



Realising potential

Policy Title: Complaints Policy and Procedure

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If you wish to discuss any aspect of this policy the member of staff you should see is:

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Uckfield College
Complaints Policy and Procedure

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Introduction:

The fundamental objective of the college is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. Our ethos is to work in a spirit of co-operation between parents, carers or other interested parties, staff and our Governing Board.

It is recognised that from time to time parents, carers or other interested parties may have issues with the way the college discharges its responsibilities to meet its obligations, and these issues may be raised as complaints directly with the college.

In line with the requirements of the Education Act 2002, Uckfield College will:

- have a complaints procedure that is easily accessible, simple to use and easy to understand.
- promote an open door policy where every parent can express their concerns to any member of staff.
- encourage resolution of problems by informal means wherever possible.
- resolve all issues swiftly to established timescales, impartially and in a spirit of co-operation.
- ensure a full and fair investigation by an independent person where necessary.
- respect people's desire for confidentiality.
- provide an effective response and appropriate redress where necessary.
- ensure that the Governing Board regularly monitors complaints received by the college.

Uckfield College prides itself on the quality of the teaching and the pastoral care provided for its students. However if parents, carers or other interested parties do have concerns, they can expect any issues raised to be treated seriously by the college in accordance with this policy document.

How to raise a concern or complaint: the best way is to communicate, ideally face to face with the appropriate member of staff, for parents and staff to listen to each other and to keep that dialogue open. The complaints procedure should only be used if that process has failed. We do value your feedback; we strive for excellence and we are a constantly learning and evolving school community. **Having a good discussion almost always resolves every issue.**

How not to raise a concern or complaint: our home-school agreement states that social media / review sites should not be used for this purpose. We do not monitor social media or review sites, nor will we respond to a social media communication even if it is brought to our attention, so your comments will not achieve anything.

Our Complaints Policy is not here as a tool for a parent / carer to try and change school policy for their child or simply because a parent disagrees with a policy. All policies are made using experience from our Strategic Leadership Team, schools nationally and East Sussex Education Authority. All policies are shaped and reviewed regularly by the Governing Body. Policies and practices and the impact of them are also reviewed internally by our Self Evaluation / Quality Assurance systems and by external consultants, the LEA, challenge partners and Ofsted. We do welcome feedback from parents on our policies and practices; please do give us your views through normal communication (parents do not need to use the complaints procedure) so we can deliver the very best education and start in life for each student as we constantly strive to improve.

The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right
- How we can improve things in the future and avoid similar issues arising.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

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

Complaints outside the scope

Some complaints will be outside the scope of this procedure as there are separate statutory procedures to deal with such issues. These include:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• College re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with East Sussex Education Authority. For school admissions to Uckfield College, the admission authority is East Sussex. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<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 .

<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed board for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

The Complaints Procedure (not complaints against the Principal or a Governor).

Stage 1 – Review by appropriate member of staff

The parent/carer can raise their concerns with the form tutor, class teacher, Pastoral Leader or Director of Year. This can be done in person (by appointment) or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office and we will allocate an appropriate line manager to investigate the matter. If a resolution cannot be sought at this level or the complainant is dissatisfied at the outcome of these initial discussions then the parent/carer may wish to escalate the complaint to the next level of the procedure.

Stage 2 – Review by Principal or member of SLT

The parent/guardian should inform the Principal in writing of the complaint and also state what they feel would resolve the complaint. The Principal or a member of the Strategic Leadership Team will usually call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the college if they will be and who their companion will be prior to the meeting. In certain circumstances, the college may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the college will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange an alternative companion.

This meeting should be as soon as reasonably practical to avoid any possible worsening of the issue. The Principal or member of the Strategic Leadership Team will investigate fully and communicate findings and/or resolution to the complainant(s) verbally¹ or in writing depending on the nature of the issue, within an agreed timescale. If the parent/carer is still not satisfied with the outcome at this stage then the parent/carer can escalate their complaint to Stage 3.

¹ If the communication is delivered verbally then a written record will be retained of the findings.

Stage 3 - Complaint heard by Chair of Governing Board or appropriate Governor

Stage 3 complaints are for either:

- A. If the complainant is not satisfied with the response at Stage 2 the complainant should write, via the Clerk, to the Chair of Governors to request that their complaint is considered further. This letter should set out the details of the complaint and include appropriate evidence. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.
- B. If the complaint is about the Principal or a Governor, it should be made at Stage 3 initially. The complainant should write, via the Clerk, to the Chair of Governors. This letter should set out the details of the complaint and include appropriate evidence. The complainant should also specify what they feel would resolve the complaint.

For Stage 3 complaints, the Chair of Governors will:

- Firstly, make a judgement about the severity of impact or potential impact on the student, family or other students from the issue.
- Then, either write back to the complainant to say that the issue is not severe enough to be considered by the Governors, or, if it does meet the threshold of sufficient impact or potential impact, the Chair of Governors will then either hear the complaint or ask a Governor who has responsibility for that area to investigate the complaint. The complainant will get a response in writing upon conclusion of their investigation. This will usually be within 15 school days, however, where further investigations are necessary or a Governor is delayed in getting into the college (e.g. because s/he is abroad), new time limits may be set. The complainant will be sent details of the new deadline and an explanation for the delay.

If the parent/carer is not satisfied with the outcome at this stage then the complaint might be able to move it to the next level for an independent review by a Governing Board panel, but only under certain conditions (see below).

Stage 4 – Governing Board Review Panel

If the parent/carer is still not satisfied with the outcome after 3 stages then the parent/carer can escalate their complaint to Stage 4, but only on one or more of the following grounds:

1. the complaint is about the Principal or a Governor (see section below)
2. the parent / carer believes that a procedural irregularity has occurred in the handling and/or the investigation of the Stage 1,2 and 3 complaints and/or;
3. the parent / carer believes that the college or an individual acted unlawfully
4. the parent / carer believes that a child is at risk of harm or abuse and the complaint is a safeguarding / child protection issue
5. you are in possession of additional evidence which may have affected the outcome at the previous three stages but was unavailable at the time of the original complaint / investigation and/or;
6. you have a compelling argument to demonstrate that the outcome at Stage 3 was very unreasonable. Claims of this nature must be supported by evidence and a clear rationale for the unreasonable nature of the decision. Claims that amount simply to an expression of dissatisfaction with the decisions / outcomes of the previous three stages, claims that are about a different opinion on what the rules, standards or expectations are or claims which are fundamentally a parent/carer wanting to change the school rules will not be considered.

The complainant should write to the Clerk of the Governing Body. This letter should set out the details of the complaint and include appropriate evidence. It should also state under which of the

grounds 1-6 above the complainant feels are the grounds for escalating it to Stage 4 and how the previous stage of the procedure has not addressed their complaint sufficiently. The complainant should also specify what they feel would resolve the complaint. The process will follow these time scales:

1. Letter acknowledged and Governing Body informed within 5 school days on receipt.
2. A panel of three Governors (different to the Governor involved in Stage 3) will be formed by the Clerk to Governors. Their first task is to judge if any of the grounds 1-6 have been met and check that the complaint is not deemed vexatious / unreasonable (see section below on unreasonable complaints). The panel should do that within 5 school days of the panel being formed (they do not have to physically meet, the discussion can be via telephone, video conference or email). If the panel judge that it does not meet the criteria, the Clerk will write (should be within 5 school days of the panel discussion and 15 school days of the original Stage 4 complaint request) to the complainant to explain why it will not progress to Stage 4.
3. If the complaint proceeds to Stage 4, the panel sets a date* to meet as soon as reasonably practical but ideally no longer than 20 school days from the Stage 4 complaint letter. However, where further investigations are necessary or there are genuine difficulties in co-ordinating a date for the complainant, three Governors and the Principal to meet, new time limits may be set. The complainant will be sent details of the new deadline and an explanation for the delay.
4. Governing Body Review Panel obtains a report from the Principal and any further information/documentation required within 5 school days before the meeting.
5. The Governing Board Review Panel will communicate their findings to all parties concerned within 10 school days.

*The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the college and the complainant. The complainant will be invited to attend the hearing with a companion if wished. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The remit of the panel will be explained to the complainant and both they and the college will have the opportunity of putting their case without undue interruption so that the issues are addressed, key findings of fact made and both the complainant and the college are given the opportunity to state their case and seek clarity. Any written material will be seen by everyone in attendance.

Governing Board Review Panel Review Hearing

- The panel consists of members of the Governing Board. These individuals will have access to the existing record of the complaint's progress.
- At the review panel hearing, the complainant and representatives from the college, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.
- At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
- The panel, the complainant and the college representative will be given the chance to ask and reply to questions. Once the complainant and college representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

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

Complaints against the Principal or a Governor

Complaints made against the Principal should be directed to the Chair of Governors (Stage 3). Where a complaint is against the Chair of Governors or any member of the Governing body, it should be made in writing to the Clerk to the Governing Body in the first instance. An appropriate person will be found to hear the complaint. Some complaints fall outside the college's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints outside the Scope).

Further Recourse

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has

not handled a complaint in accordance with its procedure, the school may be requested to look at the complaint again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with his/her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

There is an opportunity for parents to 'whistleblow' or alert Ofsted if there are serious concerns about safeguarding children or educational standards. This was used when the famous 'Trojan Horse' concerns were raised in a number of Birmingham Schools in 2014. Ofsted's complaints guidance and online form both state it would normally expect a complainant to have first followed the school's complaints procedure. Ofsted can investigate the complaint under section 11A, if it meets certain criteria. These complaints are known as 'qualifying' complaints but Ofsted do not deal with day to day complaints e.g. a parent unhappy with a policy or procedure.

When safeguarding concerns are raised it is common for Ofsted to pass the complaint to the local authority, which may then contact the school as it investigates any concerns.

Serial and Persistent Complainants

There will be occasions when the complaint procedure has been followed, the matters investigated thoroughly, reasonable judgements, conclusions and lessons learned have been made along with a lot of effort to resolve the issues, however, the complainant remains dissatisfied. It is important for the college to recognise when they really have done everything they can in response to a complaint; it is a poor use of the college's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors or Chair of a Stage 4 Governor Panel can inform them that the procedure has been followed and that the matter is now closed.

If the complainant contacts the college again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the college may choose not to respond.

Unreasonable Complainants

Uckfield 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 the college. 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 unreasonable, abusive, offensive or threatening.

Uckfield College defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the college, hinder our consideration of their or other people's complaints'*.

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 college'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, 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.

A parent, carer, relative, friend or student who puts information on social media that is unfair, rude, offensive, sarcastic or untrue is acting unreasonably because there is no opportunity for the people who read / watch that to know what the truth and balanced picture was once it has been investigated and there is no opportunity for the college to put across its point of view to the original audience.

Most importantly, when a parent or carer has a complaint or concern, the best way to have it resolved is for that person to talk directly with the college. Staff do not monitor social media in order to pick up issues.

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.

Data access requests while a complaint is ongoing: data access requests take huge amounts (weeks) of time involved in electronic searches e.g. through emails, printing and then redacting other people's data. This large amount of time has to be taken from our support for students. We will always do these data access requests where a parent / carer genuinely needs their data or where there might be useful evidence relating to the investigation of the complaint. Parents / Carers ideally will have dialogue with College staff about what they want or what they are looking for in making a request for data and the College will always retrieve that data in those circumstances. However, if a data access request is made and it appears that the complainant is doing the request because they are unhappy with the school, the College may judge that request to be vexatious.

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

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Uckfield 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 usually be reviewed after 6 months.

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 Uckfield College.

Barring from the College Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry to the buildings, grounds and all car parks. Uckfield College will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, Uckfield College can ask him/her to leave college premises. In serious cases, the Principal or the local authority can notify them in writing that their implied licence to be on college premises has been temporarily revoked subject to any representations that the parent may wish to make.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the college's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints pro-forma

This document has been put together to assist parents, teaching staff and governors throughout the complaints process. The aim is to help organise and focus thoughts onto the key issues of a complaint and the outcomes that are being sought. It may also be used to determine if a complaint reaches a threshold of seriousness, to justify further investigation.

Your desired outcome(s)	
What are you hoping to achieve?	What benefits/impact will that have on the wider school environment?

Key points of your complaint	
Please summarise the key issues for you?	What has been the impact (per issue) on you/your child/other? Please produce evidence wherever possible.
1.	
2.	
3.	
4.	
5.	

Timeline - please summarise the sequence of events – in date/time order			
Please give clear references and indications of documents, records, policies and recorded communications that help us understand your point of view and your case.			
Date	Who	What action (+ docs/ records/ evidence)	Outcome/response

