



Complaints Policy

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Vale of Evesham School
A specialist school for cognition and learning - enabling inclusion in the community

Advance Trust, a Charity and Company limited by guarantee, registered in England and Wales Company number 08414933 whose registered office is at Vale of Evesham School, Four Pools Lane, Evesham, Worcs, WR11 1BN

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Statement of intent

Advance Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant, school and Trust must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher will be the first point of contact when following the complaints procedure.

1. Who can make a complaint?

Parents - Parents are advised about the procedures for complaints in the School Prospectus and on the school website. Posters are displayed around the school informing pupils, parents & carers of how to contact Ofsted. Staff will always be ready and willing to listen to parents' queries or feedback that might result from a complaint. The Headteacher or the Head of Care (in residential settings) always explores any complex situations directly with parents.

Pupils - Pupils too may wish to share their concerns or anxieties and to this end all staff are encouraged to develop sound listening skills and to follow laid-down procedures in confidentiality. In order to provide an independent 'ear', the School Nurse is available to offer private consultation, at the request of any pupil. Pupils can use the School Council System to voice concerns and complaints. Posters are displayed all around school to facilitate all pupils in this area. For pupils unable to express their concerns, the school recognises the critical role of parents and staff's ability to attend to children's expressions of unhappiness or distress swiftly.

Staff - There may be occasions when a member of staff feels aggrieved about the actions or omissions of another member of staff or the management of the school. The majority of problems can be resolved by the mutual understanding of those concerned.

General Public - Any complaints received from the general public will be dealt with by the Headteacher, and most issues will be resolved in this way.

2. Making a complaint

The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale. The school upholds a three-month time limit in which

a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form. All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against the Headteacher shall be initially dealt with by the chair of governors.

Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to the governing board.

4. How to make a complaint

Stage 1: Informal complaint

1. A complaint is made – a complaint may be made in person, by telephone or in writing.
2. Brief notes of meetings and telephone calls should be kept and a copy of any written response should be added to the record (in order to prevent any later challenge or disagreement over what was said).
3. A suitable person attempts to resolve the concerns. This may take place via a meeting during which they ascertain what outcome the complainant is looking for. The member of staff may discuss the concern with the Headteacher or complaints co-ordinator in order to seek support.
4. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better should not be considered an admission of unlawful or negligent action.
5. A response from the school is issued within 15 school days of receipt of the complaint in which the complainant is advised what the next stage will be if the complaint is not resolved.
6. If the complaint is not resolved, it will proceed to stage 2.

If the complaint relates to a class teacher or any individual in a management role, it will proceed directly to stage 2, as it would be inappropriate for someone other than the Headteacher or deputy Headteacher to respond. The Headteacher can escalate the complaint to stage 2 at any time if they deem it appropriate. If a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Stage 2: Formal complaint to the Headteacher

1. Stage 2 complaints should be made in writing to the Headteacher and should include the desired outcome (Appendix 1 should be completed). If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally before moving directly to stage 3 of the procedure.
2. Where there are communication difficulties, the complaint may be made in person or via telephone. In order to prevent any later challenge or disagreement over what was said, brief

notes of meetings and telephone calls should be kept and a copy of any written response should be added to the record.

3. Acknowledgement of the receipt of the formal complaint form will be provided to the complainant within 3 school days.
4. Stage 2 of the process will be completed within 10 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher will contact the complainant to inform them of the revised target date via a written notification.
5. The Headteacher will provide an opportunity for the complainant to meet and discuss the complaint further. The complainant is advised that they may be accompanied if they wish.
6. Where necessary, the Headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
7. All discussions shall be recorded by the Headteacher and findings and resolutions will be communicated to the complainant in writing.
8. Once all facts are established, the Headteacher shall contact the complainant in writing with an explanation of the decision and any further action the school plans to take to resolve the issue.
9. Should the outcome be unsatisfactory, the complaint may proceed to stage 3.

Stage 3: Formal Complaint to the Governing Board

1. Complaints at this stage should be made in writing and addressed to the chair of school governors no later than 10 school days following receipt of a stage 2 outcome (where there are communication difficulties, the complaint may be made in person or via telephone).
2. Brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record (in order to prevent any later challenge or disagreement over what was said).
3. Written acknowledgement of the complaint will be made within 5 school days, informing the complainant that their complaint will be heard within 20 school days.
4. A complaint panel hearing will be arranged comprising of at least three people not involved in the complaint, at least one of whom is independent of the management and running of the school (Governors are not eligible to be independent panel members).
5. 10 school days' notice will be given to all attending.
6. Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.
7. At the hearing, everyone's case will be communicated and discussed.
8. The panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
9. The meeting will allow for:
 - The complainant to be present and accompanied at the hearing if they wish.
 - The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
 - The complainant to question the Headteacher, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
 - Members of the panel to question both the complainant and the Headteacher.
 - Final statements to be made by both parties.
10. A written response to the complainant will be made within 5 school days following the hearing. This letter will also explain that should the outcome be unsatisfactory, the complaint may proceed to stage 4.
11. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

Stage 4: Formal Complaint to the Trust Board

1. Complaints at this stage should be made in writing and addressed to the chair of the Trust Board no later than 15 school days following receipt of a stage 3 outcome (where there are communication difficulties, the complaint may be made in person or via telephone).
2. Brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record (In order to prevent any later challenge or disagreement over what was said).
3. Written acknowledgement of the complaint will be made within 5 school days, informing the complainant that their complaint will be investigated within 20 school days.
4. The chair of the Trust Board will decide the best way to investigate the complaint, this may be through a complaint panel hearing or may be a review of all the findings of previous documentation. If a complaint panel hearing is arranged, it will comprise of at least three people not involved in the complaint, at least one of whom is independent of the management and running of the Trust (Trustees are not eligible to be independent panel members). 10 days' notice will be given to all attending.
5. A written response to the complainant will be made within 20 school days following the investigation. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
6. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

Stage 5 (Final stage): Appeal

If a complainant has exhausted an academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA by completing the [online form](#) (see screenshot below) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Contact the Department for Education

Contact type Your complaint

I would like to submit a:

question

comment

complaint

disclosure in the public interest (including whistleblowing)

freedom of information (FOI) request

Next

Data protection Built by the Department for Education

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The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.

5. Interviewing witnesses

When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

6. Recording a complaint (Appendix 2)

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the proprietor and the Headteacher.

The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.

Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

The school/ Trust will hold all records of complaints. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

7. Exceptional circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care and/or to the LA.

If a social services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

8. Serial and persistent complainants

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing board will inform the complainant that the matter is now closed.

If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

~~If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.~~

The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

Any new complaint made by a 'serial' complainant will be responded to.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

9. Barring from the premises

School premises are private property and therefore any individual can be barred from entering the premises.

If a parent's behaviour is cause for concern, a school can ask the individual to leave the premises.

The Headteacher will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed, taking into account any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

10. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The recruitment process and performance management are designed to ensure that our employees meet the required standards.

If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

For the purpose of this policy, a "**legitimate complaint**" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in Section 6 of this policy.

11. Role of the School Complaints Unit (SCU)

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

12. Availability

A copy of this Complaints Procedures Policy will be made available on request. It will also be published on the schools' and Trust websites, as recommended by the ESFA.

13. Reviewing the procedure

The complaints procedure will be reviewed every year, taking into account the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Executive Principal and Business Director and will be approved by the Trust Board.

All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Appendix 1 Complaint Form



Complaint Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the Chair of Governors).

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of that discussion?	
Signed:	Date:



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Appendix 2 School's Record of Complaints



Person Making the Complaint	Date of Complaint	Nature of Complaint	Action Taken	Serious Complaint referred to Care Quality Commission (CQC)	Outcome

Appendix 3 School Complaints Procedure/Policy Flowchart

