



# The Denbigh Alliance

## Complaint Procedure 2021-2023

## **Purpose of the procedure**

The purpose of this procedure is to ensure an equitable and consistent approach to dealing with concerns or complaints in the interests of all parties. It is important to us that all matters raised are dealt with fairly and impartially and it is our experience that most queries or concerns can be resolved satisfactorily through discussion or by providing clarification and/or further information. If you are concerned about anything, please let us know.

### **1. Range**

- 1.1. A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. We welcome telephone calls or emails from parents who want to discuss a concern before it becomes a complaint.
- 1.2. A 'complaint' may be generally defined as "*an expression of dissatisfaction however made, about actions taken or a lack of action*". It is expected that a complainant will have made reasonable attempts to seek an informal resolution prior to making a formal complaint.

### **2. Scope**

- 2.1. Where 'school' is mentioned please read 'academy' where relevant.
- 2.2. Anyone who has a genuine interest in the school may use this procedure.
- 2.3. It will be at the Headteacher/Head of School's discretion to decide if an anonymous complaint warrants an investigation, but it usually proper to disregard such complaints.
- 2.4. This procedure covers all complaints about any provision for facilities or services that the school provides with the exceptions of those stated in Section 4 for which there are separate (statutory) procedures.
- 2.5. Schools/academies are required to offer a broad and balanced curriculum in accordance with Section 1 of the [2010 Academies Act](#). Should a parent/carer have a complaint about the curriculum they should follow this complaint procedure.
- 2.6. Depending on the nature of the complaint, the appropriate person will investigate.

### **3. Communicating a concern or complaint**

- 3.1. The majority of issues can be resolved informally, without the need to invoke formal procedures. and both the Trust and complainants should have the opportunity to resolve their concerns or complaint on an informal basis. Initial concerns are often best directed to the students Subject Teacher or Form Tutor. However, there are occasions when complainants would like to raise their concerns formally and the procedure for this is outlined in Section 13.

### **4. Complaints Not Covered by this Procedure**

- 4.1. Complaints subject to separate statutory processes include those concerning;

<ul style="list-style-type: none"><li>• Sex education</li></ul>	<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>
<ul style="list-style-type: none"><li>• Admissions</li></ul>	<ul style="list-style-type: none"><li>• School re-organisation proposals</li></ul>
<ul style="list-style-type: none"><li>• Child protection</li></ul>	<ul style="list-style-type: none"><li>• Staff grievance, disciplinary and capability proceedings</li></ul>
<ul style="list-style-type: none"><li>• Exclusions</li></ul>	<ul style="list-style-type: none"><li>• Complaints about third party providers</li></ul>
<ul style="list-style-type: none"><li>• Statutory assessments of special educational needs</li></ul>	

## **5. Expectations of the School**

5.1. Those who raise a concern or complaint can expect the School to:

- 5.1.1. Be professional. You may not always agree with our decision, but we will explain our reasons.
- 5.1.2. Respond within a reasonable time and with courtesy and respect.
- 5.1.3. Treat the matter fairly, thoroughly and efficiently, attempting to resolve problems using reasonable means.
- 5.1.4. Ensure that nobody will be victimised as a result of a complaint being made.
- 5.1.5. Communicate verbally and/or in writing about the progress towards a resolution and/or the outcome of the complaint.
- 5.1.6. Consider making reasonable adjustments if required, in accordance with equality law.

## **6. Expectations of Complainants**

6.1. The School can expect those who raise a concern or complaint with the School to:

- 6.1.1. Treat all school staff with courtesy and respect.
- 6.1.2. Avoid any use, or threatened use, of violence to people or property.
- 6.1.3. Avoid any aggression or verbal abuse.
- 6.1.4. Recognise the time constraints under which members of staff in schools work, and allow reasonable time to respond and resolve a specific problem.
- 6.1.5. Understand that the School will not discuss specific consequences or sanctions given to a member of staff or student as a result of a complaint.

## **7. Complaint Campaigns**

7.1. Should there be a large volume of complaints all based on the same subject or from complainants not connected to the School, appropriate methods of feedback will be considered which could include publication on the website.

## **8. Outcomes** could include;

- 8.1. The complaint is not substantiated
- 8.2. An explanation or clarification
- 8.3. An apology from either party
- 8.4. Action to put matters right and/or prevent recurrence

## **9. Timescales**

- 9.1. Complaints should be raised as soon as possible. A complaint raised more than 3 months after the incident has occurred is unlikely to be considered.
- 9.2. The designated timescales apply during term time. Complaints received outside of term time will be considered received on the first school day after the holiday period.
- 9.3. Where, for reasons beyond his/her control, such as the complexity of the complaint or the availability of witnesses etc., the Headteacher/Head of School or Chair of the Local School Board is unable to comply with the timescales outlined in this procedure, he/she will inform the complainant in writing before the date by which the outcome was expected.

## 10. Confidentiality

10.1. All conversations and correspondence will be treated with discretion, however, all parties to a complaint will need to be aware that some information including correspondence, statements and records relating to individual complaints may have to be shared with others involved in the operation of the complaint procedure and/or where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

10.2. Complainants should be aware that a written record will be maintained of all meetings.

## 11. Record Keeping

11.1. Recording of a complaint will begin at the point when a concern has become a complaint that cannot be resolved immediately but needs investigation and/or consultation with others in the School and will require a later report back to the complainant.

11.2. Recording at the earliest stage needs only be a very basic record of the complaint, giving the date, name of complainant and general nature of the complaint. Brief notes of meetings and telephone calls should be kept, and a written response added to the record.

11.3. The School will record the progress of the complaint and the outcome.

11.4. Records will be held centrally in line with GDPR.

11.5. No electronic devices are to be used for the purpose of recording any meetings related to the complaints procedure, by either party.

## 12. Entitlement to be accompanied to meetings

12.1. Complainants can be accompanied to meetings by either a friend or relative; however, they will be required to confirm the name and nature of their relationship with the person who is accompanying them at least 2 school days prior to the meeting.

12.2. As recommended by the [Department of Education Best practise guidance for school complaints procedures 2020](#), these committee meetings are not a form of legal proceedings, therefore neither the complainant nor the school will bring legal representation.

12.3. Should a member of staff be a witness in a complaint they are entitled to bring union representation.

## 13. The Complaints Procedure

### 13.1. Informal Stage

13.1.1. Most concerns and complaints can be resolved informally.

13.1.2. There are many occasions where concerns can be resolved quickly and efficiently. Concerns should be referred initially to the appropriate member of staff and this may be by email, letter, telephone or in person by an appointment made at a mutually convenient time.

13.1.3. The member of staff will **aim** to acknowledge the concern/complaint orally, in writing or by email within 2 school days and respond to the complainant as soon as practical either by email, in writing, by telephone or during an arranged meeting.

13.1.4. The staff member dealing with the concern will make sure all parties are at least verbally informed of what action (if any) or monitoring of the situation has been agreed.

13.1.5. Where no satisfactory solution has been found within a maximum of 15 school days

of acknowledgement, complainants can ask for their concern to be considered further, under Formal Stage 1.

- 13.1.6. If the concern relates to the Headteacher/Head of School, the complainant should contact the Chair of the Local School Board, via the Clerk.

### **13.2. Formal Stage 1 – Headteacher/Head of School**

- 13.2.1. If the complaint is not resolved at the Informal Stage, the complainant must write to the Headteacher/Head of School within 15 school days of receiving the outcome of the informal complaint.
- 13.2.2. The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documentation.
- 13.2.3. The Headteacher/Head of School may delegate the task of investigation to an Investigating Officer.
- 13.2.4. The Headteacher/Head of School (or Investigating Officer) should aim to acknowledge the complaint orally, in writing or by email, within 2 School days of receiving the complaint, confirming the nature of the complaint.
- 13.2.5. The Headteacher/Head of School (or Investigating Officer) may meet the complainant to discuss/resolve the matter directly. The complainant may be accompanied by a friend or relative (please refer to Section 12 of this document).
- 13.2.6. The School will provide a written response to the complaint within 15 school days, if this is delayed, an email or letter will be sent explaining the reason for the delay and giving a revised target date for a response. A written response will include a decision and the reasons for it. Where appropriate, this will include what action the School will take to resolve the complaint.
- 13.2.7. If the complainant wishes to take the complaint further, they should notify the Chair of Local School Board within 15 school days of receiving the outcome letter.

### **13.3. Formal Stage 2 – Local School Board**

- 13.3.1. Upon receipt of a written complaint, the Clerk to the Local School Board will acknowledge the complaint and notify the Chair of the Local School Board so that a review can be instituted if appropriate. However, if the Chair of the Local School Board is satisfied that the complaint has been investigated and answered fairly, thoroughly and effectively by the School or falls under Point 18, the Chair of the Local School Board will write to the complainant to advise that a review will not be arranged.
- 13.3.2. If a review is necessary, the Clerk to the Local School Board will write to inform the complainant, Headteacher/Head of School, any relevant witnesses, and members of the panel at least 10 school days in advance, of the date, time and place of the meeting.
  - 13.3.2.1. Meetings can be convened in the complainant's absence providing reasonable attempts have been made to accommodate alternative dates or if they refuse to attend.
  - 13.3.2.2. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate (see Section 12). The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel which

should be made available at least 5 school days prior to the meeting so that this can be circulated to all panel members.

