



COMPLAINTS POLICY

ABBEY COLLEGE, RAMSEY

Policy Developed by	G Craig
Reviewing Committee	Education Committee
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For ease of read, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers.

Introduction

Abbey College Ramsey recognises that at times things can and do go wrong. The Academy governors and staff believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

The majority of issues raised by parents, the community or students, are concerns rather than complaints. Abbey College is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing to implement formal procedures. However, depending on the nature of the complaint, individuals may wish or be asked to follow the Academy's formal complaints procedure. Abbey College reserves the right to reject a formal complaint that it considers to be unsubstantiated or frivolous.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

The prime aim of Abbey College's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Abbey College, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cambridgeshire County Council. If your complaint is in reference to one of these exceptions, we will provide the most appropriate contact details.
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none">• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the</i>

	<i>school's complaints procedure, found on the school website.</i>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum – content 	<p>Please contact the Department for Education at:</p> <p>www.education.gov.uk/contactus</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Abbey College in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Stage 1 contact

The stage 1 contact's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The stage 1 contact should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews and record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond

Complaints Co-ordinator

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- Be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- Keep records.

General Principles

The Abbey College Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensure a full and **fair** investigation
- Respect people's desire for **confidentiality**;
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provide **information** to the Academy's senior leadership team so that services can be improved.

At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- Clarify what the complainant feels would put things right

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep notes of the interview(s)

At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy procedures in light of the complaint

Where it is not felt that a complaint is valid in whole or in part, this will be communicated with an explanation of why the complaint is not upheld

Records

All complaints will be recorded, including informal complaints. Staff are responsible for ensuring that complaints and outcomes are recorded.

Records relating to individual complaints are confidential, except where the secretary of state or a statutory body conducting an inspection requests access to them.

The Governing Body through the appropriate Committee will monitor the level and nature of complaints and review their outcomes on a regular basis

The Abbey College Procedure has five main stages:

- Stage 1 Informal - A concern is raised via email, phone, online or a visit to school reception
- Stage 2 - A concern/complaint is heard by the Complaints co-ordinator or appropriate member of staff
- Stage 3 - A formal complaint is heard by the Headteacher
- Stage 4 - Complaint and College response investigated and reviewed by Chair of Governors
- Stage 5 - Complaint and response reviewed by a Panel of Governors

Note: If a complaint is made directly against the Headteacher the procedure begins at stage 4. A complaint against a governor would begin at stage 3 but the Chair of Governors would also investigate, a complaint against the chair of governors would begin at stage 3 and move to stage 5 if not resolved.

Stage 1 - An informal discussion

Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Complainants should be directed to the “what to do if I have a query, concern or complaint leaflet” to provide guidance and assist this process.

Concerns/ Complaints should be raised in one of the following ways:

1. In person by visiting our school reception
2. By phone by ringing our main reception
3. Email office@abbeycollege.cambs.sch.uk
4. In writing, please address to Katie Dodsley, Abbey College, Abbey Road, Ramsey PE26 1DG

Once a concern or complaint has been made a member of the Senior Leadership Team or one of our Raising Standards Leads will make contact within 48 hours (this may be sooner depending on the nature of the concern/ complaint).

Following this initial contact you will then receive a second call within a further 48 hours or a meeting set up within a further 3 working days.

Please note on some occasions the concern raised may require investigation or discussion with others, in which case an informal but informed response may take up to 5 school days if the matter proves complex, in which case the complainant will be told of the extra time required and why.

The person who raised the issue will be informed of any action to be taken to resolve it and if appropriate this will be confirmed in writing. If the person is dissatisfied with the response given they should refer to Stage 2 below.

Stage 2 Concern is heard by the complaints co-ordinator or an appropriate member of staff

If a complainant is unhappy with the response from Stage 1, they will be referred before a formal investigation begins to the complaints co-ordinator to discuss their concerns. It may still be possible to reach an informal resolution at this point. A record will be kept of this meeting and any actions agreed. The record will be signed by all parties and copies will be provided to the complainant.

If this meeting does not resolve the issue, the Complaints Co-ordinator will support the complainant in deciding whether the complaint is best dealt with through the complaints procedure or another statutory procedure and advise the complainant of the next steps they should take

If it is agreed to deal with the complaint through this policy, then a formal written complaint should now be made to the Headteacher. This will be acknowledged within 3 school days of receipt. The complaint and date received will be logged by the Complaints Co-ordinator.

Stage 3 Formal Complaint is heard by the Headteacher

On receipt of a formal written complaint, the Headteacher or senior member of staff on behalf of the Headteacher will now conduct an investigation. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible.

The Headteacher or senior member of staff will update the Complaints Co-ordinator on a regular basis with the progress of the investigation.

Interviews and statements will be taken as necessary.

All persons interviewed will have the right to be accompanied or represented by a friend or relative at discussions and hearings.

A written response will be sent to the complainant within 10 school days of the initial acknowledgement, or meeting if convened. The response will determine whether or not the complaint has been upheld, the reasons why and what action, if any, will be taken. The response must include information on the next stage of the Complaint process should the complainant remain dissatisfied and the timescales for this.

If the person remains dissatisfied after this response, they should refer to Stage 4 below.

Stage 4 – Review of Complaint and Response by Chair of Governors

The complainant must submit a written request to the Chairman of Governors for their complaint to be further considered. The complainant should make clear in their request the reasons they are not satisfied with the response at Stage 3. This request should be submitted within 10 school days of receiving the response at stage 3. The request will be acknowledged within 5 school days.

