

Complaints Procedure



2021/22



Complaints Procedure

Statutory/Non-Statutory:

Statutory

Recommended for Approval by
Governor Staffing Committee on:

10th November 2021

Approved by Whole Governing Body:

8th December 2021

Author:

Keith Pinney, School
Business Manager

Review Date: October 2021

Next Review Date: October 2022

*Cantell – An exceptional school experience:
Academic excellence / Exciting teaching & learning
Life-changing opportunities / A richly diverse community*

Cantell School Complaints Procedure

Rationale

This policy is intended to set out how Cantell School will deal with complaints from parents, students and the public, who should feel able to express their views knowing that they will be dealt with fairly. Staff wishing to make a complaint should follow the Staff Conduct, Discipline and Grievance Policies.

This policy does not cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education.

This policy is intended to comply with Section 29 of the Education Act 2002, where all Maintained schools in England are required to have established and annually monitored procedures to deal with complaints relating to the school and to any Community facilities or services that the school provides.

Aims

This policy aims to provide parents, students and the public with an accessible and easily understood procedure for complaints. The school would encourage parents and students to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

Procedure

Stage 1 – Informal Complaint

1. On many occasions, minor concerns can be resolved through the appropriate member of staff. Except in minor matters, the concern and any action taken will be logged in the student file. In any event, a record of all concerns, however minor, will be retained centrally at the school.
2. If the person first contacted cannot deal with the matter immediately, or where a complainant is dissatisfied after the initial contact and wishes to take the matter further, the next approach should be to the appropriate member of the Senior Leadership Team available at that time.
3. On certain issues, the Headteacher may decide to personally deal with concerns informally under this stage.
4. If the complaint relates to the Headteacher, the complainant should contact the Chair of Governors in the first instance.
5. Complaints made informally to Governors will be referred to the Headteacher or the Chair of Governors, as appropriate.

6. The person dealing with the complaint must make clear to the complainant what action or monitoring of the situation will take place. This will only be put in writing to the complainant if it seems the best way of making things clear.
7. Where no satisfactory solution has been found, the complainant will be advised that they should put their complaint in writing to the Headteacher under Stage 2 of this policy.

Stage 2 – Formal Complaint to the Headteacher

1. Formal complaints under Stage 2 should be made in writing to the Headteacher.
2. The Headteacher (or designate) will acknowledge the complaint in writing within **3 working days** of receiving the written complaints. The acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy and confirm a date for providing a response. This will normally be within **10 working days**. If it is not possible to comply with this time limit, a letter will be sent to the complainant explaining the reason for the delay and giving a revised target date.
3. The Headteacher (or designate) may (but notes not have to) provide an opportunity for the complainant to meet with them to supplement any information provided previously during the course of the investigation. It is made clear to the complainant that if they wish, they can be accompanied to any meeting by a friend or relative, who can speak on their behalf, and they will be asked if they have any special requirements that the school need to be aware of, for example, wheelchair access, signing etc.
4. If necessary, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a student, the student will also be interviewed. Students will normally be interviewed with parents or guardians present. In some situations, circumstances may prevent this, for example where this would seriously delay the investigation of a serious or urgent complaint, or where the student has expressly stated that they would prefer that their parents or guardians were not involved. In such circumstances, another member of staff with whom the student feels comfortable will be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
5. The Headteacher (or designate) must keep a written record of any meetings or telephone conversations, and must retain any other relevant documentation.
6. Once all of the relevant facts have been established, the Headteacher (or designate) will provide a written response to the complainant and may (but does not have to) meet with the complainant to discuss or resolve the matter directly. Again, the complainant can be accompanied at any such meeting, as outlined above.
7. The written response will include a full explanation of the decisions and the reasons for it. Where appropriate, this will include what action will be taken to resolve the complaint. The complainant will be advised that, should he or she wish to take the complaint further, he or she should write to the Chair of Governors, within **10 working days** of receiving the outcome letter requesting a review of the Stage 2 decision.

8. Where the complaint is about the Headteacher, the Chair of the Governing Body will deal with the complaint under Stage 3 of this policy.

Stage 3 – Review by the Chair of Governors

1. The request for a review of the Stage 2 decision by the Chair of Governors should be made in writing within **10 working days** of receipt of the outcome letter.
2. The Chair of Governors will acknowledge the request in writing within **5 working days** of receipt. The letter will give a brief explanation of the procedure for dealing with the review as outlined in this policy and confirm a date for providing a response. This will normally be within **20 working days**. If it is not possible to comply with this time limit, a letter will be sent to the complainant, explaining the reason for the delay and giving a revised target date.
3. The Chair of Governors will be provided with all paperwork relating to the complaint. If necessary, the Chair of Governors may (but does not have to) speak to the complainant, students (who will be accompanied, as outlined above) or member of staff during the course of his or her review, and will keep a written record of any such discussions.
4. Once the review has been completed, the Chair of Governors will provide a written response to the complainant and may (but does not have to) meet with the complainant to discuss or resolve the matter directly. The complainant can be accompanied at any such meeting, as outlined above.
5. The written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action will be taken to resolve the complaint. The complainant will be advised that, should he or she wish to take the complaint further, he or she should write to the Clerk to Governors within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.
6. Where the complaint is about the Headteacher and the Chair of Governors has dealt with the complaint at Stage 2, the complainant should ignore Stage 3 and write to the Clerk to Governors within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.
7. Where the complaint is about the Chair of Governors and the Headteacher has dealt with the complaint at Stage 2, the complainant should ignore Stage 3 and write to the Clerk to Governors within **10 working days** of receiving the outcome letter requesting a Complaint Panel Hearing.

Stage 4 – Complaint Panel Hearing

1. A request for a Complaint Panel Hearing should be made in writing to the Clerk to Governors within **10 working days** of receipt of the outcome letter.
2. Upon receipt of a written request by the complainant for a Complaint Panel Hearing, the procedure outlined below will be followed.

3. The Clerk to Governors will write to the complainant to acknowledge receipt of the request within **5 working days**. The letter will inform the complainant that the complaint will be heard by the Complaint Panel within **20 working days** of receiving the request. The letter will also confirm that the complainant has the right to submit any further documents relevant to the complaint and ask for any such documents to be sent to the Clerk to Governors, within **5 working days**.
4. The Clerk to Governors will make arrangements to convene the Complaint Panel, which will consist of three Governors, who will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous stages and no detailed knowledge of the complaint.
5. The Clerk to Governors will ensure that the Complaint Panel hears the complaint within **20 working days** of receiving the request. All relevant correspondence and documentation regarding the complaint will be provided to the complainant and the Complaint Panel at least **3 working days** prior to the Complaint Panel Hearing.
6. The school will be represented at the Complaint Panel Hearing by the person who dealt with the complaint in the previous stage. This will usually be the Chair of Governors, unless the Complaint is about the Chair of Governors, in which case the school will be presented at the Complaint Hearing by the Headteacher.
7. The Clerk to Governors will write to the complainant, the Headteacher or Chair of Governors (as appropriate), any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing, at least **5 working days** in advance. The letter to the complainant will confirm that he or she may bring witnesses to the Complaint Panel Hearing and that he or she also has the right to be accompanied by a friend or relative for support and an interpreter or signer if necessary. The letter will also explain how the Complaint Panel Hearing will be conducted.
8. The procedure which will be followed at the Complaint Panel Hearing is as follows:
 - The complainant will outline their complaint.
 - The Chair of Governors or Headteacher will ask the complainant questions, if necessary.
 - The Complaint Panel will ask the complainant questions, if necessary.
 - The complainant's witness will make a verbal statement.
 - The Chair of Governors or Headteacher will ask the witness questions, if necessary.
 - The Complaint Panel will ask the witness questions, if necessary.
 - If the complainant has more than one witness, the next witness will follow.
 - The Chair of Governors or Headteacher will outline the school's stance to the complaint and how the complaint was dealt with in the previous stages.
 - The complainant will ask the Chair of the Local Governing Body or Headteacher questions, if necessary.
 - The Complaint Panel will ask the Chair of Governors or Headteacher questions, if necessary.
 - The school's witness will make a verbal statement.
 - The complainant will ask the witness questions, if necessary.
 - The Complaint Panel will ask the witness questions, if necessary.

- If the school has more than one witness, the next witness will follow.
 - The complainant will summarise his/her complaint.
 - The Chair of Governors or Headteacher will summarise the schools' stance.
 - The Complaint Panel Hearing will close to enable the Complaint Panel to meet in private to make their findings of fact and recommendations, if any.
9. The complainant's and the school's witnesses will only attend the Complaint Panel Hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times. Where a witness has previously given a written account which is largely undisputed, the Chair of the Complaint Panel may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.
10. The Clerk to the Complaint Panel (who will usually be the Clerk to Governors, but does not have to be) will record minutes of the Complaint Panel Hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the complainant and the school.
11. After the Complaint Panel Hearing has closed, the Complaint Panel will meet in private to discuss the complaint. In some cases, it may be possible for this meeting to take place immediately after the Complaint Panel Hearing while the parties wait outside and for a verbal decision to be provided immediately. In most cases, the parties will be informed that the Complaint Panel's decision will be confirmed in writing within **15 working days** and be invited to leave.
12. The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) what facts they accept and which they reject. The Complaints Panel will make a written record of their findings of fact. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the complainant and the school, or recommendations for the school to follow aimed at improving the school's procedures or preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their recommendations and if no recommendations are made, they will record this fact.
13. The Clerk to the Complaint Panel will write to the complainant, the Headteacher (in all cases, whether or not the Headteacher represented the school), the Chair of Governors (if they represented the school) and where relevant, any person complained about, confirming their **findings of fact** and **recommendations** within **15 working days** of the Complaint Panel Hearing.
14. The Clerk to the Complaint Panel will ensure that a record of the Complaint Panel's **findings of fact** and **recommendations** is kept on the school's premises and is available for inspection by the Governing Body and the Headteacher.

Vexatious or Repeated Complaints

1. Sometimes, despite exhausting every stage of the school's complaints procedure, a complainant may persist with a complaint about the same subject. In those cases and in cases where a complaint is clearly so trivial that it would be a waste of the school's resources to deal with the complaint under all four stages of the school's complaints procedure, the school reserves the right (in exceptional cases only) to write to the complainant informing them that their complaint is regarded as vexatious and/or repeated and that the school's complaints procedure will not be followed.
2. In such cases, the complainant is entitled to write to the Chair of Governors asking for him/her to review the decision to regard the complaint as vexatious and/or repeated. The Chair of Governors will respond to such a request within **10 working days** of receiving it, confirming the outcome of the review. If the school's decision is upheld by the Chair of Governors, the complainant may refer their complaint to an external organisation, as outlined below.

External Advice and support.

You can take your complaint further, if you are not satisfied after going through all the steps in the complaints procedure.

You can complain to OfSTED (<http://live.ofsted.gov.uk/onlinecomplaints>) if there's a problem that affects the whole school – this includes problems with the quality of education or poor management. You should get a response within 30 working days. The response will tell you if OfSTED will investigate or not and why.

OfSTED

enquiries@ofsted.gov.uk

Telephone 0300 1234 234

Monday to Friday, 8.00 a.m. – 8.00 p.m.

Or you can complain to the DfE, by filling in the school complaint form:

(<https://www.education.gov.uk/form/school-complaints-form>)

Managing and Recording Complaints

Recording Complaints

At Cantell School we will record the progress of the complaint and the final outcome.

A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff will ensure 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.

The complaints coordinator at Cantell School will be responsible for these records and hold them centrally in a locked file.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and will review the outcomes of such discussions on a regular basis to ensure the effectiveness of the procedure (and make any changes where necessary). Complaint information shared with the whole Governing Body must not name individuals.

The Governing Body recognise that by addressing an individual's complaint proactively, and by engaging in the process of listening, and resolving complaints will contribute to overall school improvement. When individual complaints are heard, this may help identify underlying issues that need to be addressed for the benefit of all. The careful monitoring and review of complaints by the school and the Governing Body can be a very valuable tool in evaluating a school's performance. This policy and guidelines will be reviewed yearly by the Governing Body.

Publicising the Policy and Procedure

There is a legal requirement for the Complaints Procedures to be publicised. This will be done via the school's website.

