



# Great Marlow School

*Excellence • Compassion • Integrity*

## Complaints and Resolutions Policy

Recommended by the Leadership Team:	November 2022
Approved by Trustees' Policies Sub Committee:	November 2022
Ratified by Trustees' Board:	December 2022
Review Due:	Autumn Term 2023

Indicate as appropriate:

✓ There **has not been** a change to the previous policy.

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## **1. Policy Aim and Statement**

- 1.1 This Complaints Policy helps underpin the Vision, Values and Ethos of Great Marlow School. Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and pupil/students' confidence in the school's ability to safeguard and promote welfare. Great Marlow School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the school systems and procedures in the light of the matters raised.
- 1.2 A school needs to know as soon as possible if there is any cause for dissatisfaction. The school recognise that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the school and the parent and pupil/student, and can also have a detrimental effect upon the school's ethos and culture. Parents and pupil/students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the pupil/student's future at the school, or place the pupil/student at a disadvantage in any way.

## **2. Application**

- 2.1 Great Marlow School is an academy and is therefore governed by the Education (Independent School Standards) (English) Regulations 2014 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations (as well as equality legislation and the rules of natural justice). In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.
- 2.2 The Complaints Policy applies to all concerns and complaints of the parents of students at the school, other than relating to child protection issues, admissions or exclusions for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.
- 2.3 The Complaints Policy distinguishes between a concern and difficulty, which can usually be resolved informally by way of a telephone call or meeting, and a formal complaint which will require further investigation.

## **3. The Rules of Natural Justice**

- 3.1 Simply put, the rules of natural justice relate to fairness. The school will ensure that all concerns or complaints are dealt with in accordance with the following principles:
- All parties will be provided with all information and documentation pertinent to the matters raised;
  - All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
  - All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
  - All decisions made will be made on a balanced and considered assessment of the information before him or her only;
  - All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
  - All decision made will be supported by detailed reasons which will be disclosed to all parties involved.

## **4. Equality Act 2010**

- 4.1 The school will deal with concerns and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - Remove or minimise disadvantages connected to a relevant protected characteristic; and
  - Take steps to meet the different needs of those sharing a relevant protected characteristic; and
  - Encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - Tackle prejudice; and
  - Promote understanding

“relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not pupil/students) age.

- 4.2 In addition, the school will comply with its duty to make the following reasonable adjustments for persons with a disability;
- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
  - Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.
- 4.3 If a Complainant or other person involved in the complaint’s procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the school know immediately. Further details can be found in the Equality Policy.

## **5. Terms Used**

- 5.1 For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a pupil/student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the pupil/student lives with them, whether the father has parental responsibility for the pupil/student or whether they have contact with the pupil/student.
- 5.2 A “parent” will also include a non-parent who has parental responsibility for a pupil/student, an adult non-parent with whom the pupil/student lives, and an adult who is involved in the day-to-day care of the pupil/student (for example, collecting or dropping off the pupil/student from school).
- 5.3 Any reference to a “pupil/student will also include a prospective or former pupil/student of the school.
- 5.4 A person making a complaint will be referred to as a “Complainant” throughout this Complaints Policy.

## **6. Acceptable Communications.**

- 6.1 The School requests that all concerns and complaints are presented to the school in a respectful and reasonable manner. The Unacceptable Communications protocol can be found in Appendix 2 and outlines possible action to be taken by staff in response to inappropriate communication and behaviour.

## 7. Scope of this Complaints Procedure

- 7.1 This procedure covers all complaints about any provision of community facilities or services by Great Marlow School, 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"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="#">School admissions   Buckinghamshire Council</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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). <a href="#">Allegations against Staff or Volunteers (LADO)   Buckinghamshire Council (buckscc.gov.uk)</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <a href="#">GMS Behaviour for Learning and Anti-Bullying Policy</a></i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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</p>

	taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 Great Marlow School 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.

## **8. Procedure**

8.1 The school's complaints procedure consists of four stages:

- Stage 1 – Concerns, dealt with informally;
- Stage 2 – Complaints formally investigated by the Headteacher (or designate);
- Stage 3 – Complaints formally reviewed by the Chair of the Trustees (or designate).
- Stage 4 – Complaint Panel Hearing.

