

COMPLAINTS PROCEDURE

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| Date of Policy | September 2024 |
| Date of Next Review | September 2025 |
| Staff Responsible | Headteacher |
| Responsibility (Governors or School) | Governors |
| Reference | Staff shared area/policies/RJ |

1. Introduction

- 1.1. The aim of this policy is to resolve complaints or concerns about Severn Vale School or any individual connected with the school, in a fair, thorough and transparent way. The school takes complaints seriously and views them as a chance to learn and improve for the future.
- 1.2. Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent /carer¹ of a current pupil at the Academy. Please refer to Part A below if you are a parent of a current pupil, otherwise please see Part B.
- 1.3. Please note that complaints about matters where an alternative complaints / appeal process exists will not be generally dealt with under this policy. These are set out below in Part C.
- 1.4. Requests for reasonable adjustments to the process set out below will be considered to ensure that complainants can access and complete the process.

Part A – Complaints Procedure for parents / carers of current pupils²

2. Stage 1 – Informal Resolution

- 2.1. Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis. Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's form tutor or Head of Year or senior member of staff overseeing the year group, before a request is made to deal with it under the formal stages of this policy.
- 2.2. The concern or complaint should be raised with the school within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.
- 2.3. The Academy will seek to resolve matters at the informal stage within 15 school days³ of the issue being raised by the parent.
- 2.4. Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

3. Stage 2 – Formal Resolution : Investigation by a Nominated Individual

- 3.1. Stage 2 complaints must be set out in writing, using the form available at **Appendix 1**, within **10** school days of the Stage 1 response and addressed to the Headteacher (unless the complaint relates to the Headteacher, in which case please refer to the section headed '**Complaints against specific role-holders**' below). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have been done

¹ References to 'parents' in this policy include carers

² Where the complaints process has been started (but not completed) whilst parents/carers have children at the Academy, but the children have since left, the procedure for current parents should continue to be used.

³ School days in this policy refers to days when the Academy is open to pupils for teaching, and does not include INSET days.

or where the academy has not met reasonable expectations and confirming the outcome sought.

- 3.2. An investigation will be carried out by a nominated individual identified by the Headteacher / Chair of Governors as appropriate, who will acknowledge the complaint within **5** school days and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within **15** school days of the written complaint being received.
- 3.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the parent; if no meeting is arranged it will be within **25** school days of the written complaint being received.
- 3.4. Where the parent remains dissatisfied he or she may request the complaint is escalated to Stage 3.

4. Stage 3 – Formal Resolution: Complaints Panel Meeting

- 4.1. Stage 3 complaints must be set out in writing, stating where the parent remains dissatisfied and the outcome sought, and lodged with the Clerk to the Governors within **10** school days of the Stage 2 response.
- 4.2. The Clerk to the Trustees will acknowledge the Stage 3 complaint within **5** school days and will convene a Complaints Panel.
- 4.3. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy.
- 4.4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 4.5. The Clerk will invite the Academy to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request. Whether or not the Academy has responded the Clerk will convene a meeting of the Complaints Panel. That meeting will be held on Academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the Academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the Academy's response time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.
- 4.6. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes

place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent and the Academy will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

- 4.7. The Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:
 - (i) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the Academy or person complained about; and
 - (ii) available for inspection on the Academy premises by the Trust and the Headteacher.
- 4.8. The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.
- 4.9. At any meeting, the parent will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.
- 4.10. If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the “Serial or persistent complainants” section as set below.

5. Department for Education

- 5.1. Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied then they may contact the Department for Education (DfE). There is an online procedure at: [https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)
- 5.2. or the Complainant may write to the DfE at:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

6. Complaints against specific role-holders

6.1. Complaints against the Headteacher

Any complaint relating to the Headteacher of the Academy must be raised in the first instance with the Chair of Governors by writing to the Clerk to the Governors. If an informal resolution cannot be reached, the Chair of Governors will designate a Governor or an independent investigator to investigate the complaint as per **Stage 2**.

6.2. Complaints against individual Governors / the Governing Board

If the complaint is against a governor, then it should be raised with the Chair of Governors by writing to the Clerk to the Governors. In the case of a complaint against either the Chair or the Board of Governors as a whole, then it should be put in writing to the Clerk to the Governors who will refer it to the Members.

