

OVERTON GRANGE SCHOOL

POLICY AND PROCEDURE FOR DEALING WITH COMPLAINTS

Govs Comm. FULL GOVERNING BODY

1. Principles

Overton Grange School welcomes comments on the service it provides to students and parents*. Comments enable us to clarify any misunderstandings that arise, and give us the opportunity to review our procedures if necessary. We are also pleased to learn of things that have gone well.

The School will always deal with concerns and complaints in a courteous and reasonable manner, and follow its agreed procedures. We ask that those with concerns and complaints present them in a similarly reasonable manner. Please bear in mind that senior staff may not always be immediately available.

If you have a concern or complaint, you are requested to contact the school via the school office, either by telephone or by email. You may find it helpful to write down the main substance of your concern before discussing it with the School. At some stage you may wish to make a formal complaint in writing. If the matter remains unresolved, your complaint can be taken to a Panel appointed by the Governing Body.

**Note: The term 'parent' used in this Policy includes carers or guardians.*

2. Publication

This Policy and Procedure will be available on the school website and sent to any person requesting it, and is available in other formats if required.

3. Introduction and application

This Policy and Procedure complies with guidance from the Department of Education (March 2021) and the standards set out in the Education (Independent School Standards (England) Regulations 2014).

There are separate statutory procedures for making complaints about specific aspects of school life including the administration of admissions to the School; statutory assessments of Special Educational Needs; and Exclusions.

Please note that all third party providers who use the School premises or facilities have their own complaints procedures in place and should be contacted directly.

Complaints from people who are not parents of attending students should in the first instance be addressed to the Headteacher (exceptions are set out in section 10) who will then decide on what further action needs to be taken.

School students who have comments or complaints should take them up through their tutors or Heads of Year, rather than through this Procedure.

Should the School after closing a complaint at the end of the Complaints Procedure, receive a duplicate complaint from a spouse, a partner, a grandparent or a child and the complaint is about the same subject, the new complainant will be informed that the School has already considered the complaint, that the process is complete and that they may complain to the Department for Education if they are dissatisfied with the School's handling of the original complaint.

Should the School become the focus of a campaign and receive large volumes of complaints all based on the same subject or from complainants unconnected with the School we will send a template response to all complainants or publish a single response on the School's website.

If a parent repeatedly comes back with a complaint which takes up time unproductively, the matter will be referred to the Chair of Governors and then, if necessary, taken to the formal stage of this Procedure so that it can be dealt with effectively.

If the Headteacher or Chair of Governors feels the behaviour of the complainant is unacceptable at any stage of the procedure, they may decide to stop responding. The complainant will be informed. The following would be taken into account when making this decision:

- 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 has reason to believe the individual is contacting the School with the intention of causing disruption or inconvenience;
- Their letters/emails/telephone calls are often or always abusive or aggressive; and
- They make insulting personal comments about or threats towards staff.

Ultimately, if a complainant persists to the point that the School considers it to constitute harassment, legal advice will be sought as to the next steps.

4. How to Raise a Complaint & Timescales

An informal concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

It would be helpful if complaints could be submitted on the complaint form set out at Appendix A. Formal (Stage 2) complaints must be submitted using this form.

Complaints should be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If a complainant wishes to escalate a complaint through the stages set out they should do so within ten school days.

Complaints made or escalated outside of the specified time frame will only be considered if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

If any member of the Governing Body is contacted directly by a complainant, then the matter should be referred to the Headteacher and Chair to be dealt with under this Procedure.

5. Records

A written record will be kept of all formal complaints and whether they were resolved following a formal procedure or proceeded to a panel hearing. The record will include action taken by the School as a result of formal complaints (regardless of whether they were upheld). For complaints that proceed to a panel hearing, a copy of the Complaints Panel's findings and recommendations will be available for inspection on the school premises by the proprietor and the head teacher.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

6. Stages

The Complaints Procedure has three stages that should normally be followed consecutively.

Stage 1 - Informal: the complaint is considered on an informal basis in discussion with School staff.

Stage 2 - Formal: if unresolved in the informal stage, a formal complaint can be made in writing to the School.

Stage 3 – Panel Hearing: if the complainant is not satisfied with the response from the formal stage, then the complaint will be considered by the Complaints Panel appointed by the Governing Body.

If this Procedure has been exhausted and the complaint remains unresolved, the complainant may submit a complaint to the Education and Skills Funding Agency that acts on behalf of the Secretary of State.

The School does not give permission for any audio or video recordings to be made during any stage of the Complaints Procedure.

Stage 1 - Informal resolution

It is in everyone's interest that complaints are dealt with as soon as possible and that a resolution is reached that is satisfactory to all involved.

