

# Redhill Primary Academy



## Complaints Policy

Signed

A handwritten signature in blue ink, appearing to read "Fiona", is positioned below the word "Signed".

Mrs Fiona Seddon, Chair of Governors

Date: Spring 2023

## **STATEMENT OF POLICY ABOUT HOW COMPLAINTS BY PARENTS AND OTHERS WILL BE DEALT WITH**

Note: This policy statement relates to complaints about the provision, facilities and services that the Academy provides. The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education; some Special Educational Needs issues and Admission issues; and others where Local Authorities have statutory responsibilities, such as Safeguarding. The Headteacher can give information and advice about complaints in these areas.

There are certain other complaints which fall outside the remit of the Governing Body's complaints policy; for example, staff grievances or disciplinary policies. Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academy's internal disciplinary policy. The details of such an internal investigation will remain confidential. Allegations of abuse involving a member of the Academy staff must be reported to the Headteacher immediately. Allegations of abuse involving the Headteacher must be reported to the Chair of Governors immediately.

The Academy reserves the right to seek external advice and support at any time that it is considered necessary or appropriate in respect of either a complaint or concern, with the exceptions detailed in Appendix One.

### **What is a complaint?**

The Academy considers a complaint principally to be an expression of grievance or dissatisfaction received from or on behalf of a parent or member of the public regarding: -

- action taken by or on behalf of the Academy.
- failure by the Academy or its staff or contractors to respond to a reported problem.
- the standard of service(s) provided or discrimination in their delivery.
- the policies of the Academy.

### **How to make a complaint**

A parent or member of the public can make their complaint in the first instance either verbally or in writing to the Headteacher.

The Academy, if asked, will help anyone who would like assistance to set out their complaint including access to translation services where necessary.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will not consider complaints made outside of this time frame unless exceptional safeguarding circumstances apply.

### **Complaints received outside of term time**

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

## **Data Protection**

Prior to commencing any investigation, it is necessary for the complainant to give consideration to what personal data that they are content to be shared with an investigating officer. Attached to the complaint form is consent to share material to enable an investigation to be undertaken.

If the complainant does not give consent to share information, it is important to note that the scope of the complaint may be limited and, therefore, the actions available to conclude the complaints process may also be limited. In some instances the complaint may not be able to proceed. The complainant will be informed if this is the case to give an opportunity to consider consent to share the material again.

## **Disputes in School**

When the Local Governing Body of an Academy adopts or approves a policy, and the Academy puts the policy into operation, this is a matter for dispute that needs to be referred back to the Local Governing Body rather than form part of the complaints process, if any person is unhappy with the content of that policy.

Day to day operational decisions about curriculum and timetabling should be referred to the Local Governing Body for review. They are operational decisions that are expected of Headteachers and senior leaders by virtue of the Contract of Employment and expectations set out by the Department for Education. These are not open to this complaints process.

The complaints process exists to enable parents, carers, pupils, former pupils, advocates and other individuals to complain about the application of policies, concerns about treatment or mistreatment or issues relating to prejudicial decisions to be properly reviewed in school and by an independent panel of governors.

## **How are complaints dealt with?**

### **Stage 1 – Informal Stage**

Complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this. The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish by a relative or friend
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Redhill Primary Academy will take to resolve the complaint. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Local Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

## **Where to go if not satisfied with the outcome?**

### **Stage 2**

The Chair of the Local Governing Board can, in the first instance, attempt to resolve a complaint made to the Local Governing Board informally before the formal process of referring the complaint to the Local Governing Board's complaints committee.

If the complaint is about a member of staff and makes allegations that, if confirmed, could lead to disciplinary action the Chair of the Local Governing Board should firstly contact the H.R. service, to discuss the most appropriate way of dealing with the complaint. If it is decided that staff disciplinary processes should be used, then the Academy's appropriate personnel policies should be followed. If it is decided that the matter be dealt with as a general complaint, then the policy's set out below should be followed.

Complaints should be addressed to the Clerk of the Local Governing Board and should be received within 5 school days of the complainant receiving the written outcome of Stage 1.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 14 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Redhill Primary Academy available, the Clerk will source any additional, independent governors, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's policy. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary policy, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 4 school days before the meeting.
- invite the Headteacher to prepare a written report in response to the complaint

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the policy.

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. Prior knowledge and consent of all parties attending must be sought before electronic recordings of meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's systems or policies to prevent similar issues in the future.

The Chair of the Complaints Committee will provide the complainant and Redhill Primary Academy with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days. The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled.

### **Investigating Officer**

If a matter proceeds to stage 2, and there is a requirement for an investigation to be undertaken by an investigating officer. If that is not the Headteacher, it should be down to the Chair of the Local Governing Body to determine who is suitably qualified and has experience to undertake the role.

