



Churchdown School Academy
ACHIEVING SUCCESS FOR ALL

Complaints Procedure

Churchdown School Mission Statement

Churchdown School Academy (the School) is committed to providing a high quality of education, development and pastoral care for its students.

Our mission is to be a school where student development and learning are at the centre of everything we do. Students are expected to strive for personal excellence and demonstrate a commitment to learning as they fulfil their potential. Our community is a nurturing and caring one, where students are encouraged to show compassion, friendship and support towards one another. We aim to provide an education which is fully inclusive, where every child is valued for who they are and who they can become.

At Churchdown School the education we provide is guided by the values of integrity, resilience, respect, ambition and tolerance. These values are particularly important to us as we develop the students into lifelong learners and prepare them for a life beyond school.

If parents (or legal guardians) of students have any concerns they can expect to be treated by the School fairly and any complaints will be dealt with in accordance with this procedure. The School aims to deal with complaints promptly; be impartial; ensure that an investigation is carried out; and provide redress where appropriate. Parents can be assured that all complaints will be treated confidentially. This policy is consistent with the Education (Independent School Standards) (England) Regulations 2014 as amended. The School has also considered the ESFA's guidance on handling complaints about academies.

Scope of this policy

This policy applies to any matter which has been raised with the School by the parents of current students as a matter of concern, in accordance with the 'Timeframes' section. Complaints by parents of former students are accepted in certain circumstances. Please refer to the 'Timeframes' section of this policy for further information.

This policy is not available to complaints relating to:

- Exclusions
- Safeguarding matters
- Whistle-blowing
- Allegations against Staff

Please see our separate policies for procedures relating to these matters. Concerns regarding exclusions are dealt with in accordance with the School's Behaviour Policy (Appendix 5: Exclusions).

Wherever possible the School will try to resolve concerns before there is a need for a complaint to be made. Complaints made by prospective or former parents, or others (such as neighbours living in the vicinity of the School) should seek to resolve their complaint informally with the Deputy Head of the School. If the matter which the complaint relates to persists the Headteacher may, at their discretion, become involved to seek to resolve the complaint. If this fails, then the complaint should be put in writing and addressed to the Chair of Governors at the School. The Chair (or their nominee) will acknowledge receipt and issue a final written response within 15 working days.

Is it a Concern or a Complaint?

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. If a concern is raised, then the School will endeavour to resolve it informally without recourse to this complaints procedure. If, however, a parent raises a complaint, that is an expression of dissatisfaction, then this complaints policy will apply. It is likely to arise if a parent believes that the School has done something wrong, or has failed to do so something that it should have done or acted unfairly.

Timeframes

Current students

Parents must raise the complaint within three months of the incident (or last in a series of incidents). The School will only consider complaints made outside this timeframe if exceptional circumstances apply.

Former students

Complaints by parents of former students will be dealt with under this policy only if the complaint concerns matters that arose whilst the student to which the complaint relates was a registered student of the School, and the complaint itself was raised, in accordance with this policy, whilst the student was a registered student of the School (i.e. is still on the school roll).

All complaints must be received by the School within a maximum of 10 working days of the student's last day (for students in years 11, 12 and 13 who leave at the end of their examinations, the complaint must be received within 10 working days of their final formal examination). The only exception to this is if the complaint is directly about examination results, in which case the complaint must be received by the School within 5 working days of the examination results day.

Once the timescales above have lapsed, and students have been removed from the School roll, this policy will cease to apply.

Acknowledgements and next steps

All complaints will be acknowledged within 2 working days if received during term time and as soon as practicable during holiday periods. The School's aim is to complete the first stage of the procedure within 5 working days of receipt of the complaint and as soon as practicable during holiday periods. The School will aim to complete the second stage within a further 15 working days of receipt if the complaint is lodged during term time, and as soon as practicable during holiday periods. The School will endeavour to complete the third and final stage of the procedure within a further 30 working days of receipt if the appeal is lodged during term-time and as soon as practicable during holiday periods. If for any reason we are unable to provide an outcome to the complaint within these stated timescales we will notify the parent of the delay and give an indication of a timescale for the response.

If other organisations are investigating aspects of the complaint (for example, the police or local authority) this may impact on the School's ability to adhere to the timescales in the procedure. If this happens, we will inform you of our new timescales. If legal proceedings are initiated, we reserve the right not to continue with the complaints process until the legal process is completed.

Please note that, for the purposes of this policy, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays. This means that during school holidays it may take longer to resolve a complaint, although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to school life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only be permitted on an exceptional basis, and the School will take all reasonable steps to limit any such delay.

Record Keeping and Confidentiality

The School will make its complaints procedure available on its website. It will ensure that anyone who requests it is sent a copy of this policy. The School will keep records of all complaints and at what stage of the procedure they were resolved. The School will keep records of the following information:

- Date when the complaint was raised
- Names of parent/student
- Description of the complaint
- Records of the investigations
- Witness statements
- Name of staff handling the issue at each stage
- Any action taken by the School as a result of the complaint
- Copies of all correspondence

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under s109 of the Education and Skills Act 2008 requests access.

Stage 1 – Informal Resolution

- 1.1 The School will endeavour to resolve most complaints quickly and informally.
- 1.2 Parental complaints should be addressed to their child's class teacher or appropriate member of staff such as SENCO or Heads of Year. Parents may raise a complaint in person, by telephone, by letter or email. The complaint will be investigated and in the majority of cases, we hope that the matter will be resolved straightaway to the parents' full satisfaction. If the member of staff cannot resolve the matter, it may be necessary for them to consult the Deputy Head/Headteacher.
- 1.3 The member of staff will make a written record of all complaints and the date on which they were received. Parents will usually be informed of the outcome of the complaint within 5 working days of receipt of their complaint. If the matter cannot be resolved to their satisfaction, then they will be advised that they can proceed with their complaint in accordance with Stage 2 of this Procedure.
- 1.4 If, however, the complaint is against the Headteacher, complaints should be made directly to the Clerk to the Board of Governors who will appoint a Governor to seek to investigate and resolve the complaint as above.

Stage 2 – Formal Resolution

- 2.1 There may be occasions when complaints cannot be resolved by the informal stage. When this is the case, the complaint should be put in writing and directed to the Deputy Head i/c Complaints, or to the Headteacher if the complaint is about the Deputy Head. The Deputy Head or Headteacher may nominate another member of staff to investigate the matter and try to resolve the complaint.
- 2.2 The Deputy Head i/c Complaints or Headteacher (or delegated nominee) may meet or speak to the parents to discuss the matter. Every attempt will be made to reach a resolution at this stage.
- 2.3 It may be necessary for the Deputy Head i/c Complaints or Headteacher (or nominee) to carry out further investigations.
- 2.4 The Deputy Head i/c Complaints or Headteacher (or nominee) will keep written records of all meetings and interviews held in relation to the complaint.
- 2.5 Once the Deputy Head i/c Complaints or Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Deputy Head i/c Complaints or Headteacher will also give reasons for the decision.

- 2.6 If the complaint is about the Headteacher, or a Governor, the Chair of Governors will be charged with investigating the matter and will call for a full report from them and for all the relevant documents. The Chair of Governors may also call for a briefing from members of staff and may speak to or meet with the parents to discuss the matter further. Once the Chair of Governors is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing within the timescales set out below. The Chair of Governors will give reasons for their decision.
- 2.7 If the complaint concerns the Chair of Governors or any individual Governor it should be made in writing to the Clerk to the Governing Body.
- 2.8 If the parents are not satisfied with the decision, they should proceed to Stage 3.

Stage 3 – Panel Hearing

- 3.1 If parents decide to proceed to Stage 3 then the parents will be referred to the Clerk to the Governors and will have the right to a panel hearing. The parents must make a request in writing within 10 working days of receiving the decision from Stage 2 of this Procedure, stating the grounds of the appeal and the desired outcome. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal.
- 3.2 The matter will be referred to the Complaints Panel for consideration. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School. At least one member of the Panel will be a member of the Governing Board. If the complaint is jointly about the Chair and Vice Chair of the Board of Governors; the majority of the Governing Board; or entire Governing Board then stage 3 will automatically be heard by a completely independent Complaints Panel.
- 3.3 Parents are entitled to a fair review and can request an independent panel if they believe there is likely to be bias in the proceedings. Parents should provide the School with evidence of bias in support of their request and the School will decide whether to agree to it. Persons who have a conflict of interest must not take part in the complaints process. If there is any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint.
- 3.4 The Clerk to the Panel, on behalf of the Panel, will acknowledge the complaint within 5 working days and schedule a hearing to take place as soon as practicable and normally within 20 working days during term time or as soon as reasonably practicable during school holidays. If the parent rejects the proposed dates or fails to attend the hearing without good reason, the hearing may proceed in their absence. If possible, the Panel will resolve the complaint without the need for further investigation. If it is required, the Panel will decide how it should be carried out. If the Panel considers it necessary, it may require that further particulars of the complaint be supplied

in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than 5 working days prior to the hearing. The Panel will not review any new complaints or allow information unrelated to the original complaint to be included at this stage. The Panel will not normally accept as evidence recordings of any conversations that were obtained covertly.

- 3.5 The hearing will be held in private. Minutes of the hearing will be taken by the Clerk to the Panel and all parties present will be given a copy of the minutes following the hearing. Electronic recordings are not normally permitted unless a parent's disability requires it and the prior consent of all parties must be obtained. The parents may attend the hearing and be accompanied by one other person if they wish. This may be a relative or friend. Legal representation will not normally be appropriate for any parties. Media representatives are not permitted to attend. Parents must confirm to the Clerk who will be attending at least 5 working days before the hearing.
- 3.6 At the meeting, each party will have the opportunity to give statements and present their evidence, and witnesses where appropriate will be called to present evidence. The Panel, the parent and any representatives of the School will be given the chance to ask and reply to questions. Once the parent and any school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered. After due consideration of all the relevant facts, the Panel will make findings and may make recommendations in writing.
- 3.7 The Panel may either dismiss the complaint in whole or in part if the Panel considers the complaint is not made out; or uphold the complaint in whole or in part if the Panel considers the complaint is made out.
- 3.8 A written record will be kept of all complaints made, whether they are resolved following a formal procedure, or proceed to a panel hearing; and of any action taken by the School as a result of these complaints (regardless of whether they are upheld).
- 3.9 The Panel will write to the parents informing them of its decision and the reasons for it, normally within 5 working days of the hearing during term time (although additional time may be required if it is necessary to carry out further investigations following the hearing), or as soon as reasonably practicable during school holidays. A copy of the Panel's findings and recommendations (if any) will be sent by email or otherwise given to the parents and, where relevant, the person complained about, and shall be available for inspection at the School.
- 3.10 It is not within the powers of the Panel to make any financial reward, nor to impose sanctions on staff, students or parents. The Panel may, in their sole discretion, make recommendations on these or other issues (such as an apology or an explanation of the steps that will be taken to ensure that it will not happen again) to the full Board of Governors.

Complaint campaigns

If the School becomes the focus of a campaign and receives large volumes of complaints all based on the same subject and from complainants unconnected with the School, we will publish a single response on our website.

Unreasonable Complaints

The School will not normally investigate anonymous complaints, but we may consider whether the complaint warrants an investigation.

A complaint may be regarded as unreasonable if the parent:

- 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 complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the parent expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, sometimes 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;
- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the parent:

- Acts maliciously;
- Aggressively, using threats, intimidation or violence;
- Uses abusive, offensive or discriminatory language;
- Makes defamatory statements;
- Makes statements known to be false; or
- Publishes information or threatens to publish information on social media such as on websites and in newspapers.

Where, at any stage, a complaint is deemed by the Headteacher, Chair of the Board of Governors to be unreasonable, the School may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the parent's behalf; and/or

- Notify the parent that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the School may:

- Ask the parent to leave the School premises;
- Inform the police; and/or
- Bar them from being on the School premises.

Further Steps

If, following stage 3, the parent remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Chair of the Board of Governors will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the parent regarding the complaint may be ignored by the School.

If a parent wishes to take the complaint further, they may contact the ESFA on 0370 000 2288 or complete the form available at: www.education.gov.uk/contactus

The ESFA will consider complaints where there is:

- Undue delay or non-compliance with the School's own complaints procedure;
- Failure to comply with a duty imposed by virtue of the School's Funding Agreement;
- Failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If the ESFA upholds a complaint then it will not overturn the decision taken by the School. It may do one or both of the following:

- Ask the School to reconsider the complaint from an appropriate stage; and/or
- Ask the School to change its complaints procedure so that it complies with legal requirements.

Review

The Board of Governors will monitor the nature and frequency of formal complaints. This policy will be evaluated in the light of complaints made and their resolution in order to contribute to School improvement.

Should you have any comments regarding this policy, please contact the School.]