In such cases the Chair of Governors / the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at **Stage 2**.

Part B – Complaints raised by those who are not parents / carers of current pupils

7. Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the Academy, will be dealt with as follows:

- 7.1. Complainants should first attempt to address their complaint to the Academy informally by raising the matter with a relevant member of Academy staff or the Chair of Governors, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. The Academy (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.
- 7.2. If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at **Appendix 1**, to the Headteacher, or where the complaint relates to the Headteacher, to the Chair of Governors.
- 7.3. The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days.
- 7.4. The general provisions set out below in Part C below apply.

Part C General provisions

8. Complaints that will not be considered under this policy

- 8.1. Usually complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary the Academy will exercise its discretion.
- 8.2. Complaints may be raised under this policy about staff conduct, however such complaints will be dealt with under the academy's internal disciplinary procedures, if appropriate, and complainants will not be informed of any disciplinary action taken as a result.

| Matter | Route for raising concern / complaining |
|---|--|
| Admissions | Admissions Appeal – see Admissions Policy and Statutory Admissions Appeal Code, or complaint to DfE |
| Exclusions | Statutory review process – see Suspension and Exclusions Policy |
| Statutory SEN assessments | SEND Tribunal (and see SEN Code of Practice) |
| Matters likely to require child protection investigation | Raise with Designated Safeguarding Lead or a direct referral can be made to the Multi-Agency Safeguarding Hub (MASH) and/or Local Authority Designated Officer (LADO) see Child Protection & Safeguarding Policy |
| Data protection / FOIA | Information Commissioner's Office |
| Staff Grievances and Disciplinary matters⁴ | Staff Conduct Policy |
| Whistleblowing | Whistleblowing Policy |
| Third party contractors / suppliers | Third party complaints process |

9. Complaints received outside of term time

The Academy will consider complaints made outside of term time to have been received on the first school day after the holiday period.

10. Withdrawal of a Complaint

If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

⁴ Note that where complaints relate to staff conduct, these may be dealt with under both this Complaints Policy and the Staff Conduct Policy. In such circumstances complainants will not be informed of the outcome of any Staff disciplinary investigation or processes.

11. Record keeping and confidentiality

- 11.1 A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a panel hearing (Stage 3) and any action taken by the school as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the academy's retention protocols by the Headteacher's PA, who will be responsible for complaint records. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.
- 11.2 The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

12. Anonymous complaints

Where an anonymous complaint is received, the Academy will use its reasonable endeavours to consider the complaint as best as it reasonably can. However the Academy will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case by case basis.

13. Complaint Campaigns

- 13.1 Where the Academy receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign' it will deal with the complaints in the following way: individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants or a single response will be published on the Academy's website at the discretion of the Headteacher/Chair of Governors.
- 13.2 Where the complaint campaign involves complainants who are parents, they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the Academy's response. The Academy will consider how best to manage panel hearings in such circumstances.

14. Serial or persistent complainants

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the Complainant to inform them that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy will not respond to any further correspondence on this issue or a closely related issue.

15. Vexatious complaints

15.1 Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

15.2 In such cases, the Chair of Governors may write to the Complainant to inform them that the complaint is deemed to be vexatious and that the Academy will not respond to any further correspondence on this issue or a closely related issue.

16. Legal Proceedings

If a Complainant threatens or commences legal action against the Academy (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix 1 –Severn Vale School Complaints Form

This form should be used to raise a formal complaint only after a matter has been raised informally under either Part A or Part B of the Complaints Policy and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form.

| Your details | |
|--|--|
| Name | |
| Email | |
| Address | |
| Name of pupil, year group and your relationship to them <i>(if applicable)</i> | |
| Complaint details | |
| Grounds of complaint | |
| What steps have been taken to resolve the complaint informally <i>(including details of who the matter was raised with, when and what solution was offered)</i> | |

Why have the steps taken so far failed to resolve the complaint?

(including what you consider should have been done / where the Academy or Trust has not met reasonable expectations in its response)

Outcome sought

What action would you like taken to resolve the matter?

Signed Date

Please send completed forms to lwoodrow@severnvaleschool.com or hand in to the school office in a sealed envelope marked for the attention of the Headteacher's PA (*please refer to the Complaints Policy and in particular paragraph 6, complaints about specific role-holders, for further information*).