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| Statutory Policy | |
| Approved by | Head Teacher |
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| Staff Email | Y |

Complaints Policy and Procedures

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| Date Approved | Autumn 2023 |
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| Signed | |
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Introduction

We strive to provide a good education for all our children. The Head Teacher and staff work very hard to build positive relationships with all parents. However, Battling Brook is obliged to have procedures in place in case there are concerns or complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.

If any person is unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.

If the issue is not resolved, they may then be referred to the Year Leader, Business Manager, Assistant Head Teachers or Head Teacher. At this stage an informal approach will be taken.

Once the complaints procedure has been followed If the school itself cannot resolve a formal complaint, or parents feel that their complaint has not been properly addressed, they have the rights, as a last resort, to appeal to the Secretary of State for Education.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the ESFA at:
www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to
Academy Complaints and Customer Insight 20 Unit, Education and Skills Funding Agency,
Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

Aims and Objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

If necessary, support for the complainant should be arranged, for example, translation of any of the papers provided by the school, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.

General Data Protection Regulations and Data Protection Act Complaints

All Staff will be made aware of the Complaints Policy within the Induction Process. All complaints should be directed to the Head Teacher. If any member of staff is aware that a person wishes to complain regarding GDPR or the DPA they should direct the person to the school website and Complaints Policy.

The Head Teacher is responsible for dealing with all complaints in line with this procedure. Please ensure that you address the envelope clearly. A written outcome will be provided within 1 calendar month.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal. The data subject(s) will be notified of the right to complain directly to the Information Commissioner, whose details are below:

By post:

Customer Contact
Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

The Complaints Procedure

Stage 1: Dealing with initial Concerns and Complaints Informally

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's teacher/childcare assistant. If the issue is not resolved they may then be referred to the Year Leader, Assistant Head Teachers or Head Teacher. In our experience, most matters of concern can be resolved positively in an informal way. All staff work very hard to ensure that each child is happy at school, and is making good progress. They naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

If the person is still dissatisfied with the responses they have been given, they should be provided with a copy of the school's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the Head Teacher formally in writing.

Stage 2: Dealing with Complaints Formally to the Head Teacher

The Head Teacher considers any such complaint very seriously, and investigates each case thoroughly; most complaints are normally resolved by this stage. It is generally at this or the previous stage, that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the Guidance for Parents. If the latter is the case, the Head Teacher will need to inform the complainant of this and the way in which the complaint will be handled.

At this stage it has become clear that the concern is a definite complaint. ***Any complaint received by the Head Teacher under this process in writing, should be acknowledged within 5 school days with a full written response within 15 school days.***

Complainants should also be given the opportunity to meet with the Head Teacher, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Head Teacher.

In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of Trustees if they wish to take their complaint further. ***Any such referral should be made within 10 school days after receipt of the Head Teacher's letter.***

Stage 3: Review by the Chair of Trustees

The complainant requests a review of their complaint in writing to the Chair of Trustees care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. ***Complaints received by the Chair should be acknowledged within 7 school days with a substantive response within 20 school days.***

In acknowledging any complaint, the Chair may need to explain the powers of the governing body of the matter in question, and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a governing body to change a decision, it may make a recommendation for the Head Teacher to consider.

The Chair may need to hold interviews with the Head Teacher and possibly other members of staff and notes should be kept of those meetings. Chairs may also wish to take advice on particular issues from external agencies.

The trust board will arrange a meeting with the complainant to discuss the complaint in further detail; at least three days notice of the meeting will be given to the complainant.

After hearing all the evidence, the-trustees will consider their decision and inform the parent about it in writing. The trustees do all they can at this stage to resolve the complaint to the parent's satisfaction. The letter conveying the Chair's findings should include details of the next stage of the procedure (Stage 4).

Complaints Against the Head Teacher

Stage 3 should also serve as the first point at which complaints are specifically aimed at the Head Teacher or an individual trustee. Should the complaint be about the Chair, the Vice-Chair should undertake the investigation.

Any parent/s who have a complaint about the Head Teacher, should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The trustee in question will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint as detailed above.

Stage 4: Review by Trust Board Complaints Committee

Complaints rarely reach this formal level, but it is important that trust board is prepared to deal with them when necessary.

Where the clerk to the trustees receives a complaint under these procedures, s/he should arrange for a complaints committee to meet between 12 and 20 school days from receipt of the letter. The trust board should have nominated three members to serve on the committee with reserves, to ensure that sufficient governors are available to hold a meeting within the specified time period. When considering the membership of the complaints committee, the trust board should have regard to whether it would be advisable to include governors who are employed at the school. If this were the case, it may be perceived by the complainant that those trustees would be unlikely to amend or overturn a decision taken by the Head Teacher. In those circumstances, the complainant might regard this as grounds to complain to the Secretary of State. The members of the committee should elect one of their number to act as Chair of the committee for the hearing. ***The Chair of Trustees should not be a member of the committee as s/he will have been involved at the previous stage.***

The Head Teacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing..

