



Ecclesfield School recognises the rights of all members of the school community to raise concerns over real or perceived deficiencies in the service we supply.

This policy establishes the principles and procedures by which complaints can be made, how those complaints (and complainants) will be handled and the procedures and protocols for processing those complaints.

This policy will be subject to review every three years or upon the release of new guidance or legislation.

Date approved:

Signed: (Headteacher)

Signed: (Chair of committee)

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## **Our Ethos**

Ecclesfield School understands the power of education to transform lives, communities and society.

We aspire to achieve individual and collective excellence in all that we do through nurturing every student's unique potential, expanding their horizons and promoting their understanding of the invaluable contributions they can make as citizens in a global society.

By fostering our students' spirit of engagement, adventure and ingenuity, we will nurture all young people as fully-rounded individuals, providing them with the challenge and support they require to succeed. We will protect their childhoods, allowing our learners to carry their innate creativity, inquisitiveness and sense of wonder about the world throughout their lives.

Ecclesfield School recognises the importance of students leading rich and diverse lives and will encourage them to seize the opportunities available to them as a means of celebrating the joy and brief wonder of being young.

As staff at Ecclesfield School, we recognise the privilege we enjoy in working with every member of our community. We see it as our public duty to serve this community and to deliver for the students of High Green, Chapeltown and Ecclesfield outstanding outcomes and extraordinary experiences.

# Identifying Concerns and Complaints

## The difference between a concern and a complaint

At Ecclesfield School, a 'concern' is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is our view that it is in all parties' interests that complaints are resolved at the earliest possible stage. For this reason, we will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined within this policy.

## Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that we provide, unless separate statutory procedures apply (such as exclusions or admissions – see **Complaints not in scope of this policy** below for all exceptions).

## How can complaints be made?

While it is preferable for complaints to be submitted in writing, Ecclesfield School recognises that complainants may have communication preferences due to disability or learning difficulties and therefore we allow alternative methods of contact. As such, complaints may be made in person, by telephone, or in writing.

## The responsibilities of the school

In compliance with our obligations under the Equality Act 2010, Ecclesfield School will keep full and detailed records at every stage of a complaint's passage through this process. The headteacher is responsible for these records (though this duty may be devolved) and hold them centrally.

We recognise that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

# The Complaints Procedure

## Stage One– Dealing with Concerns and Complaints Informally

A concern will become apparent when it is raised directly with a member of staff (by email or as part of a face to face discussion) or with another member of staff (Curriculum Leader, Headteacher, Head of House or member of the Senior Leadership Team).

It is the responsibility of the person initially contacted to:

- refer the complaint to the appropriate member of staff (see below);
- share this information with the complainant.

It is the responsibility of the appropriate member of staff to:

- respond appropriately and in good time to the complainant;
- undertake any investigation prompted by the concern/ complaint;
- keep their line manager informed of the progression of the concern/ complaint;
- monitor the progress of the complaint at the informal stage.

The appropriate member of staff will, in most cases, be a Middle Leader. In the case of a concern with regard to a particular subject area, the appropriate member of staff will be the Curriculum Leader for the area. In the case of a concern with regard to a broader school matter (which might cross multiple subject areas), the appropriate member of staff will be the Head of House for the house to which the student belongs.

Where a concern/ complaint relates to a member of the support staff, the appropriate member of staff will be the School Business Manager. The School Business Manager may defer a concern / complaint to a suitable support staff middle leader at their discretion.

If the concern relates to a Curriculum Leader or Head of House then the appropriate member of staff will be the member of the Senior Leadership Team with line management responsibility for the area in question.

If the concern relates to the Headteacher, the parent will be advised to contact the Chair of Governors.

### Dealing with Concerns/ Complaints at the informal stage

The appropriate member of staff should:

- **Communicate directly with the complainant.** It would be considered best practice that this be done by telephone or through face-to-face dialogue. Such discussions/ meetings should not be minuted but salient points should be recorded and shared with the complainant at the end of the meeting/ conversation.
- **Allow the complainant to speak uninterrupted.** At this stage, complainants need to be allowed to talk at length. The appropriate member of staff should limit their response to neutral or factual comments (“I understand that this is a matter that requires my further attention”, “I can see that you’re

upset by this and I want to assure you that your concern will be treated seriously.”)

- **Avoid making decisions or coming to conclusions.** The appropriate member of staff should make notes (see above) and set out the next steps in the process, establishing a time scale for further contact.
- **Respond in a timely manner.** All concerns should be fully dealt with within 10 working days. However, it is considered best practice for communications with the complainant to be regular throughout this period. A concern/ complaint should only take 10 working days to process where a more complex set of discussions are required. Where the concern/ complaint refers to one member of staff/ one pupil, the process should take no more than 3 working days.

Where a concern/ complaint pertains to a member of staff who is not the appropriate member of staff (eg a teacher in the department or a mentor in a house team), the appropriate member of staff will need to use their professional judgement whether:

- To raise the concern/ complaint with the member of staff. While it would be considered best practice to share all concerns/ complaints with the member of staff to whom they pertain, there are circumstances when the appropriate member of staff may deem this unnecessary or counter-productive, especially where the appropriate member of staff feels that they are fully aware of the issues.
- To invite the member of staff to participate in any restorative process. The appropriate member of staff will need to gauge this carefully. Where they have any doubts, a referral should be made to the SLT Link for the department/ House.