The Chair of Governors will conduct an investigation into the complaint and will review the investigation undertaken at stage 3. The Chair may request the assistance of another governor in this process and may contact and or meet with the Complainant.

The Chair will keep the Complaints Co-ordinator updated with progress.

A written response will be sent to the complainant within 10 school days of the initial acknowledgement. The response will determine whether or not the complaint has been upheld, the reasons why and what action, if any, will be taken. The response must include information on the next stage of the Complaints process should the complainant remain dissatisfied and the timescales for this.

Stage 5 – Review of the Complaint by a panel hearing

The Complainant must submit a written request to the Chair of Governors for the complaint to be referred to the Complaints Panel within 10 school days of receiving the Chair's response.

The complainant should make clear in their request the reasons they are still not satisfied with the response received at Stage 4. The request will be acknowledged within 5 school days of receipt. The acknowledgement will include the information that the complaint is to be heard by three members of the Governing Body, where there is at least one panel member who is independent of the management and running of the school, and if possible within 20 school days. The independent panel member should not be a member, trustee or employee of the school. These governors will have had no previous involvement in the complaint.

The complaints panel will review the written information concerning the complaint and the process by which the complaint has been investigated. All parties will be invited to submit any additional written material they would like the panel to consider and will be notified of the date of the panel review.

The panel will meet to review the complaint and may be advised on procedural matters by an independent education advisor. This service is usually provided by the Local Authority. The panel will consider if the complaint has been fairly investigated and aim, if at all possible, to achieve reconciliation between the Academy and the complainant. The panel may express a view about the complaint and the means of resolving it but has no legal basis for overturning any prior decision. The parent has the right to attend the panel hearing in full and may be accompanied if they wish. Neither the complainant nor the school should bring legal representation. These committees are not a form of legal proceedings.

The aim of the panel hearing should be:

- Reconciliation
- To put right things that may have gone wrong

A written statement outlining the findings of the Governors and any recommendations for the future will be sent to all parties including the Complaints Co-ordinator within 10 school days of the panel meeting. A copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about.

The panel should inform the complainant of:

- The conclusion and reasons for any decisions in writing
- Any further rights of appeal

We also recommend that copies of the minutes are issued to the complainant. Failure to do so may lead to a further complaint. They may also be entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.

The school should keep a written record of all complaints that are made and whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints (regardless of whether they are upheld).

The school must:

- Record the progress of the complaint and the final outcome
- Record whether the case progressed to a panel hearing
- Record the action taken by the school or the trust, regardless of outcome
- Determine who is responsible for these records and make sure the data is kept secure

As academies are data controllers in their own right, the school will keep hold of the information until the child has left school. Unless statutory regulations apply. For example, copies of attendance registers must be retained for 3 years.

Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

You should consider that complainants may have a right to copies of these records under the [Freedom of Information Act 2000](#), the [Data Protection Act 2018](#) and GDPR.

Refer to our [Data protection: toolkit for schools](#) or the Information Commissioner's [Guide to GDPR](#) for more information.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

The statement will confirm that the Academy's complaint process has been concluded and will explain that any further appeal must be made to the Secretary of State.

If parents are not satisfied about the handling of their complaint then the parents can refer their complaint to ESFA.

The Academy will ensure that a copy of all correspondence and notes are kept securely and separate to the records of any students' personal records.

If any matter cannot be resolved satisfactorily, then you have the right to raise your concern with Ofsted, this should be as a last resort as we always aim to work with you and take your concerns seriously. However, it is important that you are made aware that Ofsted is limited, and their role is not to resolve disputes. Their role is to make sure we are following all regulation requirements. Ofsted will review your complaint and contact the school to discuss it further. If a complaint has been referred to Ofsted we will not continue our investigation until we receive confirmation from OFSTED of the outcomes of their investigation.

Managing serial and unreasonable complaints

Abbey College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do 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.

Abbey College defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Abbey College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Abbey College.

GUIDANCE FOR STAFF ON CONCERN AND COMPLAINT HANDLING

General Principles

Publicity

Parents should always know how they can raise concerns or lodge a complaint. The policy should be available on the Academy website and also by paper. If requested.

Procedures should be as speedy as possible

Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress will be given to the complainant.

Support for complainant

If required, support for the complainant can be offered from individuals or organisations that are clearly separated from those complained against, such as Citizens Advice Bureaux and other local advice centres. Parents are invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for the person complained against

Staff who may be questioned as part of a complaint investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They will be told about the procedure and kept informed of progress. There is an important balance to be maintained between supporting the individual so that their rights and reputation are protected during the course of an investigation and ensuring the complaint is fully investigated

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant will be informed and any non-disciplinary aspects of the complaint will be dealt with by the usual complaints procedure.

Confidentiality

All conversations and correspondence will be treated with discretion. Parents need to feel confident that their complaint will not penalise their child. From the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure

Redress

If the outcome of the complaint shows the Academy is at fault it will be appropriate to offer one or more of: an apology, an explanation, an assurance that the event complained of will not recur, or an undertaking to review Academy policies.

Staff awareness and training

Staff confidence in handling complaints depends on their having clear information about procedures, and relevant training in the practical interpersonal skills needed in dealing with people who are upset or angry. All staff will have clear information about which staff have responsibilities so that complaints do not get passed from one person to another. All staff will refer to the Meeting Checklist for guidance on conducting face to face meetings. (Appendix A)

Record Keeping

All meetings with parents to discuss a concern should be recorded using the meeting record form. (Appendix B) Complaints will be recorded by the Complaints Co-ordinator and monitored termly by the SLT. The Operations Committee will be advised of a formal complaint having been received but not of the details of that complaint to maintain impartiality.