CHELMSFORD LEARNING PARTNERSHIP

COMPLAINTS POLICY

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services.

Committee Responsible	Staff Student
Lead Member	CEO
Approved by	Policy Review Committee
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Building Futures Inspiring Success

Barnes Farm Junior School

Roding Valley High School

THE Beaulieu Park SCHOOL

THE Boswells SCHOOL

THE CHELMSFORD LEARNING PARTNERSHIP – COMPLAINTS POLICY

This policy is adopted by all schools in The Chelmsford Learning Partnership academy trust.

Introduction

All of the schools in our trust pride themselves on the quality of teaching they provide for their students. If, however, parents have concerns they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services.

- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.
- At The Boswells School, complaints should be addressed to the Headteacher. If the complaint is against the Headteacher, then the complaint should be addressed to Mr Paul Banks, CEO, The Chelmsford Learning Partnership, c/o Burnham Road, Chelmsford, Essex, CM1 6LY
- A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

Section 1: Aims

In line with the Education Act 2002, The Boswells School will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.

Section 2: Dealing with concerns informally

The school recognises that a vast majority of complaints and concerns can be resolved informally.

- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant should be able to bring a relative or friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

- The process should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.

Section 3: Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken.
- The complainant's response
- Record of any subsequent action if required

Special Circumstances

If the complaint suggests that a student has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the student lives.

If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or the Board of Trustees.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

Section 4: Complaints Procedure

Stage 1 - Complaint Heard by Staff Member

- Parent/carer discusses their concerns with student's class teacher, form tutor, Pastoral Manager or Head of Year, or if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the Headteacher, staff should refer the complainant to the CEO of the Chelmsford Learning Partnership
- If the first approach is made to a member of the school's Local Governing Body, the next step would be to refer the complainant to the appropriate person who will advise them about the procedure.
- Trustees and Trustees should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.

- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the parent/carer may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Complaint Heard by the Headteacher

- The parent/carer should request an appointment to see the Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- In some cases, the Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Headteacher should interview witnesses and take statements from those involved.
- The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.

If the parent/carer is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by the Board of Trustees.

If the concern or complaint is against the Headteacher, in the first instance the complainant will need to write, in confidence, to the CEO of the Chelmsford Learning Partnership. The CEO will seek to resolve the issue informally before, if necessary, moving to Stage 3.

Stage 3 – Complaint Heard by the Board of Trustees Complaints Appeal Panel (CAP)

Complaints at this stage should be made in writing and addressed to the CEO no later than 10 school days following receipt of a Stage 2 outcome. The CEO, or a nominated Trustee, will convene a CAP.

Written acknowledgement of the complaint will be made within 3 school days informing the complainant their complaint will be heard within 20 school days.

A CAP will be arranged with 2 members of the Board of Trustees, an independent, impartial representative and the complainant. 5 days' notice will be given to all attending. The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.

At the meeting everyone's case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The meeting should allow for:

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision.
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher.
- The CAP to have an opportunity to question both the complainant and the Headteacher.
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Headteacher and complainant.

A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The number of complaints heard at this formal stage (The Board of Trustees Complaints Appeal Panel - CAP), will be published on the school website.

Role of the Secretary of State, Department for Education

If the complainant is unhappy with the way in which the school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene. For the Secretary of State to intervene following a complaint, they need to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

Roles & Responsibilities

The Remit of the CAP The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trustee or independent panel member sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustees and sensitive to the issues of race, gender and religious affiliation. The panel should also include an independent, impartial member who has no affiliation to the school or the trust.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, their child needs to attend.
- The Trustees and independent member sitting on the panel need to be aware of the complaints procedure.

The Role of the Clerk

Schools are strongly advised that any panel or group of Trustee considering complaints 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 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.
- Notify all parties of the panel's decision.

The Role of the Chair of the Board of Trustees or the Nominated Trustee

The nominated Trustee role:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Complaints Appeal Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.

- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.

Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Section 5: Managing Unreasonable Complaints or Complainants

The Boswells School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain.

A complainant's contact with the school would not normally be limited, however, the school does not expect the staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The Boswells School considers unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder the 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, 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, CEO or Chair of Trustees will discuss any concerns with the complainant informally before deeming the complainant 'unreasonable'.

If the behaviour continues after this, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police will be informed. This may include banning an individual from The Boswells School premises.