and hear their complaint. In these cases, the matter can be referred to the principal who may, if they feel it appropriate, appoint another member of staff to investigate and hear the complaint.

If a member of staff or trustee appointed to investigate and hear a complaint at any stage feels too compromised to deal (or continue dealing) with a complaint, they may refer the complainant back to the principal or chair of the board of trustees (as the case may be).

The ability to consider the complaint objectively and impartially is crucial.

Where a formal complaint is made to a trustee, the trustee should refer the complainant to the principal in the first instance and advise them about the procedure. Trustees must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The person investigating and hearing the complaint should provide a written acknowledgement to the complainant within 5 working days (excluding school holidays) of the complaint being received. A copy of Uxbridge High School's complaints procedure should be provided at the same time.

The person dealing with the complaint will carry out the necessary investigation to establish the facts. This may include meeting with the complainant and staff who are referred to in the complaint. On completion of the investigation, a written response to the complaint should be

provided to the complainant within 10 working days (excluding school holidays) of Uxbridge High School's written acknowledgement of the complaint to the complainant. The written response should contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions. This can include:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The concern was not substantiated by the evidence;
- The concern was substantiated in part or in full. Some details may then be given of the action that the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures should not be released;
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

The written response must be endorsed by a vice principal (except in circumstances where the complaint is in regard to the principal). It should also inform the complainant that if they remain dissatisfied with the outcome to their complaint, they can progress it to the second stage of this procedure. Where the complainant wishes to take the matter to the second stage, they must send a written request within 10 working days (excluding school holidays) of receiving the stage 1 written response stating their reasons.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

### **5.3 Formal complaints stage 2 - complaint heard by principal**

If the complainant is dissatisfied with the way the complaint was handled at stage 1, they may go to stage 2 and have the matter considered by the principal. The principal may delegate the task of collating any additional information required, to what has already been done at stage 1, to another member of the leadership team, but not the decision on the action to be taken. The principal will arrange to meet the complainant to establish why they consider the matter to be unresolved within 10 working days (excluding school holidays) of the complainant's written request to go to stage 2.

Where the complaint is against the principal and remains unresolved following stage 1, the matter will be progressed at stage 2 to a board of trustees' complaints appeal panel (to be convened and conducted in the same manner as is described under stage 3 below). The decision of the panel shall be final.

Otherwise, the written response to the complainant at stage 2 should inform them that if they remain dissatisfied with the outcome, they can request for the matter to be considered by a board of trustees' complaints appeal panel at stage 3. This request must be made in writing to the chair of the board of trustees within 10 working days (excluding school holidays) of receiving the outcome of stage 2 stating why they remain dissatisfied.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

### **5.4 Formal complaint stage 3 - complaint heard by board of trustees' complaints appeal panel**

Following a request being received from the complainant for their complaint to be considered at stage 3, the clerk to the board of trustees will convene a board of trustees' complaints panel within



4 working weeks (excluding school holidays) of receiving the request. The panel will consist of 2 trustees and 1 person independent of the running and management of the school.

No person involved should have had previous involvement in the complaint.

The complainant should be given 10 working days' (excluding school holidays) notice of the meeting. The clerk to the board of trustees will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification should inform the complainant that they can bring a friend/relative to accompany them to the meeting and that if they wish to they can submit further written evidence relevant to the complaint for consideration by the appeal panel. This further evidence and the names of any witnesses must be received by the appeal panel at least 5 working days (excluding school holidays), before the panel hearing.

### **5.5 The remit of the complaints appeal panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;

There are several points which any trustee sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of disability, race, gender and religious affiliation. It may be inappropriate to include parent or staff trustees on panels, depending on the nature of the complaint.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The chair of the panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The trustees sitting on the panel need to be aware of the complaints procedure.

## **6. Roles and responsibilities**

### **6.1 The role of the clerk**

It is strongly recommended that any panel or group of trustees considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **6.2 The role of the chair of the board of trustees or the nominated trustee**

The nominated trustee role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

### **6.3 The role of the chair of the panel**

The panel must consist of at least three people who are not directly involved in the matter detailed in the complaint, with one panel member who is independent of the management and running of the school. The chair of the panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **6.4 Hearing the complaint at the meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides have time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- The chair of the panel will welcome the complainant, introduce the panel members and explain the procedure;
- The chair of the panel will invite the complainant to explain the complaint;
- The panel members may question the complainant about the complaint and the reasons why it has been made;



- The chair of the panel will invite the principal to ask any questions of the complainant relevant to the complaint;
- The chair of the panel will invite the principal to make a statement in response to the complaint. At the discretion of the chair of the panel, the principal may invite members of staff directly involved in the complaint to supplement the principal's response;
- The panel may ask questions of the principal and the members of staff about the response to the complaint;
- The chair of the panel will allow the complainant to ask questions of the principal and members of staff about the response to the complaint;
- Either party has the right to call witnesses, subject to the approval of the chair of the panel;
- The panel, the principal and the complainant may question any such witnesses;
- The chair of the panel will invite the principal to make a final statement to sum up their case;
- The chair of the panel will invite the complainant to make a final statement to sum up their case;
- The chair of the panel will explain to the complainant and the principal that the panel will now consider all of the information available to them and reach a decision, and a written decision will be sent to both parties within 10 working days (excluding school holidays). The chair of the panel will then ask all parties to leave except the members of the panel.

Where the complaint is against the principal reference above to the principal will be replaced by the investigating officer.

The panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint.

A copy of the panel's findings and recommendations are available for inspection on the school premises by the Principal and Chair of Trustees.

#### **6.5 Notification of the panel's decision**

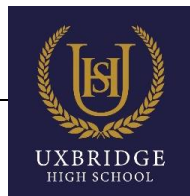
The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 working days (excluding school holidays). The letter should inform the complainant that this was the last stage of the complaints procedure and the appeal panel's decision is final. Recording of any meetings is not allowed unless agreed in exceptional circumstances.

### **7. Complaints against the principal or a trustee**

Complaints made against the principal should be directed to the chair of the board of trustees. Where a complaint is made against the chair of the board of trustees or any member of the board of trustees, the principal will consider the complaint under Stage 2 of this complaints policy as normal and the vice chair of the board of trustees will review the complaint under Stage 3 of this complaints policy.

### **8. Referring complaints on completion of the school's procedure to the Education Funding Agency (EFA) – for academies**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the EFA. The EFA will check whether the complaint has been dealt with properly by the school. The EFA will not overturn a school's decision about a complaint. However, it will look into:

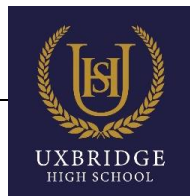


- Whether there was undue delay, or the school did not comply with its own complaints procedure;
- Whether the school was in breach of its funding agreement with the secretary of state;
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school 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>



## APPENDIX 1

### Complaint Form

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

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Email contact details:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve the issue:  
(Who did you speak to and what was the response)?**

**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:**