On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Head Teacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend.

Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted, and copies of all relevant correspondence and notes should be kept on file by the clerk.

The findings of the committee should be notified to the complainant and the Head Teacher in writing within 5 school days of the hearing.

Procedures for Handling Unreasonably Persistent, Harassing, Vexatious, Unreasonable or Abusive Complaints

Everyone involved in governance at the Trust is committed to the improvement of our school.

We welcome feedback from parents/carers and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

Sometimes, however, parents, carers or ex-employees pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

What do we mean by 'an unreasonable complainant'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include actions which are:

- out of proportion to the nature of the complaint, and/or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious or
- obsessive, harassing, or prolific.

Unreasonable behaviour may include an insistence on:

- pursuing unjustified or unmeritorious complaints and/or
- pursuing justifiable complaints in an unreasonable manner e.g., using abusive or threatening language; or
 - making complaints in public or sharing information relating to the complaint, staff, pupils, the school inappropriately on social media; or
- refusing to attend appointments to discuss the complaint; or
- unrealistic outcomes to unjustified complaints.

Responses to unreasonably persistent or vexatious complaints, unreasonable complaints, or harassment

In cases of unreasonably persistent complaints or harassment, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Trust leadership
- inform the complainant informally that his/her behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- inform the complainant in writing that we consider his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- inform the complainant that, except in emergencies, we will respond only to written communication

- inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that this complaint will not be investigated further until it is pursued in a manner we consider to be reasonable
- place restrictions on the individual's access to the school and/or staff
- cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult and to provide parents and carers with the information they are entitled to under the education (pupil information) (England) regulations 2005, within the statutory timeframe.
- we have a duty of care to staff and pupils and will take emergency measures, should these become necessary in extreme cases.

However, we will ensure that:

- procedures relating to Freedom of information (FOI) and Data Protection (DP) correspondence continue to be followed. Any such requests must be forwarded to the school office
- we continue to act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably

FURTHER RECOURSE

If the complainant is dissatisfied with the trust boards handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

To the Information Commissioners Office (ICO)

In cases where complainants feel dissatisfied with the outcome regarding inappropriate use of data then contact by email to casework@ico.org.uk ensuring that your mail server protects your documents or write to

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, SK9 5AF

To the Secretary of State for Education

Complainants have a right of appeal to the Secretary of State. This can be undertaken by accessing the document online and following the information located at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

If the Secretary of State agrees that a complaint is justified, the ESFA has the power to require the academy to take certain actions including the issuing of instructions to academy trusts in appropriate circumstances, although in practice this would be very rarely exercised. The Secretary of State would not take action until the academy's procedures have been completed.

To Ofsted

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to Ofsted via the internet found at the address below

<https://contact.ofsted.gov.uk/online-complaints>

Ofsted can investigate complaints about how something has been done but they cannot question what has been done simply because someone does not agree with it. They cannot investigate the internal management of schools and colleges.

Ofsted would not take action until the school procedures have been exhausted.

Monitoring and Review

The trustees monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Head Teacher logs all complaints received by the school, and records how they were resolved. Trustees examine this log on an annual basis. Trustees take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

Communicating this Policy

The policy will be listed on the school's publication scheme (Freedom of Information Act 2000) and made available to parents via school website, a hard copy can be obtained on request.

Appendix 1 – Battling Brook Complaint Form

Please complete and return to the school office, who will acknowledge receipt and explain what action will be taken.

Complainant name:

Pupil / student's name (if applicable):

Your relationship to the pupil / student (if applicable):

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details:

Signature:

Date:

Official use

Date acknowledgement
sent:

Complaint referred
to:

By whom:

Date:

Appendix B

Data Protection and UK GDPR

Data Subjects Rights Queries

Please use this form if you consider that your personal data, or that of a child for who you hold parental responsibility, is not being correctly stored, processed, used or shared.

It may be necessary to confirm your identity.

You have a right to request details of how personal data is used or not used, if you feel that it should be erased or deleted, if you think that the details and data held is wrong or if it should not have been collected in the first place.

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|--|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |
| Please give details of your personal data management query or complaint. |

Signature:

Date:

What action, if any, have you already taken to try and resolve this?

What would you like to happen?

Are you attaching any paperwork? If so, please give details.

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|---|
| Official use - ONE CALENDAR MONTH ACTION DEADLINE |
| Date acknowledgement sent: |
| By who: |
| Matter referred to DPO on: |
| Internal actions agreed: |
| Date for review: |

This policy will be reviewed every two years, or before if necessary