PRINCE REGENT

STREET TRUST

Complaints Policy

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Purpose

For the purpose of this policy, a "**complaint**" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.

A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

A 'grievance' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

Making a complaint

The Trust is aware that any member of the public, including the parents of past and present pupils, can make a complain about the provision of facilities or services that a school provides.

Complaints are not restricted to parents of attending pupils. The Trust will consider all complaints.

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

The Trust will ensure that all aspects of the complaint's procedure are:

- Easily accessible and publicised on the Trust and school websites.
- Simple to understand and put into practice.
- Impartial, non-adversarial 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 to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

The Trust 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 they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

All complainants will be given the opportunity to fully complete the complaints procedure and a complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the governing board if it is not resolved.

Any complaint made against the Headteacher shall be initially dealt with by Chief Executive Officer and then by a committee of the governing board.

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, who will then arrange for the complaint to be heard.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, 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 but does not have to be. The ability to consider the concern objectively and impartially is more important.

Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reason for this.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Where there are communication difficulties, the complaint may be made in person or via telephone.

Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LA designated officer (LADO) or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints about pupils being excluded from the school should be dealt with by following the process explained at: https://www.gov.uk/school-discipline-exclusions/exclusions.

The school has an internal whistleblowing procedure for all staff, including contractors and temporary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: **0300 123 3155** or via email at: whistleblowing@ofsted.gov.uk.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE.

Complaints about how the schools deliver the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.

Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

Complaints procedure

Stage 1 – (informal): Complaint heard by staff member

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Schools need to be clear about the difference between a concern and a complaint. It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

At this stage where the complaint concerns the Headteacher, the complaints can be referred to the Chief Executive Officer.

Where the first approach is made to a governor, they should refer the complaint to the appropriate person and advise the complainant of the procedures. It is important that individual governors or the governing body do not become involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 – (formal) Complaint heard by Headteacher

If the concern is not able to be resolved informally and the parent confirms a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Headteacher, Key Stage Leader, Head of Faculty, member of the Pastoral and Guidance Team. In the case of the complaint being against the Headteacher, this stage will always be heard directly by the Chief Executive Officer. At this stage the head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The Headteacher will acknowledge the written complaint within five school days of receipt and provide an opportunity to meet the parent to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally.

The Headteacher (or designated person) will investigate the complaint and a written response will normally be made within ten school days of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached by the Headteacher

and what action, if any, the school proposes to take to resolve the matter.

Stage 3 – (formal): Complaint Heard by Chair of Governors

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The Chair of Governors will aim to meet with the person making the complaint within 15 days of receiving the complaint.

The Chair of Governors will conduct an investigation into the complaint, as they deem appropriate. They will make a note of any meetings and ensure they are kept in a locked file.

Following the investigation, the Chair of Governors will write to the Complainant within 10 days. If this time scale is not appropriate due to the complexity of the complaint, the Chair of Governors will advise the parent in writing and provide a revised timescale.

Stage 4 (formal): Complaint heard by Governing Body's Complaints Committee

If the complainant still remains dissatisfied, they will be advised that a meeting of the governors' complaints committee will be convened. The governors' complaints committee is the last school-based stage of the complaints processes and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Headteacher would be expected to attend the hearing to give evidence and may also choose to invite staff to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair of the Complaints Committee).

The Complaints Committee should consist of three members of the governing body identified by the chair/clerk and is subject to individual availability. The committee nominates the chair. No governor may sit on the committee if they have had any prior involvement in the complaint or circumstances surrounding. In some cases, it may be appropriate to have independent governors from other governing bodies hear the complaint to ensure openness and transparency. Academy Governing Bodies must ensure that at least one member of the panel is independent of the management and running of the school.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The committee 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.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Stage 5 (formal): Appeal

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the DFE using the online form or in writing to:

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

There are exceptional circumstances to the provisions. These are outlined in paragraph **Exceptional circumstances** below.

Investigating complaints

It is suggested that at each stage, the person investigating the complaint makes 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 the interview

When interviewing pupils 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 will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.

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

All pupils 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.

Recording a complaint

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 Headteacher.

The Trust 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.

Recording devices will not be used without the prior consent of all parties.

The Trust will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation.

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

Each school will hold all records of complaints centrally. 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.

Resolving complaints

At each stage in the procedure schools will want 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/outcome 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 negligence.

An effective procedure will 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.

Exceptional circumstances

The DfE expects complainants to have completed the Trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

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.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

Duplicate complaints

There may be some cases where at the end of the complaints procedure, the school receives a duplicate complaint from a complainant's spouse, partner, grandparent or child.

Where the complaint is about the same subject, the new complainant will be informed that the school has already considered that complaint and that the local process has been completed. The new complainant will be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

The school will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

Serial and persistent complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. The decision to stop responding to a complainant should never be taken lightly and the school needs to be sure that:

- The school/Trust has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's/Trust's position and their options (if any) and
- They are contacting the school repeatedly but making substantially the same points each time.
- If the complainant tries to reopen the same issue, the chair of governor is able to inform them in writing or via email that the procedure has been exhausted and that the matter is now closed.

Complaints campaigns

For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's/academy's website.

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Barring from the premises

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

If an individual's behaviour is cause for concern, the Headteacher can ask the individual to leave the premises.

The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, 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 by the Chief Executive Officer and chair of governors, 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, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher, Chief Executive Officer or Chair of Governors.

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

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 school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

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 as outlined above.

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; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

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 **Investigating complaints** paragraph above.

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.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.

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

They will not overturn a school's/trust's decision about a complaint except in exceptional circumstances, such as acting unlawfully.

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

Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

Data Protection Complaints

If appropriate, a complaint can be referred to the Trust's Data Protection Officer:

Data Protection Officer:	Education Data Hub, Derbyshire County Council
Email:	dpforschools@derbyshire.gov.uk
Phone:	01629 532888
Address:	County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG