

Ashcroft School Complaints Policy 2024

Giving feedback

The wellbeing of students is our priority.

We're committed to listening and learning from the experiences of our students and their families.

You can share your thoughts on your child's progress or make recommendations on how we can improve things.

We always take the time to consider your views.

If you have feedback that you would like to share with us, you can write to the Head Teacher

Paula.Tankard@togethertrust.org.uk

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Ashcroft School
Schools Hill
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Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- The Education (Pupil Information) (England) Regulations 2005
- Equality Act 2010
- Immigration Act 2016
- The School Information (England) (Amendment) Regulations 2016
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

This policy has also due regard to guidance including, but not limited to, the following:

- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE (2021) 'Best practice guidance for school complaints procedures 2020'

This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Positive Behaviour Support Policy
- Whistleblowing Policy

This policy operates in conjunction with the following Trust policy:

- Records Management Policy

Definitions

For the purpose of this policy:

- A “complaint” may be generally recognised as an expression or statement of dissatisfaction about actions taken or a lack of action.
- A “concern” may be treated as an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.

The school will class concerns as complaints and follow the same procedures for both, as outlined within this policy.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “grievance” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

The definition of “unreasonable complaints” is outlined in the ‘Managing serial and unreasonable complaints’ section of this policy.

For the purpose of this policy, “duplicate complaints” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the

individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaint's procedure.

Roles and Responsibilities

The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher and chair of governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, the chair of governors, will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

The panel chair will:

- Ensure that minutes of the meetings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such

hearings, particularly any pupils involved.

- Ensure that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial while still setting the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the school can make to prevent reoccurrence of the problem.

Making a Complaint

The school is aware that any member of the public, including the parents of past and present pupils, can make a complaint about the provision of facilities or services that a school provides.

The school will consider all complaints, providing they are not anonymous, and ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial, non-adversarial and fair to all parties involved.
- Respectful of confidentiality duties.
- Fairly investigated, by an independent person where necessary.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Used to address all issues to provide appropriate and effective redress where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication. All complaints will be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.

All complainants will be given the opportunity to fully complete the complaints procedure and a complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

Complaints about staff

Any complaint made against a member of staff will be initially dealt with by the headteacher (Stage 3), and then by a committee of the governing board (Stage 4) if not resolved.

Any complaint made against the headteacher will be initially dealt with at Stage 4 of the complaints process.

Complaints about governors

Complaints may be made against:

- The chair of governors.
- The vice chair of governors.
- Any other member of the governing board
- The governing board as a whole.

These complaints should be made to the clerk to the governing board, who will then arrange for the complaint to be heard.

For complaints about the entire governing board, or the chair or vice chair of governors, the clerk to governors will determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to deal with the complaint. Under some circumstances, it may be necessary to deviate from the complaints' procedure. Any deviation will be documented, along with the reasons for this.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

Recording a complaint

A written record will be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- At which stage the complaint was resolved (formally or informally).
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

Recording devices will not be used to review discussions of complaints at a later date.

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made will not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

As data controllers, the school will ensure in all cases that they comply with their obligations and responsibilities as outlined in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

Complaints not covered by this procedure

There are a variety of areas where the complaints procedure does not apply because of other separate statutory procedures being in place. The school will deal with complaints regarding these topics in line with the procedures outlines below.

The following complaint should be directed to the LA:

- Statutory assessments of SEND
- LA admission refusal

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints regarding exclusions will be dealt with in accordance with procedures outlined in the school's Exclusion Policy.

The school has a whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy.

Staff grievances and disciplinary procedures will be dealt with in line with the school's Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Exceptional Circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint.

The key areas are: LA admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

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

Managing Serial and Unreasonable Complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with it; however, the school will not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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 cooperate 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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.
- 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 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. 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. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about staff or threats towards them, and if the school believes their intent is to disrupt or inconvenience the school. The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

Complaints campaigns

For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject. Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

Barring from the premises

The school premises is private property and therefore any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the Headteacher or Chair of Governors will ask the individual to leave the premises. The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the Chair of Governors or a committee of the governing board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Standard of fluency complaints

The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question. The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the 'Complaints procedure' section of this policy.

For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency

duty will be handled in line with the processes outlined in this policy. In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific retraining
- Assessment
- Redeployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing. Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

Role of the DfE

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably. They will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully. When making a final decision about a complaint, the school reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Availability

A copy of this policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

Monitoring and review

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. Responsibility for reviewing the procedure belongs to the Headteacher. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Complaints Procedure Guidance

Complaints Procedure

Most of the time issues can be resolved by speaking to a member of staff at school.

We always try to resolve any issues at Stage 1. Sometimes complaints need to be dealt with formally, for example:

- If you're not happy with the outcome of your complaint – See Stage 2
- If you have a complaint about a member of staff – See Stage 3
- If you have a serious complaint – See Stage 3
- If it is about a member of our senior leadership team – See Stage 3
- If it is about the Head Teacher – See Stage 4

Stage 1 (informal) – Discussion with Child's Teacher

If you have any concerns or complaints, in the first instance, please raise them with your child's teacher. You can do this in writing, via email, telephone or face to face.

You should receive a response from your child's teacher within 2 working days.

Stage 2 (informal) – Escalation to Deputy Head Teacher

If you are unsatisfied with the response by your child's teacher, you can contact the Deputy Head Teacher to escalate your complaint. You can do this in writing, via email, telephone or face to face.

Chris.Gallagher@togethertrust.org.uk

When the Deputy Head receives the complaint, they will respond within 3 working days.

Stage 3 (formal) - Escalation to Head Teacher and Investigation

Please use Stage 3 of the complaints process if:

- If you are unsatisfied with the outcome of your complaint at Stage 2
- If you have a serious complaint
- If it is about a member of our senior leadership team

Please contact the Head Teacher. You can do this in writing, via email, telephone or face to face. The Head Teacher may want to meet with you to discuss your concerns.

Paula.Tankard@togethertrust.org.uk

When we receive your complaint the Head Teacher will reply in writing within 7 working days and will commission an investigation into your concern.

You will receive a letter within 20 working days with the result of the investigation. If your complaint is about a member of staff, they will also be told about the outcome.

Stage 4 (formal) – Escalation to the Chair of Governors and Investigation

Please use Stage 4 of the complaints process if:

- If you are unsatisfied with the outcome of your complaint at Stage 3
- If your complaint is about the Head Teacher

At stage 4 the Chair of Governors will speak to the Executive Head Teacher, Sara Bayley and the Service Director and the Together Trust Complaints Officer. They will decide if someone independent needs to look at your complaint or if 3 impartial governors can investigate the complaint.

When we receive your formal written complaint the Chair of Governors will reply in writing within 7 working days and will commission an investigation into your concern.

You will get a letter with the result of the investigation in 20 working days. If your complaint is about a member of staff, they will also be told about the outcome.

Stage 5 (formal) – Appeals Panel

Please use Stage 5 of the complaints process if:

- If you are unsatisfied with the outcome of your complaint at Stage 4, you can appeal the result by writing to the Chair of Governors.

At this stage the Chair of Governors will ask the Chief Executive to create an appeals panel.

The panel will be made up of 3 people who have not dealt with the complaint before:

- A senior member of the Together Trust Leadership Team
- A Governor of the school, a Trustee or a senior member of the Together Trust Leadership Team
- A person who is not connected to the Together Trust

You will be able to write to the panel to explain why you are appealing and speak to the panel in person. You can bring a friend or a representative.

At the appeal panel they will decide if the school and the Together Trust have followed correct processes, policy and statutory guidance, or if something else needs to happen.

The panel can make suggestions about what else can be done to resolve your complaint or any changes that need to happen in school procedures.

The appeal panel decision is final. The result and any recommendations will be sent to you. The decision will also be sent to:

- The Head Teacher
- The Executive Head Teacher
- The Service Director
- Chair of Governors
- Chief Executive of the Together Trust

The school and the Together Trust will take action on the panel decision and carry out any recommendations that can be made.

Confidentiality

Your feedback or complaint will be dealt with confidential. We follow guidance for dealing with complaints from the department for education.

All formal complaints are logged and reported to the Governing Body, Chair of the Governors and Trustees in a yearly report.