



**YHCLT**

**Yorkshire & the Humber  
Co-operative Learning Trust**

# **School Complaints Policy and Procedure**

July 2020

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# YHCLT Complaints Policy

## INTRODUCTION

1 This policy is for parents, carers and others involved on behalf of pupils, who wish to raise a concern or make a complaint about something that has happened at a YHCLT school. It is not for staff or people who have professional or commercial dealings with the school.

2 The school's values are concerned with meeting the needs of pupils, parents/carers and others who have a stake in the school. The Local Governing Body believes that constant feedback plays an important role in self-improvement and raising standards as a school. We welcome feedback on what parents feel we do well, or not so well. We will consider carefully all feedback, whether positive or negative and will review our policies and practices accordingly.

3 Pupils, parents and carers, or other adults who have concerns or complaints should feel that they can be voiced and will be considered seriously. All complainants have the right to be accompanied when making the complaint.

4 Concerns and complaints should be taken seriously and dealt with properly. In handling concerns or complaints, we will always do our best to maintain an objective and open approach, even where the concern or complaint is, after investigation, found to be without foundation.

5 There are various principles behind this policy;

- There is a difference between a "concern" and a "complaint". A concern is likely to require discussion between teacher, pupils and parent. If the concern is not resolved by that means then it could become a complaint.
- A complaint is likely to arise when there are issues of physical or emotional well-being and security or when the school's stated values or aims are being ignored.
- We will seek to resolve complaints by informal means wherever possible.
- Investigations will be full, fair and swift.
- People will be kept informed of progress and the decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from those voicing concerns or complaints in order to minimise complaints and maximise accountability.

## **GENERAL POINTS**

### **6 Time Limits**

Speed is always important when dealing with concerns or complaints; delay often aggravates the original issue. Parties should be kept informed of progress and outcomes and any significant delays explained. Complaints should be dealt with as promptly as possible, though care must be taken to consider the matter carefully and thoroughly. Delay may become unavoidable when Governors are involved and parties need to be kept informed. Concerns should normally be raised or complaints made within 1 month of the incident occurring.

### **7 Recognising a Complaint**

There is no magic formula for making a complaint. Parents may not know there is the Complaints Procedure, realise they can use it or that they can take the matter further. Members of staff, if disagreeing with a parent who remains dissatisfied, should consider whether they should refer them to the Head of Department, Head of Year, Key Stage Leader, Line Manager or if that has been tried to the Headteacher/Head of School at Stage 1 of the Formal Complaints Procedure.

### **8 Repeated 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 procedure having been followed, the complainant remains dissatisfied. If the same or similar complaints are raised a number of times, the Headteacher/Head of School may refuse to accept further complaints. If challenged, that decision may itself be referred to the Chair of Governors. If a complainant tries to reopen the same issue a number of times, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed (see below – Closure of Complaints).

### **9 Consideration and Courtesy**

Complaints at YHCLT schools have been rare and those that do arise are generally resolved one way or another. It helps hugely if all parties can treat those involved with respect and courtesy. Anyone handling concerns or complaints must recognise the need for sensitive handling and consideration; parents can be very upset or angry at how their children have been treated; staff may be angry at attacks on them and their professionalism. Careful, sympathetic consideration, taking the issues seriously, can help parties resolve the issues and accept the outcome, whatever that may be – which is always the aim of an effective complaints procedure.

## **YHCLT PROCEDURE FOR DEALING WITH COMPLAINTS**

10 The majority of concerns and complaints from parents, carers and others are dealt with under the following general procedures.

### **11 Informal Resolution**

The vast majority of concerns, complaints, grumbles or protests are dealt with on the spot, informally, by whichever member of staff the complaint is made to. Occasionally the issue is obviously potentially serious and the Headteacher/Head of School or member of the Senior Leadership Team should be informed straight away. These cases are likely to be rare; the Headteacher/Head of School should not be the first referral point except for plainly serious allegations. The first point of contact for parents or carers is likely to be the subject/year group teacher or Pastoral Year Leader/Key Stage Leader. This contact may be in writing, in person or by telephone. The member of staff will make a clear note of the details if appropriate and will ensure that the concern is followed up.

12 If a member of staff is in any doubt of what to do, or the matter is not resolved, they should refer the concern or complaint to the Head of Department, Pastoral Year Leader/Key Stage Leader or Line Manager as appropriate. Again in the vast majority of cases, an informal resolution will be achieved. Appropriate records will be kept, in case of repetition. Where a complaint is not resolved immediately, the school will ensure that informal complaints are acknowledged within 3 days, investigate and provide a response within 10 working days.

