

**Complaints Policy**

We have produced this policy in accordance with Section 29(1) of the Education Act 2002

**The difference between a concern and a complaint**

A ‘concern’ may be treated as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be generally recognised as ‘an expression or statement of dissatisfaction however made, about actions taken or a lack of action’.

It’s in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. The school should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

**Who can make a complaint?**

Anyone can make a complaint about our provision or services that Educate U provides. This includes:

•parents or carers of children no longer at the school

•members of the public

complainants will be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the serial complaint criteria.

**Complaint's procedure**

Our complaints procedure:

•is simple to understand and use

•is impartial

•is non-adversarial

•enables a full and fair investigation

•where necessary respects confidentiality

•addresses all the points at issue and provides an effective response and appropriate redress, where necessary

•provides information to the centred senior management team so that services can be improved

**Effective working, we recommend that:**

Ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action.

We will advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process.

In line with Section 29(1)(b) of the Education Act 2002, we will publicise your complaints procedures on our website copies can be obtained from the office.

Complaints will be considered and resolved as quickly, and efficiently as possible. We will give realistic and reasonable time limits it will be realistic and reasonable time limits for each action within each stage. Where further investigations are necessary and the clear published timescales cannot be met, we will:

•set new time limits

•send the complainant details of the new deadline and explain the delay

•allow a reasonable timeframe for complaints to be raised after an incident arises

•We consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances.

•You can include a cut-off time frame for:

•raising a complaint

•escalating a complaint

If your procedure includes a cut-off time frame, you should make it clear that you’ll take exceptional circumstances into account when deciding whether to accept or progress a complaint.

Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010

•rational

•reasonable

•fair

•proportionate

**Stages**

**First stage - informal**

•If you are concerned about your child’s education, you must first talk to your child’s teacher.

•If you write to the school your complaint will be passed to the class teacher or a designated staff member to investigate.

•You must allow at least five days for the designated staff member to respond.

**Second stage - formal**

•If you are not satisfied with the response you receive at stage one, you must talk to the Headteacher

•You can also write to the school, outlining your concerns and what you would like the school to do to help you with the matter.

•The school will acknowledge your complaint within five days. You must allow at least 20 days for the designated person to investigate the problem and respond.

**stage - formal**

•If you are not satisfied with the response you receive at stage two, you can complain to the Board of Directors

•You will need to write to the chair of Directors and address the letter as care of the school. The letter must outline the reason(s) for your complaint and why you are still not happy.

•The school will acknowledge your complaint within five days. You must allow at least 20 days for the chairperson to investigate the problem and respond.

**Fourth stage - formal**

If you are not satisfied with the response you receive at stage three, you can complain to the Independent review. This is the final stage.

•You will need to write to the independent review to tell them why you are still unhappy.

•The chair or vice chair will hold a meeting to hear the complaint.

•The independent review will acknowledge your complaint within 10 days.

We will comply with our obligations under the Equality Act 2010. It’s common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

•disability

•learning difficulties

•difficulties using English

we will therefore allow alternative methods of contact. Below are some recommendations on how complaint information should be processed.

**How can a complaint be raised?**

A complaint may be made:

•in person, by telephone or in writing

•by a third party acting on behalf of the complainant

•You should make sure you have written consent from the complainant before disclosing information to a third party.

•Take brief notes

•To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be taken. These should be:

•kept securely

•encrypted where appropriate

•A copy of any written response should be added to the record.

•Recording meetings

•Where there are communication difficulties, you may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. **All parties should agree in advance to being recorded.**

•You’re also responsible for ensuring there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We recommend you consider:

•how any decision to allow recordings may affect any third parties called to act as witnesses

•the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked

•Audio or video evidence

•Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

•We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

•Unless exceptional circumstances apply, we’ll support the school who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. We recommend this is made clear in complaints procedures.

Recording complaint progress

We will:

•record the progress of the complaint and the final outcome

•determine who is responsible for these records and make sure the data is kept secure

•As a school we are data controllers in our own right, governing bodies will decide for themselves how long they keep records, unless statutory regulations apply. For example, copies of attendance registers must be retained for 3 years.

•Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

•You should consider that complainants may have a right to copies of these records under the Freedom of Information Act 2000, the Data Protection Act 2018 and GDPR.

•Refer to our Data protection: toolkit for school or the Information Commissioner’s Guide to GDPR for more information.

**Independent review**

We’re confident that Independent review will deal with complaints impartially. However, details of complaints should not be shared at any stage while they are still being considered, in case a complaints committee needs to be organised.

**Handling complaints fairly**

We will ensure that complainants are treated fairly and offered a chance to state their case either in person or in writing, at each stage of the procedure.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide you with evidence of bias in support of their request, as it’s your decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then we recommend that you grant such requests.

If you’ve made reasonable attempts to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend, you can:

•convene meetings in their absence

•reach a conclusion in the interests of drawing the complaint to a close

•Communicating the outcome

•We recommend that you inform the complainant of:

•the conclusion and reasons for any decisions in writing

•any further rights of appeal

We also recommend that copies of the minutes are issued to the complainant. Failure to do so may lead to a further complaint. They may also be entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.

**Reviewing your procedure**

You should determine how often to review the complaints procedure. We recommend at least every 2 to 3 years, as this should enable you to take into account any:

•legislative changes

•new guidance issued by us

•You may delegate responsibility for reviewing the complaints procedure to:

•You should adhere to projected review dates set out in the complaint’s procedure. Failure to do so could constitute a failure to adhere to the procedure.

**Bias in the proceedings**

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest should not take part in the complaints process, including proceedings independent meetings and committees. If there’s any reasonable doubt as to a person’s ability to act impartially, they should withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they should also withdraw.

When making decisions, you must not act in a way that is biased. The appearance of bias may be enough to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done but be seen to be done.

A complaints procedure should cover all complaints about any provision of community facilities or services that a centre provides other than complaints for which there are separate (statutory) procedures, including those listed below.

**Whistleblowing**

We have an internal whistleblowing procedure for our employees, including temporary staff and contractors.

safeguarding, remedial or preventative action is taken.

General assistance

School and local authorities can contact us for general assistance on complaint handling by:

calling the National Helpline on 0370 000 2288

We can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

Managing serial and persistent complaints

You should do your best to be helpful to people who contact you with a:

complaint or concern

request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and you may choose not to respond. However, you should not mark a complaint as ‘serial’ before the complainant has completed the procedure.

Under no circumstances should a complainant be marked as ‘serial’ for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

We will as a company record when to stop responding. The decision to stop responding will not be taken lightly. We will be able to say yes to all of the following:

•you have taken every reasonable step to address the complainant’s concerns

•the complainant has been given a clear statement of your position and their options

•the complainant contacts you repeatedly, making substantially the same points each time

•The case to stop responding is stronger if you agree with one or more of these statements:

•their letters, emails, or telephone calls are often or always abusive or aggressive

•they make insulting personal comments about or threats towards staff

•you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

**Communication strategy for persistent correspondents**

If an individual’s behaviour is causing a significant level of disruption, regardless of whether they have raised a complaint, the school can implement a tailored communication strategy. For example, they can:

restrict the individual to a single point of contact via an email address.

limit the number of times they can make contact, such as a fixed number of contacts per term.

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner’s Office for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

Signed: Susan Evans Director of Education Date: 15/03/2021

Review date: 01/09/2021