- 13.3.2.3. The Clerk to the Local School Board will arrange to convene the panel for the above purpose comprising of three people not directly involved in the matters detailed in the complaint; generally, this will be the Chair or Vice Chair of the Local School Board, another governor and one person independent of the management and running of the school. If not previously involved, the Chair of the Local School Board should chair the panel; otherwise, the Vice-Chair should do so. Generally, it is not appropriate for the Headteacher/Head of School to have a place on the panel.
- 13.3.2.4. The Chair/Vice Chair of the Local School Board will ensure that the complaint, where possible, is heard by the panel within a maximum of 20 School days of the receiving the written letter. All relevant correspondence regarding the complaint will be made available to the panel members and the complainant at least 5 school days before the hearing, where possible.
- 13.3.2.5. The Chair/Vice-Chair of the Local School Board will invite the Headteacher/Head of School to attend the review meeting and prepare a written report for the panel in response to the complaint. The Headteacher/Head of School may also invite members of staff directly involved in matters raised by the complainant, to respond in writing or in person to the complaint.

#### **14. The Review Meeting**

- 14.1. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it must be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- 14.2. If either party attempts to introduce previously undisclosed evidence or witnesses, it may be necessary to adjourn the review meeting so that the other side has time to consider and respond to the new evidence or alternatively not allow the new evidence or witnesses to be considered. This will be at the discretion of the Chair.
- 14.3. The review meeting will follow the procedure and model agenda set out in Appendix 1 and 2.
- 14.4. A copy of all correspondence and notes will be kept in line with GDPR.

15. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonable in their exercise of the duties under education law, they can contact the Education and Skills Funding Agency (ESFA) after they have completed Formal Stage 2 - Local School Board. The ESFA has limited powers to review the handling of a complaint in accordance with their "Procedure for dealing with complaints about Academies" [link](#)

#### **16. Complainants**

- 16.1. **Complaints concerning members of staff with responsibility for investigating complaints.**
  - 16.1.1. Where a complaint concerns in whole or part the conduct of the member of staff responsible for investigating complaints, the member of staff should, on receipt of the formal complaint, immediately refer the matter to the Headteacher/Head of

School. Either the Headteacher/Head of School may designate another member of staff to act as the member of staff with responsibility for investigating the complaint, or they may deal with the complaint themselves.

**16.2. Complaints concerning the Headteacher/Head of School**

16.2.1. In these cases, the Chair of the Local School Board must investigate the complaint and may draw on other third parties for assistance.

**16.3. Complaints concerning the CEO, Chair of the Local School Board or a Trustee**

16.3.1. In these cases, the Chair of Trustees must investigate the complaint.

**16.4. Complaints concerning the Chair of Trustees**

16.4.1. The complaint will be referred to the Members.

**16.5. Complaints by members of the Local School Board or Trustees**

16.5.1. Complaints by members of the Local School Board or Trustees will be dealt with in accordance with this procedure.

**16.6. Complaints by members of staff**

16.6.1. Complaints by members of staff will be referred to HR under the grievance policy.

**16.7. Complaints by students**

16.7.1. The Trustees will delegate the responsibility of managing complaints by students to the Headteacher/Head of School.

**17. Withdrawal of Complaints**

17.1. Formal complaints may be withdrawn at any stage by notice in writing.

**18. Serial, Persistent, or unreasonable Complaints and/or Complainants**

18.1. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied and/or where the complainant is deemed to be 'vexatious'. This could be because it is clear that the complainant has insufficient grounds for complaint and is seeking to annoy, or that a complaint has been investigated and is found not to be justified, but the complainant engages in making further accusations relating to the same issue or seeks unrealistic outcomes.

18.1.1. Any such case will be dealt with on an individual basis but the Headteacher/Head of School or a representative of the Trust reserves the right to close the complaint if the complainant is deemed to be vexatious and to determine that the matter is now concluded.

## Appendix 1

1. A complaints review panel will consist of two Governors and one person independent of the management and running of the school. If, not previously involved, the Chair of the Local School Board should chair the panel; otherwise, the Vice- Chair should do so.
2. The Clerk to the Local School Board will draw up the agenda and make all the necessary arrangements for the meeting.
3. The review panel has the power to make decisions on behalf of the Local School Board and may;
  - 3.1. Uphold the complaint
  - 3.2. Uphold it in part, or
  - 3.3. Dismiss the complaint
4. Where the issue under consideration does not fall within the remit of the review panel, the panel may still wish to make recommendations.

### 5. Procedure for a Complaints review meeting

#### 5.1. Before a Meeting

- 5.1.1. Where possible a copy of the agenda, the complaint, and any written response from the Headteacher/Head of School should be sent to the panel members at least 5 school days before the meeting. Each member of the panel must immediately read the papers to check that they have no significant involvement with the case under consideration but should not discuss it with anyone else. If they need to withdraw from the panel, the Clerk to the Local School Board should organise a substitute.
- 5.1.2. If there are witnesses, the Chair should agree with the panel who should be invited in to speak and in what order; at no time should the complainant, Headteacher/Head of School or a witness be able to talk to panel members without both the complainant and Headteacher/Head of School being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.

