

Abbot Beyne School



Abbot Beyne

Policy:	Complaints Procedure
Person Responsible:	Mrs A L Stoddart
Governors' Committee:	Student and Personnel
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Signature:	

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students at Abbot Beyne, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants’ desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Abbot Beyne will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on Abbot Beyne website.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that Abbot Beyne provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

Abbot Beyne will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Abbot Beyne intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about Abbot Beyne’s support are within the scope of this policy. Such complaints should first be made to Mrs F Airey - SENCO; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

Abbot Beyne expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Stages of complaint (not complaints against the Headteacher or a governor)

Stage 1: informal

Abbot Beyne will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact Abbot Beyne office.

Abbot Beyne will acknowledge informal complaints within 2 days, and investigate and provide a response within 5 days.

The informal stage may involve a meeting between the complainant and a member of staff, Headteacher and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

Inform the Headteacher in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform Abbot Beyne of the identity of their companion in advance.

In certain circumstances, Abbot Beyne 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, Abbot Beyne will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 days.

Inform the chair of governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 days.

Stage 3: submit the complaint to the review panel

The review panel consists of members of the Governing Body. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from Abbot Beyne, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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 Abbot Beyne representative 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.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

Abbot Beyne will inform those involved of the decision in writing within 5 days.

6. Complaints against the Headteacher or a Governor

Complaints made against the Headteacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the clerk to the Governing Body in the first instance.

7. Referring complaints on completion of Abbot Beyne's procedure

If the complainant is unsatisfied with the outcome of Abbot Beyne's complaints procedure, they can refer their complaint to Abbot Beyne Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether Abbot Beyne's complaints policy and any other relevant statutory policies that Abbot Beyne holds were adhered to. The SCU also looks at whether Abbot Beyne's statutory policies adhere to education legislation. It may direct Abbot Beyne to re-investigate the complaint where it is clear Abbot Beyne has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with Abbot Beyne after the complaints procedure has been fully exhausted and Abbot Beyne has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts Abbot Beyne again about the same issue, Abbot Beyne can choose not to respond. The normal circumstance in which we will not respond is if:

- Abbot Beyne has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of Abbot Beyne's position and their options (if any), *and*
- The complainant is contacting Abbot Beyne repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

Abbot Beyne will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting Abbot Beyne with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once Abbot Beyne has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

Abbot Beyne will ensure when making this decision that complainants making any new complaint are heard, and that Abbot Beyne acts reasonably.

9. Record-keeping

Abbot Beyne will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, Abbot Beyne will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

10. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that Abbot Beyne can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Student and Personnel Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Student and Personnel Committee will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Headteachers PA.

This policy will be reviewed by the Student and Personnel Committee every year.

At each review, the policy will be approved by the Student and Personnel Committee.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices