



COTHAM SCHOOL

COMPLAINTS POLICY AND PROCEDURES

Version control

The table below shows the history of the document and the changes made at each version:

Version	Date	Summary of changes
1.0	November 2015	
1.1	March 2019	Statutory requirements
1.2	June 2019	Added some items from The Key's model policy Changed the wording of the escalation to the ESFA to include what they can do (from the model policy) Added longer section on persistent / unreasonable complaints

Contents

1.	Introduction	2
2.	Policy statement	2
A.	COMPLAINTS POLICY	2
3.	Policy principles	2
4.	Confidentiality	3
5.	Complaints Coordinator	3
6.	Accessibility	3
7.	Notices	3
B.	COMPLAINTS PROCEDURES	4
1.	Dealing with complaints	4
2.	The informal procedure	4
3.	The formal procedure	4
	Stage 1: Complaint heard by the Complaints Coordinator	4
	Stage 2: Complaint heard by the Headteacher (or Chair of Governors if relating to the Headteacher)	5
	Stage 3: Complaint is heard by a Complaints Appeals Panel	5
4.	Panel Members / Chair	5
5.	Attendees	5
6.	Note taking	6
7.	The role of the Complaints Appeals Panel	6
8.	Conduct of the hearing	6
9.	Complaints Appeals Panel Decision	7

1. Introduction

Cotham School 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/carers, 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
- Respectfully
- Promptly
- Without prejudice

In order to do so, the Governing Body of Cotham School has approved the following procedure which explains what you should do if you have any concerns about the school. It applies to all sections of the school, and sets out the overall policy and associated procedures for handling concerns and complaints. It has been approved by the school Governing Body, and has been prepared in accordance with the applicable provisions of the Education (Independent School Standards) (England) Regulations 2014 and the school's Public Sector Equality Duty (s.149 Equality Act 2010).

2. Policy statement

The school wants to know as soon as possible if there is any cause for dissatisfaction, to enable any concerns to be dealt with quickly and fairly, and minimise any damage to relationships within our community. Parents/carers, students and third parties should never feel (or be made to feel) that a complaint will adversely affect a student or his / her opportunities at the school.

A. COMPLAINTS POLICY

3. Policy principles

This policy aims to ensure that concerns or complaints are responded to sympathetically, effectively, and at the appropriate level. To this end:

- Initial concerns or enquiries will be dealt with at an informal level whenever possible. In most cases issues should be resolved with an individual member of staff.
- Complaints must be dealt with fairly, impartially and in a non-adversarial fashion.
- Complaints must be fully and thoroughly investigated addressing all the concerns raised and dealt with within the stated time limits. If more time is needed to accommodate the investigation this must be communicated to the complainant.
- Wherever possible it is useful for the complainant to indicate what actions they feel might resolve the issue at any stage.
- Complainants must be kept informed of the progress of the complaints process
- The process seeks to provide an effective and prompt response and appropriate redress where necessary.
- The school will respond to every concern or complaint in a positive way with the intention of putting right any matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

In some cases it may be sufficient for the school to acknowledge that a concern or complaint is valid in

whole or part. However, in other cases it may be appropriate for the school to offer one or more of the following:

- An apology
- An explanation
- An acknowledgment that the situation could have been handled better
- An assurance that the situation will not recur
- An explanation of the steps taken to ensure that the situation will not recur
- An undertaking to review the school's systems, procedures or policies in light of the situation.

4. Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential save as required by the Education (Independent School Standards) (England) Regulations 2014, namely where access is requested by the Secretary of State or where disclosure is required in the course of the school's inspection or under other legal authority.

In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

5. Complaints Coordinator

For each complaint, the Headteacher will appoint a senior member of staff as Complaint Coordinator, to be responsible for dealing with the complaint at stage 1 and to act as a first point of contact while the matter remains unresolved.

The Headteacher, in conjunction with senior staff, the Head's PA and the Clerk to Governors will:

- Coordinate the complaints procedures across the school
- Arrange assistance for complainants who require this, for example, because of a disability, or an interpreter for those who are not fluent in English.
- Maintain an on-going complaints management training programme for all school employees, through the school's Professional Development Manager
- Ensure a written record is kept of all formal complaints and their outcomes
- Monitor the recording, confidentiality and storage of records in relation to complaints
- Provide an annual report to The Governing Body at the first full meeting of the academic year.

6. Accessibility

This policy can be made available in large print or other more accessible format, if required. If complainants require any assistance with making a complaint, they should contact the school's Complaints Coordinator via the school office, who will be happy to provide assistance.

7. Notices

Any notices to be provided to complainants by the school may be made by telephone, email or letter, unless specifically notified by the complainant in writing to the contrary.

B. COMPLAINTS PROCEDURES

The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case.

1. Dealing with complaints

Staff are committed to taking all concerns and complaints seriously, addressing them appropriately and as quickly as possible.

Some concerns will be a matter for everyday conversations between parents/carers, or third parties and staff, but at times, something more than this is needed. The policy distinguishes between concerns

which can be dealt with informally, and the school's formal complaints procedure, as set out in more detail below.

2. The informal procedure

The complainant should raise their concern as soon as possible with the relevant member of staff where appropriate (for instance, the student's class or subject teacher, or tutor) who will clarify with the complainant the nature of the concern. It can be helpful to identify at this point what outcome the complainant is looking for.

The school will endeavour to acknowledge informal complaints within **two school days**; and investigate and provide a response within **five school days**. Where it is not practically possible to investigate and provide the response within the specified timescale of five school days, the school will contact the complainant and advise them of the reasons why and provide a revised timescale.

If the member of staff first contacted cannot immediately deal with the matter, he/she will make a note of the date, complainant's name and contact details, and ensure the relevant member of staff contacts the complainant as soon as reasonably practicable.

If the concern relates to the Headteacher, the complainant will be advised to contact the Chair of Governors through the Clerk to the Governors, or an agreed substitute, c/o the School Office.

The staff member dealing with the concern will make sure that the complainant is clear as to what action has been (or is being) taken, putting this in writing only if the school consider this to be the best way of making things clear or if requested by the complainant.

Where the complainant is dissatisfied with the response to their concern and therefore the complaint cannot be resolved informally, they should write to the Complaints Coordinator c/o Cotham School, confirming that they would like their concern to be treated as a formal complaint, in which case the formal procedure below will apply. This should be within **five school days** of receipt of the response to their informal complaint from the school. If the school does not receive notification in writing within **five school days** from receipt that the complainant would like their informal complaint to now be treated as a formal complaint then the school will consider that the informal complaint is resolved and consider the matter closed.

3. The formal procedure

The formal procedure comprises of a three stage process:

Stage 1: Complaint heard by a Senior Member of Staff

- The complaint should be made in writing and, where possible, on the standard form in Appendix A of this policy.
- The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside any copies of relevant documents, and what they feel would resolve the complaint.
- The complainant's complaint will be directed to the Headteacher, who will nominate a senior member of staff as Complaint Coordinator to consider the complaint.
- The school will endeavour to acknowledge the complaint within **two school days** of receipt during term time, and as soon as practicable in the holidays.
- The Complaint Coordinator will ensure that the complaint is investigated and that, where possible, a response is provided to the complainant within **fifteen school days**. Where this is not possible the school will contact the complainant and advise them of the reasons why and provide a revised timescale.

Where appropriate, the Complaint Coordinator may refer the matter directly to the Headteacher to be dealt with under Stage 2 of the procedure.

- If the response is unacceptable to the complainant, the complainant must write to the Headteacher (or Chair of Governors c/o Cotham School, if relating to the Headteacher) within 5 school days of the response of the Complaints Coordinator, setting out the issues which they wish the school to consider in accordance with stage 2, why they feel their complaint was not addressed at stage 1, and the outcomes which they are hoping to achieve.

- The complaint will then be referred to the Headteacher or Chair of Governors in accordance with stage 2.

Stage 2: Complaint heard by the Headteacher (or Chair of Governors if relating to the Headteacher)

- Once notification has been received from the complainant, full details of the complaint will be passed to the Headteacher, together with any relevant documents and contact details. The complaint will be acknowledged within **two school days** during term time, (and as soon as practicable, in the holidays) indicating the likely timescale for dealing with the complaint.
- The Headteacher will carry out an investigation and may ask a senior member of staff (not the Complaint Coordinator at stage 1) to act as investigator, reporting their findings to the Headteacher. The Headteacher or investigator may request additional information from the complainant and may wish to speak to the complainant personally and to others who have knowledge of the circumstances.
- Following the outcome of the investigation, the Headteacher will make a decision in relation to the issues raised in the complaint, and notify the complainant of his/her decision and the reasons for it. The Headteacher will aim to respond to the complainant within **twenty school days** from receipt of the Stage 2 complaint. Any complaint received within one calendar month of the end of term, or during a school holiday, is likely to take longer to investigate.
- If the complainant is dissatisfied with the response, they must submit a written request for the complaint to proceed to Stage 3 to the Clerk to the Governors c/o Cotham School (a request by e-mail is acceptable), within **five school days** of the date of the Stage 2 response from the Headteacher or Chair of Governors. The request should clarify the issues which remain the subject of the complainant's complaint, why these were not addressed at stage 2, a statement of the desired outcome, full contact details, and include a copy of all relevant documents held by the complainant, stating also those documents which the complainant believes to be in the school's possession and to be relevant for the Appeals Panel to consider.