## Stage 1: Concerns

### Concerns:

The school expect that most concerns, where a parent or pupil/student seeks intervention, reconsideration or some other action to be taken, can be resolved by way of a telephone discussion or informal meeting, recognising this as an effective way of improving procedures and relations with parents.

Examples of a concern might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the schools' systems or equipment, or a billing error.

### Notification:

The concern or difficulty should be raised as follows:

- **Education Issues** - if the matter relates to the classroom or the curriculum, the complainant should speak to the Head of Department.
- **Special Educational Needs and Disabilities Issue** - if the matter relates to the child's SEN support the Complainant should speak to the SENCO. This includes complaints that the school has not provided the support required by the child's SEN statement or education, health and care (EHC) plan.
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should speak to the Form Tutor, Head of Year or Deputy Headteacher as appropriate.
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Department, Head of Year, or Deputy Headteacher.
- **Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Commercial & Operations Director.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Head of Department, Director of Learning, Deputy Headteacher or the Commercial & Operations Director.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Department, Director of Learning, Deputy Headteacher, the Commercial & Operations Director or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing using the Complaint Form contained in Appendix 1 to the Headteacher under Stage 2 of this Complaints Policy.

### Unresolved Concerns

The School will aim to resolve a concern or difficulty within **fifteen school days** of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the Complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

### Record of Concerns

The member of staff dealing with a concern or difficulty will make a record of the communication along with informal action taken.

## **Stage 2: Formal Complaint to the Headteacher**

### **Notification**

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **fifteen school days**, or a serious matter which requires formal investigation from the outset, should be set out using the Complaints Form and sent to the Headteacher. Should a formal written complaint be received by another member of a school's staff, they will immediately be passed on to the Headteacher.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the school should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint. The pro-forma is available at Appendix 1.

### **Acknowledgement**

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) within **five school days** of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher will speak to the persons who were involved in the matters raised by the Complainant. Students will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the student or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Headteacher deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

When a complaint is received within twenty (working) days from the end of a term or half term, the Headteacher will endeavour to expedite the investigation wherever possible. Where the complaint was received during a school holiday, we will consider it to have been received on the first school day after the holiday period.

### **Delegation**

In appropriate cases, the Headteacher may delegate the complaint to a member of the Leadership Team to deal with in accordance with the procedure outlined above.

### **Outcome**

The Headteacher will write to the Complainant confirming the outcome of the investigation within **twenty school days** from the date that the complaint form was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write by form of a letter to the Clerk of the Trustees within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of the Trustees under Stage 3 of this Complaints Policy.



### **Stage 3: Review by the Chair of the Trustees**

#### **Notification**

If the complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant should write by form of letter to the Clerk to the Board of Trustees asking for the complaint to be reviewed by the Chair of Board of Trustees, within **five school days** of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

#### **Acknowledgement**

The Complainant's letter will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

#### **Review**

The Chair of the Trustees will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original completed Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Chair of the Trustees will review all of the documentation received and consider the matters raised in the complaint and the investigation carried out under Stage 2. The Chair of the Trustees will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of the Trustees does speak to a pupil/student or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Chair of the Trustees deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

#### **Outcome**

The Chair of the Trustees will write to the Complainant confirming the outcome of the review within twenty school days from the date that the request for a review was received. The letter will set out whether the Chair of the Trustees agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write by form of letter to the Clerk to the Trustees within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

When the request for a review is received within twenty (working) days from the end of a term or half term, the Chair of Trustees will endeavour to expedite the investigation wherever possible. Where the complaint was received during a school holiday, we will consider it to have been received on the first school day after the holiday period.

#### **Delegation**

In appropriate cases, the Chair of the Trustees may delegate the review to another appropriate Trustee to deal with in accordance with the procedure outlined above.

## **Stage 4: Complaint Panel Hearing**

### **Notification**

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write by form of letter to the Clerk to the Trustees requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the School within **five school days** of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

### **The Complaint Panel**

The Complaint Panel will consist of three persons appointed by or on behalf of the School by the Clerk to the Trustees. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be from the Board of Trustees. The third Complaint Panel member will be independent of the management and running of the school, i.e. they will not be a member of staff or a member of the Trustees, and will not be linked to the school in another way, for example as a parent of a pupil/student at the school. The independent Complaint Panel member will be the Chair of the Complaint Panel.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows.

*Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force... schools will of course have their own views.*

### **Attendance**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

The school will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3, which will usually be the Chair of Trustees. This person will be referred to as the "School's Representative" for the purposes of Stage 4.

The Complaint Panel Hearing will be minuted by the Clerk of the Complaint Panel, who will usually be Clerk to the Trustees.

### **Convening the Complaint Panel Hearing**

After selecting the Complaint Panel members, the Clerk to the Trustees will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the School within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Clerk to the Trustees will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk to the Trustees will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within **twenty school days** of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

### **Documentation**

The Clerk to the Trustees will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the school's Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Trustees, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Trustees to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trustees to forward it to the School's Representative and the Complaint Panel members.

### **Witnesses**

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trustees **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trustees to forward it to the school's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

Members of staff of the school involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

## **Procedure of the Compliant Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the school's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account).
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The school's representative will be invited to ask the complainant questions, if any
- The Complaint panel will ask the complainant questions, if any;
- At the discretion of the Chair of the Complaint panel, the complainant's first witness will be invited into the room to give an account of what they saw or know;
- The school's representative will be invited to ask the complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above.
- The school's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the school;
- The Complainant will be invited to ask the school's Representative questions, if any;
- The Complaint Panel will ask the school's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the school's relevant first witness will be invited into the room to give an account or what they saw or know
- The Complainant will be invited to ask the school's witness questions, if any;
- The complaint panel will ask the school's witness questions, if any;
- The school's witness will be asked to leave the room;
- If the school has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The school's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the school's Representative will be asked to leave.

## **The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing.

## **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

## **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The complaint panel are able to make recommendations along with their findings. The Complaint Panel will keep a written record of their recommendations, with reasons available for inspection on the school premises by the proprietor and the headteacher.

## **Notification of the Complaint Panel's Decision**

The Clerk to the Trustees will write within **ten school days** of the Complaint Panel Hearing to the:

- Complainant;
- The School's Representative;
- Any Person complained about

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons.

The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education and Skills Funding Agency (ESFA) for further consideration.

The Clerk to the Trustees will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the school's premises for inspection by the School, the Trustees and the Headteacher.

## **Factors for the Complaint Panel to Consider**

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly 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;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaint's procedure in advance of the Complaint Panel Hearing.
- The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption.
- All of the issues raised in the complaint are addressed.
- Key findings of fact are made, on a balance of probabilities
- Each party treats the other with respect and courtesy
- The Complaint Panel is open minded and acts independently of the school.
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

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## **9. Time Limits**

- 9.1 The school aims to resolve concerns and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the school's website, and information about term dates is made available to parents and pupil/students periodically.
- 9.2 Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the school will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**

## **10. Complaints against the Headteacher**

- 10.1 If a complaint is about the conduct of the Headteacher, the Chair of the Trustees will investigate the complaint under Stage 2 of this Complaints Policy instead of the Headteacher.
- 10.2 If unresolved, the complaints panel will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of the Trustees.

## **11. Complaints against the Chair of Trustees**

- 11.1 If a complaint is about the conduct of the Chair of Trustees, the Headteacher will consider the complaint under Stage 2 of this Complaints Policy as normal, and the Complaints panel will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of the Trustees.

## **12. Late Complaints**

- 12.1 Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the school reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 12.2 Where the school decides that a complaint which was submitted late will not be investigated, the school will write to the Complainant notifying them of the decision within five school days of the complaint being received.
- 12.3 If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of the Trustees at the school asking for the decision to be reviewed. The Chair of the Trustees will be provided with all documentation relating to the complaint, together with the letter from the school to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Trustees will not investigate the complaint itself during this review.
- 12.4 The Chair of the Trustees will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.
- 12.5 If the Chair of the Trustees quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Complaints Policy in the usual way.

