



THE ECCLESBOURNE SCHOOL

Learning Together for the Future

GENERAL COMPLAINTS POLICY

March 2024

This is a statutory policy and is reviewed annually.

This policy is ratified by the Student and Curriculum Sub-Committee

1.Purpose and Application

To establish a procedure for dealing with complaints relating to the school, as required by section 29(1) (a) of the Education Act 2002.

The complaints procedure is not limited to parents and carers of children who are registered to the academy. Any person, or individual including members of the public, may make a complaint to the academy about any provision or facilities or services that we provide.

This policy does not apply to concerns and complaints relating to:

- student exclusions,
- student admissions,
- staff discipline,
- staff grievance

which are subject to separate procedures and are explained in the relevant policies

Anonymous concerns or complaints will not normally be investigated under this procedure. The Head Teacher and Chair of Governors will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our processes of dealing with complaints and can be of assistance when an issue is brought to their attention.

In this policy;

- ‘complaint’ means an expression of dissatisfaction however made, about action taken or lack of action taken
- ‘concern’ means an expression of worry or doubt over an issue considered to be important for which reassurances are sought
- ‘meeting’ means an in person or virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. This would only be used as a last resort.
- ‘parent’ means a parent, carer or anyone with legal responsibilities for a child
- ‘school days’ excludes weekend and school holidays and periods of partial or total school closure.

The timeframes in this policy are our usual timeframes and the school will seek to adhere to these timeframes where possible.

2.Key Principles

- The school expects all complainants to make reasonable attempts to seek an informal resolution.
- The school encourages parents and others to approach the school with any concerns and refrain from airing concerns about the school and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is counterbalance to pupil relationships.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matters raised more than 3 months after the event being complained of will not be considered, unless the Headteacher or Chair of Governors accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

- Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.
- We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of this complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. Where a complaint is raised but we do not have clarity from the complainant on the issues and/or the desired outcomes, we will inform the complainant what information we need to progress the complaint and pause the procedure until reasonable clarity is achieved.
- Complainants should not approach individual Governors to raise complaints or concerns. They have no power to act on an individual basis and it may prevent them from considering complaints at a later stage.
- If a complainant commences legal action against the school in relation to their complaint, we will consider whether it will be appropriate to suspend the complaints procedure until those legal proceedings have concluded.
- If a complainant wishes to withdraw their complaint then we would ask them to do so in writing,

3.Complaining about the actions of a member of staff other than the Headteacher.

3.1 Informal Stage (Stage 1)

An informal concern can be raised in person or by telephone. Concerns may also be raised by a third party acting on behalf of a parent, as long as they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by the member of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Headteacher, they may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher these should be brought to the attention of the Clerk to Governors.

The school will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Head Teacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the Head Teacher may consider referring the parent to another member of staff. The member of staff may be more senior, but this is not essential.

Staff members should log all informal concerns onto My Concern so that we have a full picture of what has happened and any follow up actions.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no

satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further, you should write to the Headteacher under Stage 2 of this procedure within 15 school days.

3.2 Formal Stage

If your concerns are not resolved under Stage 1, you are entitled to put your complaint in writing and send this to the Headteacher.

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Annex 2 of this procedure. If you require help in completing the form, then please contact the school. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Your complaint will normally be acknowledged in writing within five school days of receipt. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

If appropriate, the Headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on a pupil, the pupil will usually be interviewed. The pupil will normally be interviewed with their parents present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that they would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable will be present. If the matter includes a complaint relating to a member of staff, the member of staff will have the opportunity to respond to the complaint.

Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint. The written response will include one of the following;

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee under Stage 3 of this procedure. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher and include a statement specifying any perceived failures to follow the procedure. The procedure described in the section titled Review Process will be followed.

The school may engage an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues.

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded. the procedure. The procedure described in the section titled Review Process will be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under the section titled Complaining about the actions of the Head Teacher of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

If the Head Teacher feels it is appropriate they will seek the advice of external bodies in relation to the nature of the complaint. This can include legal advice and support from the Local Authority.

4.Complaining about the actions of the Head Teacher

In these cases, your complaint should be sent to the Clerk to Governors at the school's address who will arrange for a governor to carry out the Stage 2 procedure.

5.Complaining about community facilities or services that the school supplies

5.1 Informal Stage

The complainant is normally expected to arrange to communicate directly with the Chief Financial Officer. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification, or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns, it may be appropriate to address them directly to the Head Teacher.] An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. [Any dispute in relation to the "reasonableness" may be determined through the review process].

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher, who will be responsible for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint or responsible for facilities or services supplied by the school, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in the section titled Review Process will be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under the section titled Complaining about the actions of the Head Teacher of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

6. Referral to the Complaints Committee

If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. The Complaints Committee will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The Complaints Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

To request a hearing before the Complaints Committee, you should write to the Clerk to Governors at the school address or at lbrannan@ecclesbourne.derbyshire.sch.uk within 15 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

Your written request will be acknowledged within five school days of receipt.

The Clerk will arrange for a Complaints Committee to be convened, made up of at three Governors.

The Clerk shall appoint one of these members to be the Chair of the Committee.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable, and in any event at least five school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the school (referred to in this policy as the 'school representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 and/or another person with sufficient knowledge of the matter.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

You have the right to be accompanied to the hearing by a friend, relative or interpreter. You should notify the Clerk in advance if you intend to bring anyone to the hearing. We do not encourage either party to bring legal representatives to the Complaints Committee meeting. Representatives from the media are not permitted to attend. The Complaints Committee itself may take legal advice and/or be supported by a legal advisor at the hearing on matters of law and procedure.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the school representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or the school

representative (as applicable) at least 3 three school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the parent and school representative will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the school representative and committee members will question the parent;
- the school representative will explain the academy's actions;
- the parent and the committee members will question the school representative;
- the parent will sum up their complaint;
- the school representative will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within five school days;
- both parties will leave together while the committee decides;
- the Clerk, and any legal advisor assisting the committee (if applicable), will stay to assist the committee with its decision making.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.

A Complaints Committee may be adjourned if the Complaints Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible.

After the hearing, the Complaints Committee will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within five school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- 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 systems or procedures to ensure that problems of a similar nature do not happen again.

7.The schools response to managing serial and unreasonable complaints

The Ecclesbourne School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, 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 Ecclesbourne School 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 school'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.

Complainants should try to limit their communication with the school 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Ecclesbourne School 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.

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 Ecclesbourne School.

Appendix 1

Matters excluded from the scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at: School suspensions and permanent exclusions - GOV.UK (www.gov.uk)
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint

Appendix 2

Complaints Form

Your name:
Pupils's name:
Your relationship to pupil
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the academy's complaints procedure? (Who did you speak to and what was the response?)

What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed to the Headteacher or Clerk to the Governing Body (as appropriate).

Office use

Date received

Date acknowledgement sent

Responsible member of staff