Stage 3: Complaint is heard by a Complaints Appeals Panel

- The Clerk to the Governors (the Clerk) will acknowledge the request to proceed to Stage 3 within **two school days** of receipt, if during term time, as soon as is practicable during school holidays. Assistance with the request for a hearing can be provided through the Clerk who will make appropriate arrangements.
- The panel will have access to the existing record of the complaint's progress.
- The Clerk will convene the Appeals Panel as soon as reasonably practicable, but the Appeals Panel will not normally meet during half-term breaks or school holidays. Every effort will be made to enable the Appeals Panel hearing to take place within **twenty school days** of the receipt of the request.
- As soon as reasonably practical, and, in any event, at least five school days before the hearing, the Clerk will send written notification of the date, time and place of the hearing.

4. Panel Members / Chair

The Appeals Panel will normally be made up of two members of the Governing Body and one independent member (independent of the governance, management and running of the school). The two school governors must have no detailed prior knowledge of the circumstances of the complaint.

The hearing will be chaired by one member of the Appeals Panel, chosen by the Panel members. The Panel may engage an advisor to the Panel, to provide them with appropriate guidance (for instance in relation to procedural matters), who may at their request be present at the hearing.

5. Attendees

The complainant is entitled to be accompanied by a friend or relative at the hearing if they wish. Whilst the hearing is not a legal forum, if the complainant wishes to be accompanied by a legally qualified person, acting in their professional capacity, they may do so but must notify the Clerk at least 5 school days before the hearing.

A child aged thirteen or more may attend part or all of the Appeals Panel hearing at the discretion of the Chair of the Appeals Panel.

The Panel will invite such witnesses, including representative from the school, as they believe are relevant to give evidence to the Panel, and who will be asked by the Panel to give evidence as the Panel considers appropriate in all of the circumstances.

6. Note taking

The hearing is not a legal proceeding. All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Clerk (or agreed substitute) will keep a record of the hearing, a copy of which (excluding any confidential information) will be made available to all parties after the hearing for information.

In addition the findings and recommendation of the panel will be available for inspection on the school premises by the proprietor and the Headteacher.

A hearing before the Appeals Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

7. The role of the Complaints Appeals Panel

The purpose of an Appeals Panel hearing is to review the decisions taken by the Headteacher (or the Chair of Governors) at Stage 2. The aim will be to seek to resolve the complaint wherever possible. However, it may only be possible to establish the facts of a situation and make any appropriate recommendations about future action.

The Appeals Panel will firstly seek to establish the facts (i.e. what the Panel believe is more likely than not) surrounding the complaint by considering:

- the documents provided by both parties; and
- any representations made by the complainant, their representative (if relevant), the Headteacher and/or the Chair of Governors, and any witnesses.

The Appeals Panel will take into account such information as is provided by the complainant in their request for their complaint to be considered by a panel, but the Panel will not consider any new areas of complaint that have not been previously raised.

The Appeals Panel shall then reach a decision in relation to the issues raised in the complaint, and consider whether any recommendations are appropriate as per the 'Decision' section below.

8. Conduct of the hearing

- The Panel Chair will conduct the hearing in such a way as to ensure that the respective parties have the opportunity of raising their concerns, responding to issues raised, and asking questions in an appropriate manner.
- The format of the hearing is for the Panel to determine at their discretion in light of the circumstances of the case, any representations made by the respective parties, and the nature of the issues to be determined.
- The hearing is not a legal proceeding and the Appeals Panel shall be under no obligation to hear oral evidence from witnesses but may do so, and/or may take written statements into account.
- All those attending the hearing are expected to show courtesy, restraint and good manners throughout the hearing. Parties should not interrupt when another is speaking, and questions and concerns will be raised through the Panel, and not directly at another party. Shouting, bad language, or threatening behaviour will not be tolerated under any circumstances. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be noted.

If the Panel Chair is unhappy with the behaviour of one of the parties, they may at their discretion either

adjourn or terminate the hearing. If terminated, the original decision will stand.

The Panel Chair may also at their discretion adjourn the hearing for further investigation of any relevant issue, or adjourn the hearing to take legal advice.