Concerns should be raised with either the class teacher, year head / subject head or head teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within ten school days of the date of receipt of the complaint.

Most concerns should be resolved at this informal stage, but If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 - Formal complaint

If it is not possible to resolve the matter informally, the complainant may wish to put their complaint in writing. Formal complaints should be submitted on the complaint form set out at Appendix A. Such complaints should be marked as Private & Confidential and addressed to the Headteacher via the school office (exceptions are set out in section 10 below).

The school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.
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At the conclusion of their investigation, the head teacher will provide a formal written response within an additional ten school days of the date of receipt of the complaint (so up to fifteen days in total). The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The thorough investigation of a complaint may involve a number of members of staff, and progress will depend on their availability. Timescales are likely to be extended during school holidays. Complaints will always be given a high priority and complainants will be advised of the reason for any delay beyond ten school days.

If the complainant is not satisfied with the response from the Headteacher, they may refer the matter to the Chair of the Governing Body, in writing addressed to the Chair, care of the Clerk to the Governing Body at the School.

On receipt of a written complaint the Chair of Governors may either:

1. refer the matter back to the Headteacher for further consideration under the informal or formal stages of this Procedure; or
2. arrange for a meeting between the complainant, the Headteacher and the Chair or a nominated Governor, at which they will seek to find a resolution that is satisfactory to the complainant; or
3. request that a complaints panel is arranged.

At any meeting the complainant may be accompanied by a friend and/or interpreter.

The Chair of Governors or nominated governor will then write to the complainant and the Headteacher setting out the results of the meeting and advising the complainant of their right to take the matter to the Complaints Panel.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 2 response. Enclosed with the request should be a copy of the original written complaint, indicating which matters remain unsolved. No new complaints may be included.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will arrange a meeting of the Complaints Panel at a mutually convenient time for all parties, as soon as possible and within 15 – 30 school days of receipt of the complainant's request for a meeting. Details of the complaint will be sent to the Headteacher and Chair of Governors (unless the Chair of Governors has previously acted as mediator). The Headteacher will have seven school days from receipt of this notification to submit their response to the Clerk. Any documents from either the complainant or the School to be considered by the Panel, together with the names of any witnesses who may be called, must be received by the Clerk at least seven school days before the meeting.

Copies of all papers submitted, as well as the Agenda for the meeting, will be sent to the members of the Complaints Panel, complainant, Headteacher and Chair of Governors (unless they previously acted as mediator). The head teacher will copy relevant papers to any member(s) of staff named in the complaint.

The complainant will be advised that they can bring a friend, supporter or interpreter to the meeting of the Complaints Panel. The Headteacher may bring a fellow employee or professional representative; any school staff that are asked by the Headteacher to be present at the Panel meeting also have the right to bring a fellow employee or professional representative. It would not be appropriate for a student to attend. Representatives from the media are not permitted to attend.

The Complaints Panel will be made up of two Governors who have not been directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the school. They will choose one of their number to chair the meeting.

The Complaints Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the Chair of Complaints Panel has the discretion to proceed or to adjourn the meeting. The Chair will aim to complete all the business within a reasonable time frame without the need to adjourn to another day. Once the Complaints Panel has heard from both parties, they will adjourn to make their decision.

The Complaints Panel may:

- uphold the complaint in full or in part;
- dismiss the complaint in full or in part.

Or they may give a more complex response.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The complainant, any staff complained about, the Headteacher and Chair of Governors will be advised in writing, by electronic mail or otherwise, of the outcome of the meeting within seven school days of the meeting. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

Having come to a decision about the complaint, the Complaints Panel may refer issues of principle or general practice to another forum, e.g. the Governing Body, or to an individual such as the Headteacher.

7. Complaints about the Headteacher or The Governing Body

If a complaint is about the Headteacher, any individual governor(s) or the whole governing body it should be addressed to the Chair of Governors via the Clerk to the Governing Body. If a complaint is about the Chair of Governors it should be addressed to the Vice Chair of the governing body, via the Clerk to the Governing Body.

If the complaint is about the Headteacher or a member of the governing body (including the Chair or Vice Chair) the Chair will appoint a suitably skilled governor to complete all the actions at the first stage. (The Vice chair will make the appointment in the case of a complaint about the Chair). The second stage will be heard by a committee of members of the governing body.

If the complaint is jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body the Clerk will determine the most appropriate course of action (having taken appropriate advice) depending on the nature of the complaint. For example the first stage may be completed by an independent investigator appointed by the governing body and the second stage may be heard by a committee of independent governors.

8. Complaints to the Education and Skills Funding Agency (ESFA)

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether Overton Grange has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

9. Appendix

Complaint form