Where no satisfactory solution has been found within 10 working days, parents will be asked if they wish their concern to be considered further. If so, they will be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. (See separate “Advice to Parents about Making a Complaint”).

The appropriate member of staff will then refer the matter to the Headteacher, providing a summary of the progress of the complaint to this point.

## **The Second Stage – Referral to the Headteacher for Investigation**

### **Procedures**

The Headteacher will acknowledge the complaint orally or in writing within 3 working days of receiving notification of the (written) complaint. The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This will normally be within 10 working days; if this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.

### **Dealing with concerns at the formal stage**

The Headteacher will acknowledge to complaint and discuss the matter with the complainant, usually by telephone. This will be an information gathering exercise.

The Headteacher will further discuss the matter with the member of staff who initially dealt with the concern/ complaint (the appropriate member of staff). If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. In some circumstances, another member of staff with whom the pupil feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate when the Headteacher interviews a pupil to invite a parent/carer to be present. The Headteacher will keep written records of meetings, telephone conversations and other documents.

The Headteacher will then provide a written response to the complainant, establishing the school's response to the matter. Alternatively, the Headteacher may wish to meet the complainant to discuss/resolve the matter directly.

The written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The written response will further make clear that complainant have the opportunity to meet the Headteacher to discuss the Headteacher's response. It will be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of the governing body within 10 working days of receiving the outcome letter. The Chair will also chair the Complaints Panel.

## **The Third Stage – Referral to the Governing Body**

### **Procedures**

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below will be followed:

The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request. The acknowledgement will inform the complainant that the complaint will be heard by three members of the school's governing Body Complaints panel within 20 working days of receiving the request.

The Chair of the Governing Body will convene a Panel elected from the members of the Governing Body.

The panel members will be governors who have had no prior involvement with the complaint. The Chair of Governors will chair the panel unless s/he considers it inappropriate to do so in which case the Vice-chair will do it. Generally it is not appropriate for the Headteacher or staff to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and the religious affiliation.

The Chair/Vice Chair will ensure that the complaint is heard by the panel within 20 working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Panel member as soon as the composition of the Panel is confirmed.

The Chair/Vice-Chair will write and inform the complainant, Headteacher, and any relevant witnesses and members of the panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.

The Chair/Vice Chair of the Governing Body will invite the Headteacher, to attend the Panel meeting and prepare a written report for the panel in response to the complaint. The Headteacher may also invite members of staff directly involved in the matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. Any relevant documents, including the Headteacher's report, will be received by all concerned, including the complainant at least 5 days prior to the meeting.



It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the panel ensures that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow:

- The complainant to explain their complaints and the Headteacher to explain the school's response
- The complainant to question the Headteacher and/or other members of staff about the school's response and the Headteacher to question the complainant about the complaint
- Panel members to have an opportunity to question both the complainant and the Headteacher
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the Headteacher and the complainant

This agenda would be followed:

1. Complainant speaks
2. Head speaks
3. Complainant questions Head
4. Head questions Complainant
5. Panel question both
6. Hear and question witnesses
7. Head sums up
8. Complainant sums up

The Chair of the panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher and other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and

- a. Reach a unanimous, or at least a majority decision on the complaint

And

- b. decide upon the appropriate action to be taken to resolve the complaint

And

- c. where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations will be reported to the governing body at an appropriate time

A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant will explain that a further appeal can be made by writing to the Chair within 10 working days.

The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## **The Fourth Stage – Referral to the Secretary of State**

### **The Secretary of State**

Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

### **Advise for Members of Staff dealing with concerns/complaints**

Staff should refer to the guide 'Dealing with concerns and complaints'.

## Additional Policy for Unreasonable Complainants

Ecclesfield 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 the 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.

Ecclesfield School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 asking them to change it. For complainants who excessively contact Ecclesfield 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Ecclesfield School.

## **Appendix 1: Complaints not in scope of this policy**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures. Exceptions;

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use school premises or facilities.

### **Who to contact**

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## **Appendix 2: Serial and Persistent Complainants (see policy above)**

The staff of Ecclesfield School will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, Ecclesfield School reserves the right to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.. In such instances of a complainant trying to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and we may choose not to respond.

### **Under what circumstances may the school stop responding?**

The decision to stop responding will never be taken lightly. The decision will only be taken once we are satisfied that:

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

The school may take additional consideration of the following:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Ecclesfield School will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption, we may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

If a complainant persists to the point that the school considers it to constitute harassment, legal advice may be sought as to the next steps

## **Barring from the School Premises**

Although fulfilling a public function, Ecclesfield School is a private place. The public has no automatic right of entry. We will therefore act to ensure they remain a safe place for pupils, staff and other members of our community.

If a parent's behaviour is a cause for concern, we reserve the right to ask him/her to leave school premises. In serious cases, the headteacher reserves the right to can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. We will give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Appendix 3: Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;



- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk**

The Clerk is the contact point for the complainant for the panel meeting. This could be the Clerk to the Governors or the Complaints Coordinator. The Clerk is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. The welfare of the child/young person is paramount.