### **13 Formal Stage 1: Referral to Headteacher/Head of School or Deputy Headteacher**

If the complaint remains unresolved, the complainant will be offered the choice of referring it to the Headteacher/Head of School or Deputy Headteacher for consideration and in the exceptional case of a plainly serious allegation, the complaint may be dealt with at this level from the outset. At this stage, the complaint must be put in writing to the Headteacher/Head of School. The parent or carer may choose to use the Complaints Form in Appendix A. This written complaint will be acknowledged within 2 working days.

14 As part of the consideration of the complaint, we may invite the parent or carer to a meeting to discuss the complaint and give any additional details. In any event, all parties involved should be seen as soon as possible and if appropriate, witness statements taken and any evidence collected. Records should be kept and the outcomes of the investigation confirmed in writing. This written response will explain the Headteacher/Head of School's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. A written response will be made within 10 working days; however, this may need to be extended if meetings with the complainant or other relevant persons are unable to be arranged within this time. Where this is the case, the complainant will be informed that the timescale will need to be extended and the school should seek to obtain the complainant's agreement to this.

15 If the complainant is not satisfied with the outcome of the investigation, and wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 working days.

### **16 Formal Stage 2: Initial Referral to Chair of Governors or Other Governor**

If the complaint is not resolved at Formal Stage 1, the complainant should be offered the choice of a referral to Governors. Governors will initially attempt to resolve the dispute directly. Speed is crucial. The complaint should be referred to either the Chair of Governors or Vice Chair as soon as possible; they may handle it themselves or ask another Governor to act. Whoever is appointed should contact the parents/complainant promptly, within 2 working days. He or she should

investigate, talking to staff or the Head as necessary (Governors would not normally interview pupils themselves) and report back to the complainant. Again, records should be kept and any outcome confirmed in writing. If the Chair of Governors (or other Governor appointed) is unable to resolve the complaint by these means, he or she should offer to arrange for a Governors' Complaints Committee to be convened, in order to review how the complaint was handled at Stage 1 and to ensure that it has been fairly and properly dealt with. A written response will be made within 15 working days; however, this may need to be extended if meetings with the complainant or other relevant persons are unable to be arranged within this time. Where this is the case, the complainant will be informed that the timescale will need to be extended and the school should seek to obtain the complainant's agreement to this.

### **17 Formal Stage 3: Complaints Committee**

If the complaint remains unresolved following Formal Stage 2, the complainant can ask the Chair of Governors to set up an appeal with the Complaints Committee consisting of at least 3 members. None of these members will have been directly involved in the matters detailed in the complaint and at least one member will be independent of the school. This request must be made in writing to the Chair of Governors via the school no later than 15 working days from the date of the written response in Formal Stage 2.

The Chair of Governors will acknowledge receipt of the request within 2 working days. The Complaints Committee will aim to complete the complaints process within four working weeks of receiving the complaint, and should update the complainant on progress after two weeks if the process has not been completed. It will be for the Complaints Committee to decide whether or not it is appropriate to interview the complainant as part of the investigation. The complainant will be informed of the Complaints Committee decision in writing within 5 working days of the hearing.

The Committee will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel; however, the Committee reserves the right to convene at their convenience rather than that of the complainant. At the Complaints Committee 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 has the right to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The Committee, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The Committee will then put together its findings and recommendations from the case. They will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Executive Headteacher.

## **18 Outcomes and notification of the Committee's decision**

When the panel has considered the complaint and all the evidence presented, they may decide to:

- Uphold or dismiss the complaint in whole or part

They may also:

- Recommend changes to the school's systems or procedures to ensure that similar problems do not occur again.

The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing within 5 working days of the hearing.

## **19 Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the school's position and their options (if any), and
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

The school will ensure that the complainant is fully aware of the paths open to them to refer the complaint to external bodies.

## **20 Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, 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 kept entirely confidential, 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 a school inspection.

Records of complaints will be kept for 5 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.

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.

## **21 Referral to the ESFA**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the 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.

However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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>

**YHCLT School Complaints Form****Your name:****Student's name:****Your relationship to the Student:****Address:****Postcode:****Daytime telephone:****Evening telephone:****Please give details of your complaint.****What action, if any, have you already taken to try and resolve your complaint; who did you speak to and what was the response?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**YHCLT use only**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

**APPENDIX B**
**Summary of Stages of Complaints Procedure**