#### 5.2. The Meeting

- 5.2.1. A model agenda is set out *in Appendix 2*.
- 5.2.2. The panel are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues.
- 5.2.3. It is not usually appropriate for a child/student to attend.

#### 5.3. Chair's Role

##### During the meeting the Chair:

- 5.3.1. Will explain the proceedings
- 5.3.2. Will hear the complaint by keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- 5.3.3. Is responsible for controlling the meeting and will use their judgement to move the meeting on when necessary and aim towards a resolution by reaching a conclusion on the written and oral evidence presented at the meeting.
- 5.3.4. Will act impartially by treating all participants fairly.
- 5.3.5. At his/her discretion will invite witnesses to join the meeting when their input is required



and to leave immediately afterwards.

- 5.3.6. Will try to ensure that any witnesses waiting, are called in due course if required or released if it becomes apparent that they will not be seen.

**5.4. The Chair will explain the proceedings by:**

- 5.4.1. Inviting introductions.
- 5.4.2. Explaining the agenda will be followed.
- 5.4.3. Listing the items briefly and let the participants know if they will receive a decision that day.
- 5.4.4. Clarifying if the complaint is complex and if there are some aspects of it that fall outside the panel's remit and will explain exactly which aspects of the complaint can be addressed by the panel, later, advise the complainant as to how best to follow up any complaint that could not be dealt with by the panel. Alternatively, the panel may wish to consider making representations to the responsible authority for those areas that fall outside its remit.
- 5.4.5. Making it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- 5.4.6. Explaining that the complainant will speak without interruption and then allow the Headteacher/Head of School and panel members to ask any questions to clarify any issues raised; then the Headteacher/Head of School's response will be heard, again without interruption and there will be an opportunity for the panel and the complainant to ask any questions about what has been said.
- 5.4.7. Indicating any time limits to adhere to.

**5.5. The Chair will conclude the discussion by:**

- 5.5.1. Ensuring that all participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and Headteacher/Head of School will then be invited to sum up if they wish but if the issues are clear, formal summing up may not be necessary.
- 5.5.2. Confirming the arrangements for the participants to receive the decision of the meeting.
- 5.5.3. Writing down the decision of the panel so this can be accurately recorded in the minutes.
- 5.5.4. If the participants are invited back to hear the decision, making it clear to all parties that no further discussion is possible at that stage.

**5.6. The decision letter and minutes:**

- 5.6.1. The Clerk to the Local School Board will send a copy of the decision letter to the complainant, Headteacher/Head of School and Chair of Local School Board
- 5.6.2. The Clerk will send a copy of the minutes to the Chair of the panel (if not the Chair of Local School Board), the minutes should record the procedure followed, the decision reached, and any recommendations made. These can be made available to the complainant on request.
- 5.6.3. It is usual for all documents relating to a complaint to be kept confidential in line with GDPR.

## Appendix 2

### 1. Formal complaint to the School's Local School Board (MODEL AGENDA)

- 1.1. Introduction and explanation of procedure, including the role of the Clerk to the Local School Board.
- 1.2. Complainant's presentation and opportunity to explain their complaint, call witnesses (subject to prior arrangement) and questions to both by Headteacher/Head of School and/or review panel.
- 1.3. Headteacher/Head of School to explain the schools/academys response, call witnesses (subject to prior arrangement) and questions to both by complainant and/or panel.
- 1.4. Any further questions or points from any of the parties.
- 1.5. Opportunity for summing up by Headteacher/Head of School.
- 1.6. Opportunity for summing up by complainant.
- 1.7. Summing up by the Chair including advising that the panel can:
  - 1.7.1. Uphold the complaint in full
  - 1.7.2. Uphold it in part, or
  - 1.7.3. Dismiss the complaint.
- 1.8. The Chair of the panel should explain to the complainant and the Headteacher/Head of School that the panel will consider its decision, and a written decision will be sent to both parties within a maximum of 15 school days. The letter will inform the complainant of any further rights of representation.
- 1.9. The complainant, Headteacher/Head of School, other members of staff and witnesses should then leave.
- 1.10. The panel will then consider the complaint and all the evidence presented and reach a unanimous, or at least a majority decision on the complaint and will decide;
  - 1.10.1. Whether the complaint should be upheld or denied
  - 1.10.2. The reasons for their decision
  - 1.10.3. Any action to be taken
  - 1.10.4. Any recommendations they wish to make to the Headteacher/Head of School or Board of Local School Board.
- 1.11. The panel must consider whether any items are confidential and should therefore not be available to persons wishing to inspect Trustees papers.