If the matter is within the scope of the complaint policy, it is important that the right person to investigate is identified. The Chair will look, initially, within the resources of the Academy or Academy Trust (if appropriate), but it may be necessary to seek an external, neutral third party to undertake this role. The Chair has discretion to appoint this person, and to notify the complainant about who the person is and reasons for the decision.

### **Next Steps**

If the complainant believes the Academy did not handle their complaint in accordance with the published Complaints Policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can take the matter further, beyond the Academy. In such instance's complainants can address their complaint to the ESFA (Education and Skills Funding Agency) after they have completed Stage 2.

ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Redhill Primary Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

### **What to do if the complaint is about the Headteacher**

Complaints about the Headteacher, that the complainant cannot or does not wish to raise directly with the Headteacher, should in the first instance be sent to the Chair of the Local Governing Board who will arrange for the matter to be dealt with informally, in the first instance.

### **GDPR and DPA**

The Headteacher is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the Academy have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:  
Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

### **Monitoring of Complaints**

An anonymous analysis of all formal complaints will be reported to the Local Governing Board regularly so that any necessary changes in the Academy's policies and practices can be considered and implemented.

### **Additional Notes**

The Academy staff and Governors will always work with parents to try and secure a satisfactory outcome following a complaint. However, there may be occasions when the expertise within the Academy is not able or sufficiently knowledgeable to deal with a specific complaint. In such rare cases the Academy reserves the right to refer complaints to experts in chosen fields at any of the three stages in the process. Any such third parties may then respond to the complainant on the Academy's behalf. In circumstances where the nature and extent of a complaint are unusually complex, the Academy also reserves the right to amend the timescales used in the Complaints Policy to ensure that adequate time is made available to try and resolve the complaint satisfactorily.

Correspondence sent by post will be deemed to have been received the day after posting when sent by first class post or two days after posting when sent by second class post. Parents/carers that are not satisfied about the handling of their complaint have recourse to the ESFA via:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

## **Collecting Evidence**

Any recorded telephone or video images (CCTV) or photographic evidence collected as part of investigations will be processed fairly and lawfully in accordance with General Data Protection Regulation 2018 (GDPR) insofar as it will be:

- Adequate, relevant and not excessive
- Used for the purposes(s) stated in this policy only and not used for other purposes
- Accessible only by the senior member of staff conducting the investigation and after securing permission from the Headteacher
- Treated confidentially
- Stored securely

Data collected by use of CCTV may be used for prevention and detection of crime, staff disciplinary and pupil behaviour, discipline and exclusions as required. Data may be stored and viewed from the CCTV provider, or downloaded onto other digital platforms, that may include, but are not exclusively, portable storage devices, laptops, school servers. It may be shared with school staff, used as evidence in tribunal or exclusion proceedings and may be shared with third party agencies such as the Police, the LA or Social Care, subject to internal Data Protections processes.

### Complaints Flow Chart

Time frame	Action / Process	Notes
1 – 20 days	Complaint received and receipt sent within 5 working days Informal meeting arranged between complainant and member of Leadership team of Academy (Head, Deputy, Chair or Deputy Chair) who is investigating the complaint	Informal stage
1 – 20 days	Complainant not satisfied with outcome of informal meeting Complaint to Chair of Governors, who can in the first instance, attempt to resolve the complaint.	
	If unresolved Chair notifies the Clerk who then informs the Complaints Committee who confirms the date of the meeting with other governors.	Formal Stage
	Headteacher invited to prepare a written report in response to the complaint	
	All relevant correspondence circulated to the complaints committee; the complainant and the Headteacher in advance of the meeting.	
	If the Complainant or the Headteacher wish to call witnesses the agreement of the Committee Chair should be obtained in advance.	
	Complainant and Headteacher invited to attend the meeting – the notification should inform the complainant of his/her rights to be accompanied to the meeting by a friend / representative. It should also be explained how the meeting will be conducted and of the complainant’s right to submit further written evidence to the committee.	
	The complaints meeting. The following policy to be noted: <ul style="list-style-type: none"> <li>• The complainant and Headteacher to present their view.</li> <li>• The committee to question the complainant and the Headteacher regarding the issues raised.</li> </ul>	
	The Committee Chair should explain to the complainant and the Headteacher that the committee will consider its decision.	
No more than 20 days following the Complaints Committee meeting	The committee will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority decision. The decision will be finding to uphold or not uphold the complaint or uphold some parts and not others.	
	The committee decides on the action to be taken. A written statement outlining the decision with reasons to both the complainant and the Headteacher	
	The complainant should be advised that if he / she is dissatisfied with the outcome he/she has the right to take the matter further by writing to ESFA.	



