



Rye Community Primary School Policy

Policy Title:	Complaints Policy
Leadership Responsibility:	Head of School
Review Body:	Executive Headteacher
Date:	February 2019
Review:	Spring 2020

1. Introduction

This policy applies to most complaints made to the academy by a parent, pupil or a member of the public in relation to the provision of facilities or services provided by the academy. The resolution of a complaint should be seen as a potential opportunity for development. Principles of justice help us to recognise that the individual has a right to state a point of view and those against whom a complaint is made have the right to know as soon as possible. Separate policies exist for specific concerns covered by statutory requirements which include staff discipline and grievance, admissions, exclusions, SEN provision, content of the national curriculum, whistleblowing and child protection issues. In addition, complaints relating to services provided by other providers who may use the school premises should be directed to those providers.

This policy complies with the Complaints Policy of the Aquinas Church of England Education Trust (the Trust). This policy will be implemented fairly and impartially in accordance with the principles of the public sector equality duty as embodied in the Equality Act 2010 and the principles of natural justice.

All personal data received by Rye Community Primary School (the Academy) in connection with a complaint will be processed in accordance with data protection principles and the Trust's data protection Policy.

All staff are aware of the principles of data protection and will not process personal data unless necessary. The Trust safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the Trust and the relevant academy have taken steps to ensure that all its contracts that process data have the GDPR compliant provisions.

The Academy acknowledges individuals may have a concern being an expression of worry or doubt over an issue considered to be important for which reassurances are sought whereas a complaint is generally recognised as being an expression or statement of dissatisfaction, however made, about actions taken or a lack of action. The Academy will seek to resolve all concerns and complaints at the earliest opportunity. This policy details the Academy's procedures in relation to complaints.

2. Principles

- i. The complaints procedure is readily accessible to parents, pupils and members of the public so that they know how to raise concerns;
- ii. Complainants will be kept informed of the handling of a complaint;



- iii. Procedures are as speedy as possible to ensure fairness to all;
- iv. Confidentiality is important and communication will be treated with discretion. However, information must be shared to carry out a thorough investigation;
- v. All complaints will be recorded and monitored to identify issues;
- vi. If it becomes apparent that a complaint has the potential to lead to a disciplinary issue, then advice will be sought.

3. Aims

- i. Encourage resolution of problems by informal means wherever possible;
- ii. Ensure openness with regard to procedures for dealing with a complaint;
- iii. Inspire trust and confidence of parents and guardians in the procedures adopted by the school;
- iv. Protect the rights and professional integrity of staff members and other employees of the school;
- v. Ensure that the process is fair and impartial.

4. Procedure

- i. The Head of School has responsibility for this policy and its implementation. Certain operational aspects of the policy may be delegated to a member of the senior leadership team. The nature of complaints which fall within the remit of this policy include curriculum/ educational, behavioural or relate to staff conduct, but they are not limited to these areas.
- ii. The complaints procedure has three stages:
 - Stage 1: Informal resolution of a complaint;
 - Stage 2: Formal complaint to the Executive Head or Head of School;
 - Stage 3: Hearing before a complaints panel appointed by the Aquinas Advisory Council.
- iii. At each stage, we will be mindful of ways the complaint can be resolved and one or more of the following may be appropriate:
 - 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 occur again;
 - An explanation of the steps that have been taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made;
 - An agreement to review school policies or procedures as a result of the complaint.
- iv. The Academy will not normally investigate anonymous complaints. However, the Head of School, if appropriate, will determine whether the complaint warrants investigation.
- v. Complaints must be raised within 3 months of the incident or where there is a series of associated incidents, within 3 months of the last incident. The Academy will consider complaints made outside this time frame in exceptional circumstances.
- vi. Complaints made outside term time will be considered to have been received on the first school day thereafter.
- vii. Complaints relating to admissions, statutory assessment of Special Educational Needs, school re-organisations proposals, child protection, pupil exclusions, whistleblowing, staff



grievance and conduct and national curriculum content will not be dealt with under this policy.