Once the Panel have heard such representations as they believe are required to enable them to form a decision on the issues raised, the Panel Chair will close the hearing and inform the parties in relation to the decision making process (as per below).

9. Complaints Appeals Panel Decision

The Appeals Panel will convene separately to firstly establish the facts surrounding the complaint, which they will do on the balance of probability (i.e. on the basis of what they consider in their judgement is more likely than not to have happened in light of the evidence and representations they have heard).

After due consideration of the matters discussed at the hearing, the Appeals Panel shall then reach a decision in relation to the issues raised, and consider whether there are any recommended steps which they believe are appropriate as a result.

The Complaints Appeals Panel can:

- Reject the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems, procedures or policies to ensure that similar problems do not recur

The Appeals Panel may make recommendations on these or any other issues to the Headteacher or to the Governing Body as appropriate.

It is not within the powers of the Appeals Panel to make any financial award, nor to impose sanctions on staff, students, or parents/carers.

The decision, findings and any recommendations may be notified orally and will be confirmed in writing (by electronic mail where appropriate) to the parties within 5 school days of the Panel hearing. The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher. If electronic mail is an inappropriate medium, a copy of the decision will be handed or posted to the complainant. If the Appeals Panel decides that

- a) The complaint falls outside the scope of this process, the Complaints Coordinator will inform the complainant of any further recourse he or she may have.
- b) The complaint has been upheld, the Complaints Coordinator will inform the complainant of any action taken or proposed, including details of any request to those complained against, to take particular actions to resolve the complaint.
- c) Further investigations required, the Complaints Coordinator will inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Appeals Panel will be subject to the provisions described above in so far as they are relevant.

If the complainant is dissatisfied with the decision of the Complaints Panel they may contact the Education and Skills Funding Agency and the notice of the decision of the Complaints Panel will explain how such complaints can be made.

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its

procedure accordingly.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

10. Complaints against Governors

Complaints against a member of the Governing Body should be directed to the Clerk to Governors in the first instance. These will be investigated by the Chair or Vice-Chair of Governors as appropriate. Where it is inappropriate for the Chair or Vice-Chair to investigate (or where they are the subject of the complaint) another Governor will be appointed to investigate.

11. Complaints Log

For all formal complaints the school will maintain a complaints log. This will record details of each complaint (regardless of whether it has been upheld), the stage each complaint is currently at and the action taken as a result of the complaint.

12. Persistent Complaints

Where a complainant tries to re-open an issue with the school after the complaints procedure has been fully exhausted and the school 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 the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school 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

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. Any further correspondence on the same issue will be placed on file.

The school will ensure, when making this decision, that any new complaints are heard, and that the school acts reasonably.

Unreasonable Complaints

We are 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 the 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.

Unreasonable complainants are defined 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*'.

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.

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.

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 asking them to change it. Where the behaviour does not change the school may take actions including (but not limited to):

- Allocate a single member of staff as a point of contact for the person. There may also be a specific regular window of time in which contact may take place. Any other member of staff will simply refer any complaints / issues to the nominated point of contact. If necessary, the school may seek an independent / external person to fulfil this role.
- Request that all communication with the school be conducted in a particular way, i.e. via e-mail or letter, or in face to face meetings with a witness, depending on what is most appropriate in each circumstance. Where this is requested, other forms of communication initiated by the complainant

will not receive a response / will receive a standard written response reminding them of the requested form of communication.

- In extreme cases, those who are repeatedly aggressive or abusive towards school staff may be banned from school premises and special arrangements will be made for drop-off / collection of their children and communication with the school.



Complaints Form

Your Name:		Date:	
Student's name:		Student's tutor group:	
Student's date of birth:		Your relationship to student	

	Teaching staff		Other student/s
	Associate staff		Building
			Governor
			Other

Please give as much detail as possible, including the names of anyone involved, date and times of incidences, etc

What action, if any, have you already taken to try to resolve your complaint (e.g. 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 documents or paperwork? Yes / No (please circle as appropriate) If yes, please give details:

Your signature:

Date

Please Note: If the complainant is dissatisfied with the decision of the Appeals Committee, they may contact the Education and Skills Funding Agency (ESFA) who will consider the complaint on behalf of the Secretary of State. Contact can be made online: <https://www.education.gov.uk/help/contactus/df>

For school use:

<i>Date acknowledgment sent:</i>	
<i>By whom:</i>	
<i>Name of person complaint referred to:</i>	
<i>Date referral made:</i>	
<i>Signature:</i>	
<i>Name:</i>	
<i>Date:</i>	