

# Complaints Policy



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<b>REVIEWED</b>	July 2023
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## **1. Introduction and Overview**

1.1 This complaints policy aims to:

- ▲ Encourage the resolution of problems by informal means wherever possible;
- ▲ Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- ▲ Provide effective responses and appropriate redress;
- ▲ Maintain good working relationships between all people involved with the Spires College

1.2 A complaint can be brought by a parent of a child on roll at the College, a person who has been provided with a service or a facility at the College or any third party who may have cause to complain about the College. The procedure refers to this person as a complainant.

1.3 The complainant is able to raise concerns and complaints with members of staff without formality, either in person, by telephone, email or in writing. The College is not able to investigate concerns or complaints that are posted on social media sites or internet forums.

1.4 This open approach means that, at first, it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether they wish to take the matter further. This will also help the College to understand the concern and what remedy is being sought.

1.5 A concern or unresolved problem becomes a complaint only when the complainant asserts that the College has acted wrongly in some significant decision, action or failure to take action.

1.6 A complaint can be resolved or withdrawn at any stage.

## **2. Special Circumstances**

- 2.1 Any complaint or other notice that suggests that a child has been at risk of significant harm may be referred without further notice to Children's Services and / or the police. If an external authority decides to investigate a situation this may postpone or supersede investigation by the Principal or governing body.

## **3. Other Solutions to Complaints**

- 3.1 Where there is a legal appeal or process in place, some matters cannot not be considered as a formal complaint. Concerns covered by other policies or procedures also cannot be considered through the complaints policy. This includes admissions; school reorganisation proposals; statutory assessments of SEND; safeguarding matters; suspension and permanent exclusion; whistle-blowing; staff grievances and staff discipline. The key areas are admissions decisions, certain decisions relating to statutory assessment of special educational needs and decisions to permanently exclude a child.
- 3.2 In addition, complaints about the services provided by other parties who may use College premises or facilities fall outside the scope of this procedure. Such complaints will be directed towards those providers.
- 3.4 The Spires College is a PFI school which means that a number of services are provided by third parties under contract to Torbay Council. If a concern or complaint is received about PFI contracted services, the College may decide to refer the complaint to be dealt with by the PFI contractor, or by Torbay Council. The complainant will be informed of this decision by the College.

## **4. Stage 1:**

- 4.1 The College seeks to resolve complaints informally where possible. Complaints can be made in writing, by telephone or in person. The complainant will be given an opportunity to discuss their concern with an appropriate member (or members) of staff, either in person or by telephone, at a mutually convenient time. This should happen as soon as possible.
- 4.2 The complainant should be able to be accompanied to any discussion by a friend or family member, etc. However, the meeting is not a tribunal of law and the complainant is not normally permitted to be represented by a legal professional e.g. a solicitor.
- 4.3 The member(s) of staff dealing with the concern will establish what the complainant feels would put things right. Any further investigations required should be carried out as quickly as is reasonably possible and the staff member should ensure the complainant is aware of likely timescales, and that the complainant is updated with any changes to these if necessary.
- 4.4 It is often possible to resolve a complaint in the initial meeting. Otherwise, this stage should be concluded once all investigations are complete either in writing, in a further meeting or in a telephone conversation. The staff member(s) should make sure that the complainant is clear what action (if any) or monitoring of the situation has been

agreed. This process should be completed within 15 school days. In some particularly complex cases, this may not be possible but the staff member will make the complainant aware of any delay.

4.5 If the complaint is not resolved informally, it will be escalated to Stage 2.

## **5. Stage 2:**

- 5.1 Complaints escalated to Stage 2 should be made in writing. The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.
- 5.2 Stage 2 complaints may be co-ordinated by the Principal or a member of the Senior Leadership Team. The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing. (Complaints sent outside working days/hours will not be read until the next working day.)
- 5.3 The Principal (or designated member of the senior leadership team) should consider providing an opportunity to meet with the complainant to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the College of the identity of their companion in advance. (In certain circumstances. The College may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the College will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.)
- 5.4 The Principal (or designated member of the senior leadership team) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within fifteen school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timescale. In such cases, the Principal should write to the complainant giving a revised date by which the complaint should be resolved.
- 5.5 The College will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
- 5.6 If the complaint remains unresolved, it will be escalated to Stage 3.
- 5.7 If a complaint is about the Principal, a suitably skilled and impartial governor will carry out the steps at Stage 2.

## **6. Stage 3: review panel**

- 6.1 If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within five school days. 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.

The clerk will acknowledge receipt of the request within three school days.

- 6.2 The review panel consists of the first three members of the governing board available, who do not have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely, or in part, of

independent panel members. Independent panel members may be drawn from another school's Governing Body or nominations from the Local Authority.

- 6.3 The Principal does not serve on the review panel. If the Chair of the governing body has had any prior involvement in the complaint then the Chair will not sit on the review panel.
- 6.4 The review panel should consider the complaint on the basis of the written evidence and set up a meeting to hear both parties. The review panel should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 6.5 The complainant and representatives from the College will be invited to attend the meeting. The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within fifteen school days of the request, where possible.  
  
If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.
- 6.6 The complainant may be accompanied to the meeting by a friend/representative if they wish. However, the meeting is not a tribunal of law and the complainant is not normally permitted to be represented by a legal professional e.g. a solicitor. Representatives from the media are not permitted to attend.
- 6.7 The complainant and the College Principal (or designated member of the senior leadership team) may provide written submissions prior to the meeting. All relevant correspondence regarding the complaint should be circulated to the review panel, the complainant and the Principal in advance of the meeting.
- 6.8 If the Principal and/or the complainant wish to call witnesses, details of who will be called as witnesses must be shared in advance of the meeting.
- 6.9 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.
- 6.10 It is the responsibility of the Chair of the panel to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 6.11 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the College and the complainant. However, at the end of the meeting, the review panel will need to issue a finding in writing either upholding or not upholding the complaint either in full or in part.
- 6.12 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 6.13 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.

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 representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

6.14 The panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision. The panel can:

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

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 procedures to prevent similar issues in the future.

6.15 Financial compensation will not be paid as a response to a complaint, though the result may mean that the College spend money on an appropriate educational purpose.

6.16 The Clerk/Chair of the review panel will send a written statement to both the complainant and the Principal, with the outcome and reasons for the decisions made.

6.17 Stage 3 should be completed in twenty school days. However, it is recognised that this timescale may prove challenging where complaints are complex. In such cases, the Clerk / Chair of the Appeals Panel should write to the complainant and Principal giving a revised date by which the complaint should be resolved.

6.18 When Stage 3 is completed, this marks the end of the College's complaints procedure.

## **7. Referring Complaints to the Department for Education**

7.1 If the complainant is unsatisfied with the outcome of the College's complaints procedure, they can refer their complaint to the DfE. The DfE will not re-investigate the matter of the complaint. It will look at whether the College's complaints policy and any other relevant statutory policies that the College holds were adhered to. The DfE also looks at whether the College's statutory policies adhere to education legislation.

7.2 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

If the complaints procedure is found to not meet regulations, the College will be asked to correct its procedure accordingly.

7.3 For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>

## **8. Vexatious, Serial & Persistent or Unreasonable Complaints**

8.1 The Spires College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The College will not normally limit the contact complainants have with the school. However, the College does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

8.2 The College defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our 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;
- ▲ Makes a complaint designed to cause disruption, annoyance or excessive demands on College time.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or 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.

8.3 The College 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.

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

8.4 For complainants who excessively contact the College causing a significant level of disruption, the College may decide to specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

8.5 We may stop responding to the complainant when all of these factors are met:

- ▲ We believe we have taken all reasonable steps to help address their concerns
- ▲ We have provided a clear statement of our position and their options
- ▲ The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

8.6 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from The Spires College premises and external events.

8.7 Duplicate complaints: If we have 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.

If we are 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. Barring from the College Premises**

- 9.1 Although fulfilling a public function, schools are private places; the public has no automatic right of entry. The College will therefore act to ensure that it remains a safe place for students, staff and other members of their community. If an individual's behaviour is a cause for concern, College staff can ask them to leave College premises. In serious cases, the Principal can notify them in writing that their implied licence to be on College premises has been temporarily revoked subject to any representations that the individual may wish to make.
- 9.2 The decision to bar from The Spires College is taken by The Principal and this is then reviewed by the Chair of Governors, taking into account any representations made by the individual concerned. The decision will be either confirmed or reversed. If the decision is confirmed the individual will be notified in writing, explaining how long the bar will be in place.
- 9.3 A barred individual wishing to complain about this can do so, in writing to the Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the College's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice should therefore be sought.