Next Steps

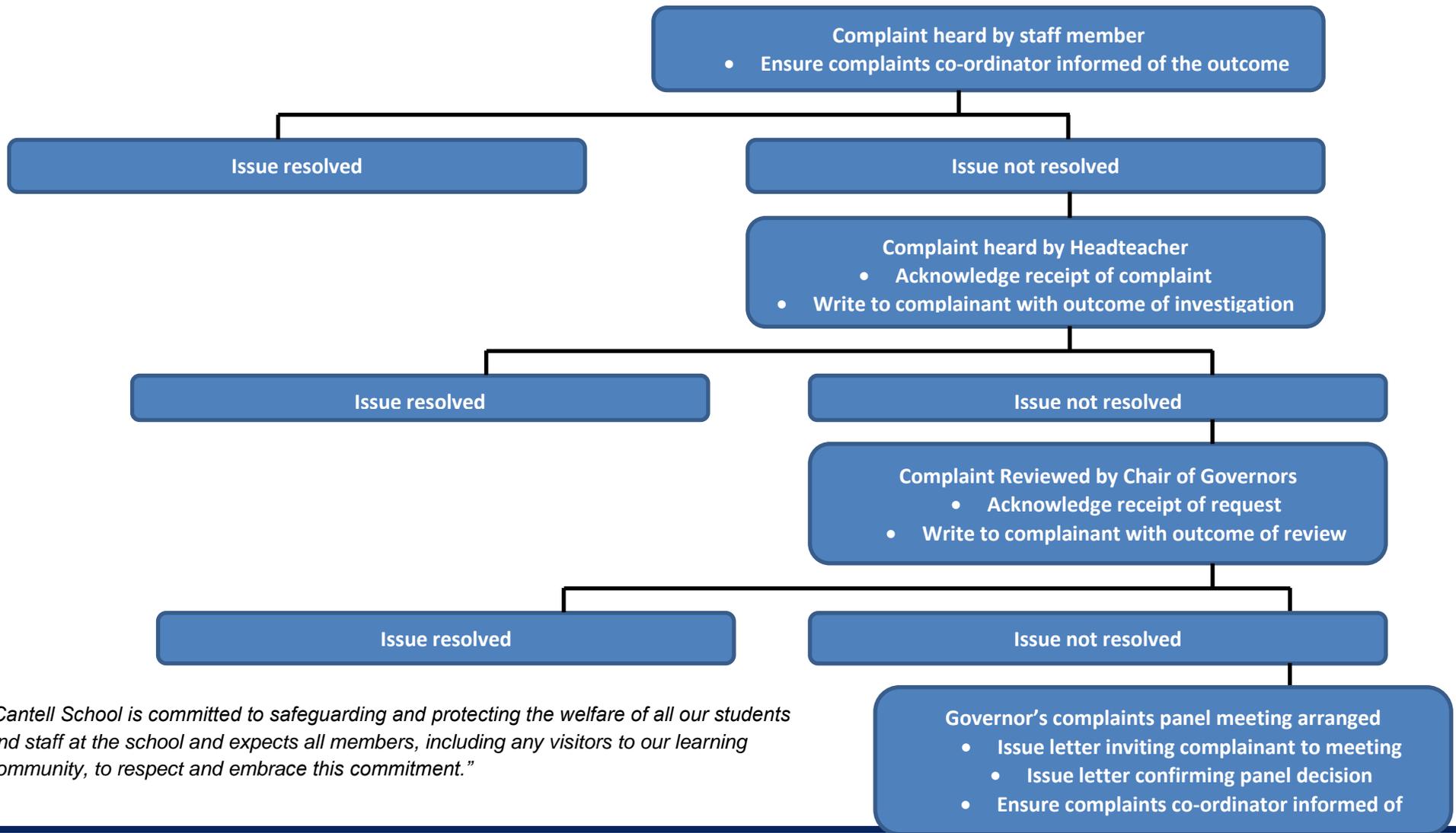
If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

The complainant can refer their 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

Flowchart – Appendix 1
Summary of the sequence for dealing with (informal and) formal complaints



“Cantell School is committed to safeguarding and protecting the welfare of all our students and staff at the school and expects all members, including any visitors to our learning community, to respect and embrace this commitment.”