

External Complaints Procedure Highworth Warneford School



Approved by: Headteacher

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Contents

1. Aims	2
2. Legislation and guidance	2
3. Definitions and scope	3
4. Principles for investigation	3
5. Stages of complaint (not complaints against the Headteacher or Trustees).....	4
6. Complaints against the Headteacher, Trustees or Members	6
7. Referring complaints on completion of the School's procedure	6
8. Unreasonable and Persistent complaints	7
9. Record keeping.....	8
10. Learning lessons.....	8
11. Monitoring arrangements.....	8
12. Links with other policies.....	8

1. Aims

The School aims to meet its statutory obligations when responding to complaints.

When responding to complaints, we will:

- 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 if requested
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement processes

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

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

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).

This policy complies with our funding agreement and Articles of Association.

3. 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. This is a normal part of interaction between the School and its community and will involve staff at all levels.

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
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

These have their own pathways.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. 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

The complainant must raise the complaint within 3 months of the incident and preferably far sooner- at the time if possible.

We will consider exceptions to this timeframe 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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

Concerns related to individual students can only be considered when they relate to those on the School's roll. If a student is removed from the School's roll during any period of formal investigation, this will cease, although the School will usually be willing to engage informally after this point to enable any lessons to be learned.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5. Stages of complaint (not against the Headteacher or Trustees)

Stage 1: Informal

The School takes informal concerns seriously and make every effort to resolve matters quickly. It is often the case that the provision or clarification of information will resolve the issue.

Informal resolution is by far the most effective and timely method of dealing with a complaint and every effort should be made by both parties to engage fully at this stage. By their nature, formal complaints are usually very time-consuming, take up valuable resources, are stressful for all involved and don't necessarily lead to any different outcome.

The complainant should raise the complaint as soon as possible with the relevant member of staff, or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should get in touch with the School Office.

The School will endeavour to respond to informal complaints within 10 working days. In most cases the response will be far quicker than this.

Depending on the nature of the complaint, this informal stage may be conducted by email, via telephone conversation or involve a meeting.

If the complaint is not resolved informally, it can be escalated to a formal complaint by request.

Stage 2: Formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide as much detail as possible, such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, what they feel would resolve the complaint and why they think informal processes have not resolved the situation.

The Headteacher will acknowledge receipt of the complaint in writing (either by letter or email) within 5 School days. If the School has not yet had an opportunity to deal with a complaint at Stage 1 the complainant will be told that this process needs to be followed first.

The Headteacher (or designated member of the Senior Leadership Team) will usually call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the School of the identity of any companion in advance.

In certain circumstances, the School may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the School will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher will usually then appoint a senior colleague (or in some cases an external, independent person) to conduct an investigation and report back. The written conclusion of this investigation (along with actions or intended actions) will be sent to the complainant within 20 School days. There may also be extra details provided by the Headteacher. If it is going to take longer (for example, if the investigation is complicated or key witnesses are not easily available) then the complainant will be kept informed of timescales.

If the complainant is still not satisfied and would like to proceed to Stage 3 of the procedure, they should inform the Clerk to the Trustees within 5 School days of receiving this written conclusion, stating how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint in addition to what has already been suggested.

Stage 3: Review Panel

A Review Panel will consist of 3 Trustees who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The Trustees will select a Chair from among themselves.

If not enough impartial Trustees are available within a reasonable timescale, we will seek panel members from other sources, ensuring they are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the Review Panel to give them the opportunity to attend if they wish.

If the complainant rejects the offer of 3 proposed dates, the Clerk to Trustees will set a date and the hearing will go ahead using purely written submissions from both parties.

Any written material will be circulated to all parties at least five working days before the date of the meeting.

At the meeting

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

At the Review Panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if an employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence. In some cases, witnesses may be called to present evidence.

The Panel, the complainant and the School representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The Panel will then put together its findings and recommendations from the case. The Panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

The outcome

The Panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the Panel will:

- Suggest the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Panel will inform those involved of the decision in writing within five school days.

6. Complaints against the Headteacher or Trustees

The steps are very similar to the more general process outlined above but will need to be considered by different people and groups.

Complaints made against the Headteacher or any member of the Governing Board should be directed to the Clerk to the Trustees. As with all complaints, it is expected that the Headteacher or Trustee would have been personally given the opportunity to resolve any situation at an informal level before any formal process can be started.

If the complaint is about the Headteacher or one (or a small number) of the Governing Board, a suitably skilled and impartial Trustee will manage the process, starting at Stage 1. Escalation will follow the same pattern and can continue to use internal Trustees where feasible and fair.

If any complaint (that can't be dealt with informally) is jointly about the Chair and Vice-chair, or most or all of the Trustees, an independent investigator will be appointed to carry out the steps at Stage 2 onwards. If this reaches the Review Panel stage, this group will need to be sourced externally – usually from other local schools.

7. Referring complaints on completion of the School's procedure

If the complainant is unsatisfied with the outcome of the School's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the School. The ESFA will not overturn a school's decision about a complaint, but will intervene if a School or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

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>

We will include this information in the outcome letter to complainants.

For information, other parties such as the local MP or OFSTED do not have a role to play in this process and do not consider whether a school's complaint procedure has been followed.

8. Unreasonable and Persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same or a similar complaint before, and it has already been resolved
- Makes a complaint that is obsessive, persistent, rude, harassing, prolific, defamatory or repetitive or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on School time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process.

If the complainant continues to contact the School in a disruptive way, we may put communications strategies in place.

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our site.

Where the School receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the School, the School may respond to these complaints by:

- Ignoring them if it is clear there is no specific school connection
- Sending a template response to all of the complainants
- Publishing a single response on the school website

9. Record keeping

The School will record the progress of all complaints from Stage 2 onwards, including information about actions taken and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints at Stage 2 and above will be kept for 7 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Board in case a review panel needs to be organised at a later point.

Where the Governing Board is aware of the substance of the complaint before the review panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Board, who will not unreasonably withhold consent but whose judgement in this matter is key, even where the complainant disagrees.

10. Learning lessons

Where a complaint is received (particularly where there is a pattern of similar complaints) the Governing Body should consider whether to review any underlying issues with the Headteacher to determine whether there are any improvements that can be made to procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints at Stage 2 and above, and review underlying issues as stated in section 10.

The complaints records will be logged and managed by the Headteacher in conjunction with the Clerk to Trustees.

This policy will be reviewed by the Headteacher every three years.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices