



Complaints Policy

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1 Aims

- 1.1 Oakfield School aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.
- 1.2 When responding to complaints, the 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 and courtesy.
 - Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law.
 - Keep complainants informed of the progress of the complaints process.
 - Consider how the complaint can feed into school improvement evaluation processes.
- 1.3 The school will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.
- 1.4 The school will aim to give the complainant the opportunity to complete the complaints procedure in full.
- 1.5 To support this, the school will make sure we publicise the existence of this policy and make it available on the school website.
- 1.6 Throughout the process, the school will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2 Legislation & Guidance

- 2.1 This policy meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.
- 2.2 This policy is also based on on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

3 Definitions & Scope

3.1 Definitions

3.1.1 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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.1.2 The term ‘we’ refers to Oakfield School.

3.2 Scope

3.2.1 Oakfield School intends to resolve complaints informally where possible, at the earliest possible stage.

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

3.2.3 This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Education Needs (SEN)
- Safeguarding matters
- Suspension or Permanent Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum

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

4 Roles & Responsibilities

4.1 Complainant

4.1.1 The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures

- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

4.2 Investigator

4.2.1 An individual will be appointed to look into the complaint and establish the facts. The investigator will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

4.3 Complaints Coordinator

4.3.1 The complaints coordinator can be the:

- Headteacher;
- designated complaints Governor; or
- any other staff member providing administrative support.

4.3.2 The complaints coordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of the Governing Body, clerk and the local authority.
- Be aware of issues relating to sharing third party information and additional support needed by complainants, for example interpretation support or where the complainant is a child or young person.
- Keep records.

4.4 Clerk to the Governing Body

4.4.1 The Clerk to the Governing Body will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings.
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing.

4.5 Committee Chair

4.5.1 The Committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

5 Principles for Investigation

5.1 When investigating a complaint, the school will try to clarify:

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

5.2 Timescales

5.2.1 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

5.2.2 We will consider exceptions to this timeframe 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.

5.2.3 When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

5.2.4 If at any point the school cannot meet the timescales which have set out in this policy, the school will:

- Set new time limits with the complainant.
- Send the complainant details of the new deadline and explain the delay.

6 Stages of Complaint (not complaints against the Headteacher or Governing Body)

6.1 Stage 1: Informal

6.1.1 Oakfield 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.

- 6.1.2 The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear about whom to contact or how to contact them, they should contact the school on 01482 854588 or via email: admin@oakfieldhull.co.uk
- 6.1.3 The school will acknowledge informal complaints and investigate and provide a response within 10 school days.
- 6.1.4 The informal stage will involve a meeting between the complainant and the Headteacher and/or Deputy Headteacher, as appropriate.
- 6.1.5 If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: Formal

6.2.1 Formal complaints can be raised:

- By letter or email
- Over the telephone
- In person
- By a third party acting on behalf of the complainant

6.2.2 The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

6.2.3 The written conclusion of this investigation will be sent to the complainant within 20 school days.

6.3 Stage 3: Submit the complaint to the review panel

Convening the panel

6.3.1 The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from among themselves.

6.3.2 If not enough impartial governors are available, we will seek panel members, the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

At the meeting

- 6.3.3 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 6.3.4 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.
- 6.3.5 The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.
- 6.3.6 Representatives from the media are not permitted to attend.
- 6.3.7 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
- 6.3.8 The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.
- 6.3.9 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

The outcome

6.3.10 The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

6.3.11 If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedure to prevent similar issues in the future

6.3.12 The school will inform those involved of the decision in writing within [number] school days.

7 Complaints against the Headteacher, a Governor or the Governing Body

7.1 Stage 1: Informal

7.1.1 Complaints made against the Headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

7.1.2 If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: Formal

7.2.1 If the complaint is:

- jointly about the Chair or Vice Chair or,
- the entire Governing Body or,
- the majority of the Governing Body.

7.2.2 An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board or diocese [delete as appropriate], and will write a formal response at the end of their investigation.

7.3 Stage 3: Review Panel

7.3.1 If the complaint is:

- jointly about the Chair or Vice Chair or,
- the entire Governing Body or,
- the majority of the Governing Body.

7.3.2 A committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese [delete as appropriate] and will carry out the steps at stage 3 (set out in section 6 above).

8 Referring complaints on completion of the school's procedure

8.1 If the complainant is of the belief that the school has not adhered to the complaints policy or procedures, they can raise their dissatisfaction with the DfE.

- 8.2 The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.
- 8.3 The DfE will intervene where a school has:
- Failed to act in line with its duties under education law
 - Acted (or is proposing to act) unreasonably when exercising its functions
- 8.4 If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
- 8.5 For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>
- 8.6 The school will include this information in the outcome letter to complainants.

9 Persistent Complaints

9.1 Unreasonably persistent complaints

- 9.1.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:
- has made the same complaint before, and it's already been resolved by following the school's complaints procedure
 - makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
 - insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
 - pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
 - makes a complaint designed to cause disruption, annoyance or excessive demands on school time
 - seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

9.2 Steps the school will take

- 9.2.1 The school will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective

arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

9.2.2 If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. The school may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

9.3 **Stopping responding**

9.3.1 The school may stop responding to the complainant when all of these factors are met:

- The school believes they have taken all reasonable steps to help address their concerns
- The school has provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and the school believes their intention is to cause disruption or inconvenience

9.3.2 Where the school stops responding, they will inform the individual of their intention to do so. The school will also explain that they will still consider any new complaints they make.

9.3.3 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

9.4 **Duplicate complaints**

9.4.1 If the school has resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

9.4.2 If the school is satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

- If there are new aspects, we will follow this procedure again.
- 9.4.3 If there are new aspects, we will follow this procedure again.

9.5 Complaint campaigns

9.5.1 Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

9.5.2 If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10 Record Keeping

10.1 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.

10.2 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.

10.3 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

10.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the school's Record Keeping Policy and Retention Policy.

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

10.6 Where the governing board 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.

10.7 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 governing board, who will not unreasonably withhold consent.

11 Learning Lessons

- 11.1 The Governing Body will review any underlying issues raised by complaints with the Headteacher and/or the Deputy Headteacher 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.

12 Monitoring arrangements

- 12.1 The Chair and the Governing Body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Governign Body will track the number and nature of complaints, and review underlying issues as stated in section 11.
- 12.2 The complaints records are logged and managed by the Deputy Headteacher.
- 12.3 This policy will be reviewed annually by the Headteacher.
- 12.4 At each review, the policy will be approved by the Chair of the Governing Body.

13 Links with other policies

- 13.1 Policies deailing with other forms of complaints include:
- Child Protection Policy
 - Admissions Policy
 - Behaviour & Discipline Policy
 - Staff Grievance Policy
 - Staff Disciplinary Policy
 - SEND Policy