

The logo features a stylized cross with four rounded ends, colored in blue and yellow. It is set against a blue background with a grid of white lines and a pattern of overlapping squares in various shades of blue.

Sandbach High School & Sixth Form College

COMPLAINTS POLICY

Please note that this document does not set out to produce an exhaustive set of procedures to meet all scenarios, which is probably impossible, but to provide advice and guidance which can be adopted or adapted in most circumstances.

We all make mistakes. When these occur people may receive a poorer service than they expect. This procedure is not intended to replace the normal discussions regarding problems and concerns which take place in school on a day-to-day basis. In most cases, concerns will be referred to the most appropriate member of staff to be dealt with before they reach the stage of a formal complaint. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/ carers of students at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

It is not possible to list all the kinds of complaints about a school which the guidelines cover. However, the following list will give something of an indication of the sort of issues that may be dealt with under them:

- lack of student progress
- policy
- misunderstandings
- the conduct of students
- procedures not being properly followed
- failure to take certain factors into account
- disciplinary matters
- unfair treatment
- lack of information or explanation
- unreasonable delay
- unequal treatment

4. Complaints covered by separate procedures

The following list shows which matters are outside the scope of the school's own complaints procedure and the advice in the present policy. They are covered by different regulations and procedures. Advice about them and how to proceed can be obtained from the LA/DfE. Some, like admissions to and exclusions from school, can involve appeals:

- pupil admissions to school
- collective worship and religious education
- statutory assessments of SEN
- complaints already heard in court, argued before an appeals tribunal, or heard by a Government Minister
- pupil exclusions from school
- child protection
- home to school transport assistance
- Statutory assessments of special educational needs (SEND)
- Safeguarding matters
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents/ carers of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the SENCO; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

5. Recording complaints

The school should record the progress of the complaint and the final outcome. A complaint should be made in writing. If initiated by telephone it must be followed up in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same

understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The complaints coordinator (Clerk to the Trustees) is responsible for the records and holds them centrally.

6. Advice to complainants

It is not usually a good idea to drop into the school or classroom without warning and you should never confront a teacher in front of the students and/or parents and staff. It is strongly recommended that you make a private appointment when you both have enough time to talk things through.

Please stay calm. No matter how annoyed you are, this is only likely to lead to unconstructive and heated argument. Things could be said which are later regretted and could even become the subject of legal action.

Listen to the other side of the story and see if it is reasonable.

Try and work out what you think can realistically be done.

Please be patient. Staff will need time to follow up your complaint in the school, so they may not be able to respond immediately.

Complaints may need to be dealt with in different stages depending on how serious the matter is and whether there is a satisfactory outcome. Many complaints can easily be resolved informally through discussion and so need go no further than the informal stage. If matters are not resolved, however, the complaint can go through the formal stages, if desired. A complaint should, however, always be dealt with at the lowest appropriate level. Stages should not be missed out.

7. Resolving complaints

At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

8. Vexatious complaints

If properly followed a good complaints procedure will limit the number of complaints that become protracted.

However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

9. Complaints from students

Many complaints by students may be dealt with in accordance with a school's normal procedures. However in the case of more serious complaint the Headteacher should consider the desirability of consulting parents or carers. The age, maturity, intelligence and perception of the student may be taken into account in assessing the matter and what action to take, but no complaint should be discounted merely because it comes from a student.

10. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

11. Stages of complaint (not complaints against the headteacher or a trustee)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or designated member of the School's Leadership Team as appropriate.

It is be helpful if the complainant includes the following details when they raise the complaint:

- what it is they are concerned about
- when and where the incident[s] occurred
- who else was involved
- whether anyone saw it happen
- who you have spoken to already, and
- what you want to happen as a result of raising your concerns

Complaints addressed directly to the Headteacher are likely to be referred in the first instance to a designated member of the School's Leadership Team.

If the complainant is unclear who to contact or how to contact them, they should contact the school office who will refer the complaint to the appropriate person. The school will acknowledge informal complaints within **3 school working** days, and investigate and provide a response within **10 school working** days.

Where the provision or clarification of information is not sufficient to resolve the issue, concerns and complaints can often be dealt with informally by scheduling a meeting to discuss issues with an appropriate

person; for example, Curriculum Leader, Achievement Coordinator or member of the School's Leadership Team. If applicable, the school will consider whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

If, after this meeting, you are not satisfied with the response the school has given, you may wish to make a formal complaint.

Stage 2: formal

Inform the Headteacher in writing.

The formal stage involves the complainant putting the complaint into writing, usually to the Headteacher. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher, or other person appointed by the Headteacher for this purpose, acknowledges the complaint and will then conduct their own investigation. This may include a meeting with the complainant to discuss the matter further. It may be necessary at this stage for statements to be taken from the student[s] involved and any witnesses. The student would normally be interviewed with a parent present. If this is not possible then a member of staff who is not directly involved with the complaint can accompany the student.

The Headteacher/Appointee needs to keep written records of meetings, telephone conversations and other documentation relevant to the matter.

Following the investigation by the Headteacher/Appointee a response should be sent to the complainant within 10 school days of the complaint being received by the school, or within 4 weeks if any part of the 10 day period falls within a school holiday.

Details of how to progress the complaint to stage 3 should be included in the response to the complainant.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of trustees in writing within **10 school working** days of the response.

Stage 3: Chair of Trustees

If the complainant remains unhappy he/she may ask the Chair of Trustees to become involved by putting the whole situation in writing, care of the school. The Chair will then try to help resolve matters. The Chair should acknowledge receipt of the complaint. As appropriate, the Chair will carry out an investigation into the complaint and this may again include interviewing pupils and witnesses.

The Chair will respond directly to the complainant within 10 school working days of the complaint being received.

Details of how to progress to stage 4 should be included in the response to the complainant.

Stage 4: review panel

If the Chair of Trustees has not been able to resolve the matter satisfactorily, then the complainant can ask for the matter to be considered by a Panel of Trustees by writing to the Clerk to the Board of Trustees.

The Clerk to the Board of Trustees will acknowledge the complaint and arrange for a Panel of Trustees to convene who have not directly been involved in the matters detailed in the complaint. This panel must consist of at least three Trustees and one other person who is independent to the management and running of the school. This panel should elect a Chair.

A meeting of the Trustees' Panel will be arranged by the Clerk to the Board of Trustees within 4 school weeks of the complaint being submitted. Where this period falls within school holidays the meeting should be arranged as soon as possible and the complainant notified of the reason for any delay.

All relevant documentation regarding the complaint should be made available to the panel as soon as possible.

The complainant must have reasonable notice of the date, time and place of the review panel meeting; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The notification of the complainant should also inform them of the right to be accompanied to the meeting by a friend.

The Chair of the Panel should consider whether additional witnesses need to be called or whether further investigations need to be undertaken. Only the Chair can call witnesses.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and the witnesses will be called, as appropriate, to present their evidence.

The Clerk to the Board of Trustees or other suitable person should attend the panel to record the proceedings and the panel's decision.

After the meeting, the Panel will consider the evidence and a written decision will be sent to the complainant within 10 school days of the meeting or within 4 weeks if any part of the 10 day period falls within a shorter school holiday and within 8 weeks if any part of the 10 day period falls within the longer summer holiday.

Details of how to appeal a decision must also be enclosed with the response.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint.

A copy of the decision should also be made available to the Headteacher, the Responsible Person, Chair of Trustees and any others as the Panel think appropriate.

The school will inform those involved of the decision in writing within 10 school days or within 4 weeks if any part of the 10 day period falls within a shorter school holiday and within 8 weeks if any part of the 10 day period falls within the longer summer holiday.

Details of how to appeal a decision must also be enclosed with the response.

12. Complaints against the headteacher or a trustee

Complaints made against the Headteacher should be directed to the chair of trustees.

Where a complaint is against the Chair of Trustees or any member of the Board of Trustees, it should be made in writing to the clerk to the Board of Trustees in the first instance.

13. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

14. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

15. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 6 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case a review panel needs to be organised at a later point.

Where the board of trustees is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the board of trustees, who will not unreasonably withhold consent.

The Role of the Clerk

Any panel or group of Trustees considering complaints should be clerked. The clerk would be the contact point for the complainant and be required 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 materials 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
- Notify all parties of the panel's decision

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Presenting Officer may question both the complainant and the witnesses after each has spoken.
- The Presenting Officer is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Presenting Officer and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Presenting Officer is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

To decide on the complaint. The panel can:

- uphold the complaint in full, or in part
- dismiss the complaint in full, or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's system or procedures to ensure that problems of a similar nature do not occur

16. Learning lessons

The Board of Trustees will review any underlying issues raised by complaints with the School's Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

17. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The board of trustees will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Clerk to the Trustees.

18. Overview of Complaints Procedure

STAGE 1

Informal Stage

Complaint heard by staff member.
Respond to complaint within 10 school days.



Issue Resolved →

Yes →

No further action



No



STAGE 2

Formal Stage

Complaint heard by Headteacher or Appointee. Acknowledge receipt of complaint. Respond to complaint within 10 school days.



Issue Resolved →

Yes →

No further action



No



STAGE 3

Complaint heard by **Chair of Trustees**.
Acknowledge receipt of complaint. Respond to complaint within 10 school days



Issue Resolved →

Yes →

No further action



No



STAGE 4

Complaint heard by **Panel of Trustees**.
Arrange meeting within four weeks. Respond to complaint within 10 school days of meeting.



Issue Resolved →

Yes →

No further action



No



APPEALS PROCESS

Complainant to refer complaint to:
ESFA.