- viii. If other bodies are investigating aspects of the complaint, this may impact on the Academy's ability to adhere to the timescales detailed in these procedures or may result in the Academy's complaints procedure being suspended until the resolution of the parallel investigation.
- ix. If the complainant commences legal action against the Academy in relation to their complaint, the Academy will consider whether to suspend the complaints procedures in relation to their complaint until those proceedings have concluded.
- x. If a complainant withdraws their complaint, the Academy will ask for written confirmation of any such withdrawal.
- xi. The Academy is conscious that all complainants will not be able to access the complaints process as detailed in this policy due to disability, learning difficulties and/ or difficulties using English. In such circumstances, the complainant must advise the Academy and alternative arrangements will be made.

5. Stage 1: Informal resolution of a complaint

- i. The initial contact can be made by telephone or in writing to the class teacher, line manager or the school office depending on who or what is the subject of the complaint. A third party, acting on behalf of a complainant, can also raise the complaint as long as the third party has the appropriate consent to do so and a copy of such consent is provided to the Academy;
- ii. This member of staff will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the school is taking the complaint seriously. Name, date and contact details must be recorded;
- iii. If the member of staff is unable to deal with this, then he/she must ensure that the complainant is clear who will deal with the issue and when this will happen;
- iv. If an interview is arranged, then members of staff may request the presence of a third party (companion). Details of the interview will be recorded during the interview and agreed by all parties at the end of the interview;
- v. The complainant must be clearly informed about what will happen (including if no action is to be taken) and the next steps or outcome should be communicated as soon as possible;
- vi. If no satisfactory resolution is obtained at this stage, then the complainant must be advised to put the complaint in writing to the Executive Headteacher or Head of School in order to implement stage 2 of the complaints procedure;
- vii. In the case of a complaint against the Executive Headteacher or Head of School parents have the opportunity to refer the matter directly to the Chief Executive Officer (CEO) of the Trust at stage 1.
- viii. It is anticipated that most complaints will be resolved by this informal stage and the academy will endeavour to be deal with the complaints at this stage within 15 school days of the complainant making the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided;
- ix. The complainant is not required to undertake stage 1 in order to proceed to stage 2;
- x. In certain cases, mediation may be appropriate. The Academy may suggest this as a way forward in order to allow for a full discussion of the concern and help rebuild the relationship between the parties.



6. Stage 2: Formal complaint

- i. If a complaint progresses to this stage the complainant will be asked to put the complaint and their desired outcome in writing to the Head of School. If the complaint concerns the Head of School, the complainant will be asked to put the complaint in writing to the Executive Headteacher. Where the complainant is unable to do so, alternative arrangements will be made;
- ii. In the case of a complaint against the Executive Headteacher or member of the Aquinas Advisory Council the complaint must be made in writing to include the desired outcome to the CEO of the Trust;
- iii. There will be a written response within **5** school days outlining the procedure and setting a target date for response;
- iv. The Executive Headteacher, Head of School or, where relevant, the CEO shall endeavour to deal with the complaint within **15** school days of receipt of the written complaint. If the complaint requires detailed collection of information and investigation this period may be extended but the complainant will be kept advised;
- v. The Executive Headteacher or Head of School will investigate the circumstances of the complaint and in doing so may request statements from members of staff and pupils and all relevant documentation. Evidence and written records of all meetings and telephone calls will be collected;
- vi. The Executive Headteacher or Head of School may appoint a member of the academy's senior leadership team to collect the necessary information and conduct the investigation;
- vii. The Executive Headteacher or Head of School may seek clarification of the nature of the complaint, what issues remain unresolved and the outcome the complainant seeks. In order to establish this information, the Executive Headteacher or Head of School may meet with the complainant;
- viii. Where the complaint relates to the Executive Headteacher or Head of School, the CEO may appoint a member of the Trust's executive team to collect the necessary information and conduct the investigation;
- ix. The Executive Headteacher, Head of School, CEO or their appointed representative may choose to meet with the complainant and obtain further details of the complaint;
- x. If the complaint concerns a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representations in relation to the complaint;
- xi. Allegations of abuse regarding a member of staff should be reported to the Executive Headteacher or Head of School immediately and the Trust's Allegations of Abuse against Staff Policy must be followed;
- xii. The Executive Headteacher, Head of School or, where relevant the CEO, is responsible for deciding on the validity of the complaint and the action to be taken;
- xiii. The Executive Headteacher, Head of School or, where relevant the CEO, will then either write to the complainant or arrange a meeting to resolve the matter within **5** school days of receipt of the formal complaint. If the Executive Headteacher or Head of School is unable to resolve the complaint within this period, he/she will provide the complainant with an update and revised response date;
- xiv. The meeting will be followed by a letter summarising the outcome. The response will detail the actions taken to investigate the complaint, details of the decision and the reasons for it.



