



NORTHFIELD SCHOOL & SPORTS COLLEGE

CONCERNS AND COMPLAINTS POLICY & PROCEDURES

Version:	6.0
Issue Date:	May 2017
Governing Body Approval - Date:	May 2017
Policy Review Date:	May 2018

Concerns and Complaints Policy and Procedures

Introduction

Policy statement

Northfield School and Sports College endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing body has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you. This policy will be implemented taking note of the DfE Best Practice Advice for School Complaints published in 2016.

Which procedure is relevant?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Student admissions; please see the school's admissions policy or contact the LA who are the admissions authority.
- Student exclusions; please see the school's Positive Behaviour Policy.
- Staff grievance, capability or disciplinary; these are covered by the relevant school's policy procedure.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – Cannot be accepted under this policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy

Raising concerns

The majority of concerns can be dealt with without resorting to the Concerns and Complaints Policy and Procedures. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with the appropriate teacher or year manager via the phone email or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school’s Child Protection Policy, which can be found on the school website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Northfield requests the complainants do not discuss complaints publicly via social media such as facebook, Instagram, twitter blogs etc. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

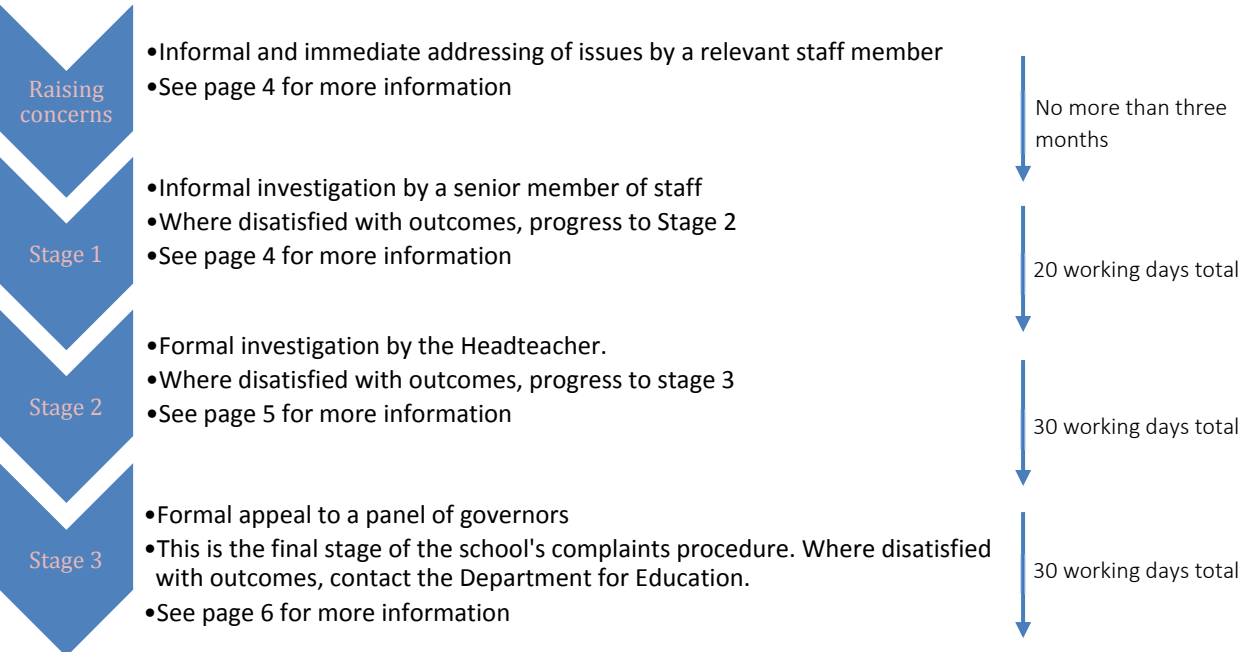
Complaints that result in staff capability or disciplinary proceedings

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual’s line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

Concerns and Complaints Procedure

If you need to raise an issue in the first instance please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



Timeframes

Northfield will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and agree a timeframe that works for all parties involved.

Northfield reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of governors of the decision.

Who should I approach?

- **Educational matters:** Appropriate teacher or member of the Senior Leadership Team.
- **Pastoral care:** Appropriate Year Manager or Head of Year.
- **Disciplinary matters:** Appropriate teacher or member of the Senior Leadership team.
- **Financial/Administration matters:** Director of Business & Finance
- **Complaint about a staff member's conduct:** Headteacher or member of the SLT.

Complaints about the Headteacher or Governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should contact the Chair of governors. The Stage 2 process will then commence, but with the Chair of governors as the individual responsible for the investigation rather than the Headteacher.

Where a complaint concerns a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the complainant should contact the Clerk to the governors addressing their correspondence to the Clerk to the Governing Body c/o the school in a sealed envelope marked 'For Immediate Action' 'Private and Confidential'.

Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair will act in any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by a staff member and /or senior member of staff.

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome is that the complaint needs further action, they may progress by making an informal complaint. At this stage a senior member of staff will become involved.

