

Complaints Policy



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 registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. 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, instead the concern or complaint must be addressed directly to the College.
- 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 he or she wishes to take it 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 a school has acted wrongly in some significant decision, action or failure to take action.
- 1.6 Even when a complaint has been made it can be resolved or withdrawn at any stage.
- 1.7 A member of SLT can be nominated to coordinate complaints.

2. Special Circumstances

- 2.1 Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the head teacher or governing body.

3. Other Solutions to Complaints

- 3.1 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 statutory assessment of special educational needs and decisions to permanently exclude a child.
- 3.2 In addition, statutory school reorganisation proposals, child protection investigations, whistleblowing, staff grievance & disciplinary issues and complaints about the services provided by other parties who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.
- 3.4 The Spires College is a PFI school which means that a number of services within school 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. Informal Stage: Dealing with concerns informally

- 4.1 The complainant should be given an opportunity to discuss their concern with an appropriate member of staff. An appointment may need to be made.
- 4.2 The complainant should be able to bring a friend to any discussion.
- 4.3 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.
- 4.4 This stage should be completed speedily and concluded in writing with appropriate detail.
- 4.5 The complainant should be informed that if s/he is not satisfied with the outcome or agreed action, s/he will need to consider whether to make a formal complaint in writing to the College Principal.

5. Formal Stage 1 – Referral to the Principal for investigation

- 5.1 The College has decided to identify a Complaints Co-ordinator to assist the Principal to deal with Stage 1 Complaints. The Complaints Co-ordinator will act under the direction of the Principal and may take the place of the Principal in the steps described below, up to the point of the response to the complaint, which will always be determined by the Principal and the response to the complainant will always be from the Principal.
- 5.2 The Principal should acknowledge the complaint in writing. In some cases the Principal will have already been involved in looking at the matter; in others it will be her first involvement.
- 5.3 The Principal should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- 5.4 If the complaint is against a member of staff, the Principal should talk to the staff member against whom the complaint has been made.
- 5.6 If necessary, the Principal should interview witnesses and take statements from those involved.
- 5.7 The Principal should keep reasonable written records of meetings, telephone conversations and other documentation.
- 5.8 Once all the relevant facts have been established, the Principal should produce a written response to the complainant. The Principal may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 5.9 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.
- 5.10 Stage 1 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 Principal should write to the complainant giving a revised target date.
- 5.11 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).
- 5.12 The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.
- 5.13 Complaints against the Principal - If the complaint is wholly or mainly about the Principal, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Principal to respond to the complaint in writing within ten school days. The Chair will send a copy of the Principal's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

6. Formal Stage 2 – Consideration by the Governing Body

- 6.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Principal and the Clerk to the Governing Body.
- 6.2 Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Principal. However, where the complaint is against the Principal and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, the Chair of the Governing Body may not need to order a fresh investigation. The matter may instead be escalated directly to the Appeal Panel.
- 6.3 The Spires College have established an Appeals Panel to deal with matters including Stage 2 Complaints. The Panel will consist three governors with no prior, direct involvement with the complaint. Where all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this case, independent panel members may be drawn from another school's Governing Body or nominations from the Local Authority.
- 6.4 The Principal does not serve on the Appeals Panel. If the Chair of the governing body has had any prior involvement in the complaint then the Chair will not sit on the Appeals Panel.
- 6.5 The Appeals Panel should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The Appeals Panel should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 6.6 The Chair of the Appeals Panel should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:
- ▲ Deal with the administration of the procedure;
 - ▲ Provide independent advice on procedure and evidence;
 - ▲ Ensure that the relevant facts are established;
 - ▲ Minute the meeting; and
 - ▲ Draft the decision letter.
- 6.7 The Clerk/Chair of the Appeals Panel should write to the complainant to explain how the review will be conducted. The letter should be copied to the Principal.
- 6.8 The Clerk/Chair of the Appeals Panel should confirm the date of the meeting with the other governor(s).
- 6.9 The complainant and Principal should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Principal, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. 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. It should also explain how the meeting will be

conducted and of the complainant's right to submit further written evidence to the committee.

- 6.10 The Principal should also be invited to prepare a written report for the Appeals Panel in response to the complaint.
- 6.11 All relevant correspondence regarding the complaint should be circulated to the Appeals Panel; the complainant and the Principal in advance of the meeting.
- 6.12 If the Principal and/or the complainant wish to call witnesses, the agreement of the Chair of the Appeals Panel should be obtained in advance of the meeting.
- 6.13 It is the responsibility of the Chair of the Appeals Panel to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 6.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the Appeals Panel will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- 6.15 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.
- 6.16 The meeting should allow for:
 - ▲ The complainant to explain his or her complaint and the Principal to explain the reasons for his or her decision;
 - ▲ The Principal to question the complainant about the complaint and the complainant to question the Principal;
 - ▲ The Appeals Panel to have an opportunity to question both the complainant and the Principal;
 - ▲ Any party to have the right to bring witnesses (subject to the approval of the Chair of Appeals Panel) and all parties having the right to question all the witnesses; and
 - ▲ A final statement by the Principal and complainant.
- 6.17 The Chair of the Appeals Panel should explain to the complainant and the Principal that the Appeals Panel will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Principal and any witnesses will then leave.
- 6.18 The Appeals Panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Appeals Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.
- 6.19 The Appeals Panel will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 6.20 The Clerk/Chair of Appeals Panel will send a written statement outlining the decision with reasons to both the complainant and the Principal.
- 6.21 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable may prove challenging where complaints are complex. In such cases, the

Appeals Panel chair should write to the complainant and Principal giving a revised target date.

- 6.22 When Formal Stage 2 is completed, this marks the end of the College's complaints procedure.

7. Role of the Secretary of State, Department for Education

- 7.1 If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education (DfE) to intervene. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- 7.2 The School Complaint's Unit (SCU) considers complaints relating to Local Authority maintained schools on behalf of the Secretary of State. More information regarding what and how they will consider complaints is set out in the DfE's Best Practice Advice for School Complaints Procedures - a copy of the 2016 toolkit can be downloaded from the Gov.UK website (go to <https://www.gov.uk/government/publications/school-complaints-procedures>)
- 7.3 More information can be obtained from the SCU by calling the national Helpline on 0370-000-2288 or going online at www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd floor, Piccadilly Gate
Store Street
Manchester M1 2WD

The Gov.UK website also has information on how to complain about a school - go to <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

8. Vexatious, Serial & Persistent or Unreasonable Complaints

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 our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Spires 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.

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.

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. The Principal or Chair of Governors will make reasonable efforts to discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Spires 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 6 months. 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.

9. Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the individual may wish to make.

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. The decision will be either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.