**REDHILL PRIMARY ACADEMY COMPLAINTS POLICYS**

**WEB SITE ENTRY ABOUT COMPLAINTS OTHER THAN THOSE ABOUT CURRICULUM OR RELIGIOUS WORSHIP**

"For all other complaints or concerns parents and others are encouraged to raise them initially with the Headteacher who will be able to discuss them either there and then or at a mutually agreed time. Should it not be possible to resolve any complaint or concern satisfactorily, in this way, the complaint should be put in writing and sent or given to the Headteacher. If you would like assistance in setting out your complaint the Academy will, if asked, help you to do this, facilitating access to translation services where necessary. The Academy will then deal with your complaint as follows: -

- formally acknowledge it within five school working days.
- tell you the name and appropriate contact arrangements of the person looking into your complaint.
- respond to it within twenty school working days or, if it is not possible to give you a complete answer, tell you what is being done to investigate and how long it is expected to take.
- tell you if your complaint has to be dealt with under a separate policy.

If, when you have received your response, you are not satisfied with the outcome of your complaint you can write to the Chair of the Local Governing Board (c/o the Academy) who will arrange for the Local Governing Board's Complaints Committee to consider your complaint

Thereafter should you remain dissatisfied and want to take the matter further you will be informed of who else you can write to at that time.

A copy of the Academy's Complaints Policy can be obtained from the Academy.

## How To Construct The Response Letter

Responses should: -

- follow the 'straight bat' principle;
- be impartial;
- be civil and constructive;
- if there has been a delay in responding; apologise and give reasons for it;
- comment in a considered way upon **every** raised point of concern. If this is not done the complainant is likely to come back seeking answers to the points not responded to;
- not consider the Academy to be never in the wrong;
- set the record straight. Inevitably the complaint letter will have been written from one perspective only. It may help understanding for facts relating to the 'other perspective' to be clearly stated;
- describe the evidence considered;
- set out the conclusions the committee have arrived at, the decisions made and the reasons for them;
- where the complainant has stated the actions, they feel might resolve the problem comment on whether or not these are feasible and, if not, the reasons why;
- where appropriate apologise for any shortcomings, particularly where misunderstandings may have arisen;
- where appropriate admit that the situation could have been handled differently or better. This is not the same as an admission of negligence;
- where it is practical to do so give an assurance that the event or situation will not recur;
- if the committee feel some action needs to be taken, include the details of what will be done and when, including an explanation of the steps that have been taken to ensure that it will not happen again;
- express satisfaction where the committee is supportive of the Academy's actions in relation to any matters of concern. Explain why the committee is satisfied where necessary;
- where appropriate give an undertaking to review Academy policies in light of the complaint;
- include the right to take their concerns to the next stage of the complaints policy if still dissatisfied and wish so to do.

- always try to end on a positive note by expressing the hope that the situation can now return to normal and that the child concerned can continue their education without further problem;
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### **Some Standard Phrases That Can be Used in Response Letters**

- Opening:

The complaints committee have now looked into the issues you raised in your letter of (date).

We will deal with your points of concern in the same order as raised in your letter.

- Individual Points of Concern/Evidence Considered:

“With regard to (include point of concern) we are told (or, given to understand, or, believe) that (include appropriate detail of head teacher’s response setting out the Academy’s side of the story)”. (This is particularly important if the record needs to be set straight or misunderstandings are apparent).

- Conclusion:

“We are satisfied that (detail what satisfied with – e.g. “the Academy have acted appropriately in respect of...” or, “the action taken by the Headteacher was an appropriate response to the situation” etc.) or,

“We are not satisfied that (detail committee’s concerns) was acceptable action and we have issued instructions that (describe action to be taken)”.

(Note: Decisions and the reasons for them must be clearly stated.)

“We have considered the action(s) you feel would help resolve the problem(s). We agree with you and will make arrangements to put the following measures in place:

-

(detail/list the action(s) to be implemented)”. Or,

“We have considered your view(s) on the action(s) you feel might help resolve the problem(s) but are agreed that (this/these) cannot be implemented for the following reasons: -

(detail/list the action(s) with reasons why the committee consider they cannot agree with them)”.

*(Note: If some of the complainant’s suggestions can be agreed and some not agreed then a combination of both responses will need to be constructed).*

- Apology:

“We are sorry that some misunderstanding appears to have arisen over (detail the matter(s) concerned explaining the misunderstanding)”

“We are sorry that you found it necessary to have to write to the governing body over this matter”.

“We apologise on behalf of the Academy for the problems this matter has caused you”.

“We accept that the situation could have been handled (differently/ or better)”.

- Oil On Troubled Waters:

“we feel sure that the action(s) we have outlined in this response (will/will help) ensure that this sort of issue (will not/cannot) recur”.

“In the light of your complaint we will be undertaking a full review of Academy policies in this area”.

“We hope this response satisfactorily answers your points of concern and that matters can now return to normal. You will appreciate that it is important that good working relationships exist between the Academy and individual parents if we are to achieve and maintain the appropriate standards of education for all the children. We hope that (child’s name) can now continue (his/her) education without further problem”.