Where appropriate, it will include details of the actions the Academy will take to resolve the complaint. The letter will also inform the complainant that s/he has the right to have the complaint considered by a complaints panel appointed by the Aquinas Advisory Council if the complainant is not satisfied with the outcome at stage 2;

- xv. If the complainant is dissatisfied with the outcome of the complaint at this stage and requires the complaint to be heard by a Panel appointed by the Aquinas Advisory Council, the complainant should notify the Executive Headteacher, Head of School], or where relevant the CEO, and the clerk to the Aquinas Advisory Council within **10** school days or receiving the outcome letter.

7. Stage 3: Hearing before a panel appointed by Aquinas Advisory Council

- i. It is unusual for a complaint to reach this stage but the Aquinas Advisory Council will appoint a complaints panel to resolve the complaint and achieve reconciliation between the Academy and complainant. This is the final stage of the complaints procedure;
- ii. The complaints panel members, consisting of at least 3 people, will have had no direct involvement in the matters detailed in the complaint and one member of the panel must be independent of the management and running of the Academy;
- iii. In accordance with 6.15 above, where a complainant is dissatisfied with the outcome of stage 2, the complainant can request for a complaints panel of the Aquinas Advisory Council to consider the complaint. In such a case the complainant must notify the Executive Headteacher, Head of School], or where relevant the CEO, and the clerk to the Aquinas Advisory Council within **10** school days or receiving the outcome letter. Appeal requests received outside this period will only be considered in exceptional circumstances;
- iv. The written complaint together details of why the complainant is dissatisfied with the outcome of stage 2 will be sent to the complaints panel together with all other paperwork considered at stage 2. The complaints panel will consider the complaint afresh;
- v. The clerk will record when the complaint is received and acknowledge receipt of the complaint in writing within **5** school days of receipt of the request and will provide details of when the complaint will be heard, where possible, within **15** school days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel;
- vi. The complaints panel will convene at a time suited to both complainant and the Academy which may mean that the complaint may not always be considered within **15** school days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel. If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will proceed in the complainant's absence on the basis of written submissions from both parties;
- vii. All parties, including witnesses, should have at least **5** school days notice of the time date and venue of the meeting, where possible;
- viii. The complainant will be invited to submit additional written evidence and allowed to bring a friend or relative with him/her. Interpretation facilities will be made available if required. Legal representation is not encouraged except where it is appropriate to do so such as a complaint against a member of staff. Representatives of the press are not permitted to attend;