In doing so, the following steps will be followed:

1. The complainant contacts the senior member of staff.

2. The complainant may find it useful to use the formal complaints form in Appendix 1 to this policy. The complainant must explain in writing.
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The senior member of staff will respond within 5 working days (excluding the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff, the senior member of staff will arrange an informal mediation meeting between the two parties to see if a resolution can be agreed.
5. The senior member of staff will provide a written confirmation of the outcome of their investigation within 15 working days (excluding school holidays) of this meeting and confirmation of the -outcome. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and submit a formal written complaint.
6. The senior member of staff will make a record of the concern and the outcomes of the mediation meeting which will be held by the school for twelve months, in line with the principles of the Data Protection Act 1998

Stage 2 – Formal investigation by the Headteacher

1. The complainant must submit the formal complaints form, in Appendix 1, to the Headteacher. The Headteacher may appoint a member of the SLT to act as an Investigating Officer.
2. The Headteacher will respond in writing within 10 working days (excluding school holidays) of the date of receipt of the complaint to acknowledge receipt and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act 1998.
4. The Headteacher will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from the subject(s) of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents
 - any records of meetings with anyone related to the complaint.
5. The Headteacher may decide to meet the complainant (and where relevant, the subject(s) of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Headteacher can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Reject the complaint and provide the complainant with details of the stage three appeals process

Uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another. They may propose action to be taken to manage and resolve both aspects of this situation

7. The Headteacher must inform the complainant of their decision in writing within 20 working days (excluding school holidays) of issuing written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to their decision and give details of any proposed actions. The response to the complainant will offer the right to appeal to the complaints panel of the governing body.

Stage 3 – Appeal – review by a panel of the governing body

If the complainant is not satisfied with the Headteacher’s response and proposed actions the complainant is able to appeal to the governing body..

The complainant must write to the Chair of Governors c/o of the school, within 10 working days- after receiving notice of the Headteacher’s decision, providing a clear explanation as to why they wish to lodge an appeal and requesting that a complaints appeal panel is convened.

The Clerk to the governing body will organise the time and date of the appeal hearing, inviting all the attendees, including witnesses if appropriate, collating all the relevant documentation and distributing this 5 days in advance of the meeting. The clerk will record the proceedings of the meeting in the form of minutes, and circulate these and the outcome of the meeting to the relevant parties.

The complainant must request an appeal panel within 10 working days of receiving the Headteacher’s decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to the complainant within five working days (excluding school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. If it is not possible to convene a panel from Northfield governing body, the Clerk will invite one or more independent governors from another school to take part in the panel.
3. The appeal hearing will take place within 20 working days (excluding school holidays) of the Clerk posting the letter to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Headteacher or person who dealt with the complaint at Stage 2
 - where the complaint concerns a member of staff, the staff member
 - the Clerk to the governing body

The complainant is able to bring a companion to the hearing. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them.

If either party wishes to bring any witnesses to the hearing these must be agreed beforehand with the Clerk.

5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. The format for a complaints panel hearing can be found in Appendix 2.
9. All parties who attended the hearing will be informed in writing of the outcome of the appeal within 5 working days (excluding school holidays).

The school will not consider the complaint beyond this. If the complainant remains dissatisfied and wishes to take the complaint further to the Department for Education, contact details are given at the end of the document.

Repeated complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable Complaints

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors

- The complaint is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of governors of their decision explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate, they can direct the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Headteacher's decision not to investigate the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education, contact details are at the end of the document.

Contact details for external organisations:

- If the complainant feels that the governing body acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the school complaints procedure has been completed. "Unreasonable" is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
<https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

Review

This policy will be reviewed annually.

Appendix 1 - Northfield School and Sports College

Formal Complaints Form

Name	
Name of student, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far including staff member involved or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed:

Appendix 2

Proposed Format for a Complaints Panel Hearing.

The Governors Complaints Panel needs to take the following points into account:

Participants must show respect for each other and wait until a speaker has finished before asking questions.

- The hearing should be as informal as possible.
- Witnesses will only attend for the part of the hearing in which they give their evidence.
- The Clerk to the Governing Body will meet with the panel members who will appoint a Chair for the meeting.
- The complainant and Headteacher will be invited to enter the room together.
- The Chair will introduce the panel members and the Clerk and outline the procedure for the hearing.
- The complainant will be invited to explain their complaint.
- The Headteacher may question the complainant.
- The panel members may question the complainant.
- The complainant's witnesses, if any, will be called in to the room to give their information.
- The Headteacher may question the witnesses.
- The panel members may question the witnesses.
- The complainant's witnesses will then leave the room.
- The Headteacher will be invited to explain the school's actions and response to the complaint.
- The complainant may question the Headteacher. The panel members may question the Headteacher.
- The Headteacher's witnesses, if any, will be called in to the room to give their information.
- The complainant may question the witnesses.
- The panel members may question the witnesses.
- The Headteacher's witnesses will then leave the room.
- The complainant will be invited to sum up their complaint.
- The Headteacher will be invited to sum up the school's actions and response to the complaint.
- The Chair of the meeting will explain that both parties will hear from the panel within 5 working days.
- Both parties will leave together while the panel decides on the issues
- The Clerk will remain with the panel to clarify any issues.
- The Clerk will record the decision of the panel and the wording of the decision.
- The Clerk will notify the complainant and the Headteacher in writing within 5 working days.