- 12.6 If the Chair of the Trustees upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency (ESFA) using the procedure stated towards the end of this Complaints Policy.
- 12.7 In exceptional circumstances, the Chair of the Trustees can delegate the responsibility for the review to another appropriate Trustees member.
- 13. Vexatious or Repeated Complaints**
- 13.1 There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the school. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure.
- 13.2 In all of these cases, the school reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 13.3 Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the Complainant within five school days of the complaint being raised to notify them of the decision.
- 13.4 If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Trustees to ask for the decision to be reviewed. The Chair of the Trustees will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Trustees will not investigate the complaint itself during this review.
- 13.5 The Chair of the Trustees will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received.
- 13.6 If the Chair of the Trustees quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.
- 13.7 If the Chair of the Trustees upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency (ESFA) using the procedure stated towards the end of this Complaints Policy.
- 14. Anonymous Complaints**
- 14.1 The school will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.
- 15. Record Keeping and Retention**
- 15.1 The School will maintain a record of Stage 1 concerns along with details of informal action taken.
- 15.2 The School will maintain a detailed central record to ensure a written log of all formal complaints (Stages 2-4) made in accordance with Part 7 of the Education (Independent Schools Standards) Regulations 2014 along with details of whether they are resolved following a formal procedure, or progression to a panel hearing.
- 15.3 Appropriate action will be implemented to mitigate issues identified in complaints regardless of whether the complaint is upheld. The details of such action will be included within the complaints central record.



- 15.4 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.
- 15.5 Records of complaints will be destroyed when the pupil/student to which they relate reaches the age of twenty-four years or, in the case of a pupil/student with a statement of special educational needs, until the pupil/student reaches the age of thirty years.
- 16. Review of Concerns/Complaints**
- 16.1 The Headteacher of the school will conduct an annual review of the complaints central record and an anonymised summary report will be provided to the Board of Trustees.
- 17. Staff Training**
- 17.1 The senior manager responsible for staff development will arrange from time to time appropriate training to remind all staff of the procedures and records required.
- 17.2 The Clerk to the Trustees will arrange training as required, in consultation with the chair.
- 18. GDPR/Data Protection Act 2018 and Freedom of Information Act 2000**
- 18.1 Complaints sometimes include requests for information or documentation. Such requests will either be a “subject access request” under the GDPR/Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).
- 18.2 Subject access requests under the GDPR/Data Protection Act 2018 must be responded to within the given timeframe where reasonable, and requests under the Freedom of Information Act 2000 must be responded to within the given timeframe where reasonable, however the school will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.
- 19. Resolution Principles**
- 19.1 It is in everyone’s interest that concerns and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.
- 19.2 At each stage of the complaint’s procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:
- An explanation;
  - An apology;
  - Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint.
  - Reassurance that the school will undertake a review of its policies and procedures in light of the complaint.
- 19.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school.
- 20. Outcome Principles**
- 20.1 Examples of outcomes include:
- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - The investigation did not substantiate the matters raised, so the complaint cannot be upheld;

- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

## **21. Publication**

21.1 The Complaints Policy has been ratified by the Board of Trustees, and will be reviewed annually. It will be published on the school's website and provided to parents and pupil/students on request by the school's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## **22. Referral to the Education and Skills Funding Agency (ESFA)**

22.1 Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education and Skills Funding Agency (ESFA) for consideration.

22.2 The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency (ESFA) by pasting this page into an Internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/makingcomplaint-school/complaints-free-schools-academies>

22.3 The Complainant should be aware that the Education and Skills Funding Agency (ESFA) will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

**Agreed at Full Board of Trustees – September 2021**

## Appendix 1 – Great Marlow School Formal Complaint Form

This form should be used if you wish your complaint to be dealt with at Stage 2 of the Complaints process. Please complete and return to the school, who will acknowledge receipt and explain what action will be taken.

Your Name	Student's name  School Year and Tutor Group
Your Relationship to student:	Student's Date of Birth
Address and Postcode	Day time telephone Number  Evening Telephone Number
Full details of complaint (including the names of all persons involved and the dates of incidents referred to:	
What action, if any, you have already taken to try and resolve your complaint (for example, 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 paperwork? If so, please give details.	
Signature:	Date
For official use	
Date acknowledgement sent:	
Name of person complaint referred to:	
Signature:	Date:

## Appendix 2 – Unacceptable Communication Protocol

### Disrespectful, unreasonable or abusive behaviour or communication

We are very proud of our communication with parents /carers, colleagues from other agencies and visitors. Unfortunately, and extremely rarely, our staff have to deal with disrespectful, unreasonable or abusive behaviour/communication.