- ix. All documents should be sent to all parties **5** school days before the meeting, where possible. Recordings of conversations obtained covertly and without the informed consent of all parties will not normally be accepted. The complaints panel will also not review any new complaints or consider evidence unrelated to the initial complaint;
- x. The Chair of the complaints panel should ensure that full minutes are taken and that the meeting is kept as informal as possible to keep everyone at their ease. Generally, the meeting will not be recorded electronically unless it is requested by a party and all other parties agree;
- xi. When all evidence and issues have been raised the Chair of the complaints panel will inform all parties that they will receive the decision in writing within **5** school days;
- xii. When everyone has left the complaints panel will remain to consider:
- xiii. The validity of the complaint and uphold or dismiss it in whole or in part;
- xiv. Appropriate action to be taken by the academy and/or parent;
- xv. Recommendations on changes to academy systems or procedures to ensure similar problems do not arise in the future.
- xvi. Details of the findings and recommendations are:
- xvii. Provided to the complainant together with a copy of the minutes. The outcome letter will provide a full explanation of the decision and the reasons and, where appropriate, the action the Academy will take to resolve the complaint. Details of who to contact at the Department of Education will also be provided if the complainant remains dissatisfied with the outcome; and
- xviii. Available for inspection at the Trust's premises by the Trustees, members of the Aquinas Advisory Council, Executive Headteacher and Head of School.
- xix. The academy will retain all correspondence and notes confidentially. Details of all complaints which reach stage 2 and stage 3 will be notified to the Trust's Company Secretary;
- xx. There is no further right of appeal at the academy. If the complainant is dissatisfied with the outcome and wishes to take the matter further they must complete the form available at:
 - a. www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form

8. Recording Complaints

- i. A written record must be kept of all complaints that are made in accordance with the academy's formal complaint's procedure (stage 2 and 3);
- ii. The record must include details of whether the complaint was resolved following a formal procedure (stage 2), or proceeded to a hearing before a complaints panel (stage 3) and the action taken by the academy as a result of those complaints (regardless of whether they are upheld);
- iii. Details of the number of formal complaints must also be recorded on the academy's website and this policy must also be published on the academy website.

9. Serial and unreasonable complaints

- i. Although the Academy is committed to dealing with all complaints fairly and impartially, to providing a high quality service to those who complain and will not normally limit the contact complainants have with our school; we do not expect our staff to tolerate



unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - Refuses to co-operate with the complaints investigation process;
 - Refuses to accept that certain issues are not within the scope of the complaints procedure;
 - Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
 - Introduces trivial or irrelevant information which they expect to be taken into account and commented on;
 - Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - Changes the basis of the complaint as the investigation proceeds;
 - Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - Refuses to accept the findings of the investigation into that complaint where the Academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
 - Seeks an unrealistic outcome;
 - Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
 - Uses threats to intimidate;
 - Uses abusive, offensive or discriminatory language or violence;
 - Knowingly provides falsified information;
 - Publishes unacceptable information on social media or other public forums.
- ii. Complainants should try to limit their communication with the Academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.
- iii. Whenever possible, the Executive Headteacher or Head of School will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- iv. If the behaviour continues, the Executive Headteacher or Head of School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.



- v. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy.

10. Complaint Campaigns

Where the Academy receives a series or a large volume of complaints based on the same subject from complainants unconnected with the Academy, the Academy will be at liberty to:

- Send a template response to all complaints;
- Treat all the complaints as one, follow stage 2 of this policy and provide a standard response to all complainants;
- Where the complainants remain dissatisfied with the stage 2 outcome, proceed to treat all complaints as one and implement stage 3 save that there will be no formal hearing. The clerk will decide when to hold the meeting and it will proceed in the absence of all parties and on the basis of written submissions from all parties. A standard response will be provided to all complainants.

11. Monitoring and Evaluation

The Executive Headteacher and Head of School will monitor the level and nature of complaints and the policy will be evaluated in the light of complaints made and their resolution and the necessary changes will be made to this policy.

Where it is considered necessary to deviate from this procedure, the Academy will maintain a record of the deviation and the reasons for doing so.

Number of complaints registered under the formal procedure of the policy for the preceding year

Academic Year	Number of complaints
2015-16	N/A
2016-17	N/A
2017-18	N/A

February 2019 BBL

DATA PROTECTION

Rye Community Primary School [The Academy] processes personal data in accordance with the data protection principles embodied in the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The Academy complies with the requirements of the data protection legislation as detailed in the Trust Data Protection Policy.

All colleagues are aware of the principles of data protection and will not process personal data unless necessary. The Academy safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the Academy has taken steps to ensure that all its contracts that process data have the GDPR compliant provisions.