Disrespectful, unreasonable or abusive behaviour/communication towards a member of staff is not tolerated.

### Possible actions to deal with behaviour or communication which is disrespectful, unreasonable or abusive

1. Any member of staff who directly experiences any of the above behaviour from any stakeholder (including parents or members of the public), has the authority to deal immediately with that behaviour in a *reasonable* and *proportionate* manner appropriate to the situation, and is in line with this guidance.
2. The threat or use of physical violence, verbal abuse or harassment towards our staff may result in a termination of all direct contact with the stakeholder.
3. Such incidents may also be reported to the police (e.g.: if physical violence or the language of hate is used or threatened).
4. Where written correspondence is abusive or contains allegations that lack substantive evidence, it will be passed to a senior member of staff. They will inform the sender that we consider their communication to be offensive, unnecessary and/or unhelpful and ask them to stop communicating in such a way.
5. We may ask the sender to edit their correspondence and remove any offensive text and resend it, otherwise it will not receive a response.
6. Our staff have the right to make the decision that the language, tone or tenor of a telephone call or meeting is disrespectful, unreasonable or abusive. Where this is the case:  
Response 1: “I am sorry but what you are saying is *unreasonable/unacceptable/offensive*, please will you moderate your language”  
Response 2: (if the behaviour persists; they will say): “I am sorry you are still being *unreasonable/unacceptable/offensive* and I am ending this conversation/meeting”.  
Response 3: (if the individual persists in calling or refuses to leave the site): the member of staff will call for support from the leadership team.
7. In both cases, this will then be reported to the Headteacher.
8. If appropriate, the Headteacher may arrange for a call/meeting to take place again in a safe and appropriate manner (this may mean with another member of staff and/or with an observer).

### Unreasonable demands on individual members of staff

It is also not acceptable to make unreasonable demands on individual members of staff.

Unreasonable demands are ones which impact excessively on the work or wellbeing of our staff, such that it puts in jeopardy the efficient running of the school or the efficient education of students or the health of our staff. Examples are:

- repeatedly telephoning, emailing, writing
- telephoning and emailing in the evenings and at weekends with complaints or accusations and/or expecting next day responses

- frequently arriving at reception and asking to see members of staff
- repeated requests for meetings with no clear agenda
- raising repeatedly the same issues
- sending large numbers of documents about which the relevance is not clear
- making accusations of a personal nature against members of staff or students

Where a stakeholder's demands are deemed to be unreasonable, the matter is reported initially to the colleague's line manager and/or the Headteacher.

**We reserve the right to take action to protect our staff, students and visitors from unreasonable/unacceptable/offensive communication. We therefore reserve the right to respond to such behaviour as appropriate. Possible outcomes include:**

1. Limit contact to telephone calls from a named person at set times on set days.
2. Limit contact to email only, and to a designated email address.
3. Limit our responses to agreed days and times.
4. Restrict contact to a named member of staff who will deal with future calls or correspondence.
5. See the person by appointment only and with other members of staff present.
6. Restrict contact to "hard" copy written correspondence only.
7. Refuse to deal with further correspondence and return any documents, in extreme cases.
8. Advise the person that further irrelevant documentation will be destroyed.
9. Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the person that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.
10. Where someone repeatedly demands a response on an issue on which they have already been given a clear answer, we may refuse to respond to further enquiries from the person.
11. Contacting the stakeholder's line manager (e.g.: where they work for another agency) or another named contact for the child
12. Escorting them off site and/or contacting the police.

Taking any action of this kind is hugely regrettable and will only be necessary in extreme circumstances. Where we take a decision to restrict a stakeholder's contact with the school, we will inform them in writing what action we are taking and why.

### **Great Marlow School Staff**

Great Marlow School staff will remain professional, respectful and calm at all times, whether the contact with the stakeholder is in person, or on the telephone or in writing.

Any stakeholder who does not feel a member of our staff has behaved appropriately is entitled to make a complaint in line with our Complaints Policy.