

THE LONDON ORATORY SCHOOL

COMPLAINTS PROCEDURE



Approved by:

Finance and resources Committee

Date: Septmeber 2020

Last reviewed on:

April 2021

Next review due by:

September 2021

The procedure has been reviewed with reference to the guidance produced by the Education and Skills Funding Agency (ESFA) and the Education [Independent Schools Standards (England)] Regulations 2014.

Throughout the procedure the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably.

If appropriate, the School will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following outcomes:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

The School will only consider complaints from parents, if and when the pupil at the centre of a complaint is currently on roll.

This Complaints Procedure covers all complaints about the School, **other than** complaints for which there are separate statutory procedures including: admissions, statutory assessments of special educational needs, matters likely to require a child protection investigation, exclusion of children from school, whistleblowing, staff grievances, staff conduct complaints, Centre Assessed Grade Review and Appeal processes (as directed and determined by Ofqual), and complaints about services provided by other suppliers who may use the school premises or facilities.

Urgent complaints will be considered as quickly as possible. If it is clear that investigation of a relevant complaint will take some time, the complainant will be informed of this and of progress during consideration of the complaint.

Where the complaint concerns the Headmaster, the complainant should write formally to the Chairman of Governors, at the school address. Where a complaint concerns a member of staff, the Headmaster or his delegate will handle the matter.

Complaints must be lodged within 3 months of the alleged incident/event, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents; exceptional circumstances will, however, be taken into account when deciding whether to accept or progress the complaint. In these circumstances, the procedure will be as set out below, except that 'Chairman of Governors' shall be substituted for 'Headmaster'.

If a complainant wishes to withdraw their complaint, we will ask for confirmation of this in writing.

Informal Procedure

Where a parent or party has a concern about matters covered by these arrangements, he should, in the first instance, seek to resolve the matter informally with the School. Confidential records of letters, conversations, phone calls or other communications will be kept for future reference. If the matter is not resolved within 5 school days the complainant may choose to move to the formal procedure

Formal Procedure

Normally, the formal procedures should only be used when it has not been possible to resolve an issue by other means and the person raising the concern remains dissatisfied and wishes to take the matter further, using the formal complaints procedure set out below.

Stage 1 - Formal

- 1.1 The complainant should write formally to the Headmaster setting out the grounds of the complaint.
- 1.2 On receiving a formal complaint the school will respond within 5 school days informing the complainant of how the Headmaster will investigate and determine the complaint.
- 1.3 The Headmaster will provide a full response to the complaint within a further 10 school days. If the matter needs more time to be resolved the school will keep the complainant informed. The Headmaster will inform the complainant of his decision, the reasons for it and any action to be taken.

Stage 2 - Formal

- 2.1 Complainants have 10 school days from the Headmaster's response in Stage 1 in which to submit a Stage 2 request to progress the complaint to Stage 2. Such a request should seek to engage directly with the points raised in the Headmaster's response with a view to advancing the discussion.
- 2.1 The complaint will be considered and disposed of by a committee of three members set up by the Governing Body, excluding the Headmaster, to include an Independent Member to be appointed by the Chairman for the purpose. The Independent Member shall not be connected to the running or the management of the School. The Clerk shall not be a member of the Committee. The Chairman of the Governing Body shall appoint the Chairman of the Committee. The Clerk will write to the complainant with details of how the Committee will consider the complaint and will provide him a copy of these arrangements.
- 2.2 The Clerk will convene a meeting of the Committee to consider the complaint within 10 school days (or such time as may be expedient in the circumstances) of receiving the complaint. The complainant will be kept informed if the timescale cannot be met. The Clerk will give the complainant a minimum of seven calendar days' notice of the date, time and place of the meeting.
- 2.3 The Committee may receive written evidence from the complainant on the complaint and from the Headmaster on what action has been taken to resolve the complaint. Any written evidence will be circulated to all parties before the hearing. Any such material must be submitted to the Clerk no later than five calendar days before the meeting.
- 2.4 The complainant may make his representations to the Committee in person, accompanied by a friend if he so wishes. The aim of the Committee is to reconcile differences, or to put things right that may have gone wrong.
- 2.5 The Headmaster shall be entitled to attend any meeting of the Committee at which a complaint is considered and may be accompanied by a friend, who shall not be a member of the Governing Body or any of its committees, if he so wishes.
- 2.6 The Committee may agree to either the Complainant or the Headmaster calling witnesses, in which case the Clerk should normally be informed five calendar days before the meeting.
- 2.7 Where the complainant chooses to attend in person, the usual order of proceedings shall be as follows:
 - a. the Chairman of the Committee will welcome the complainant and any friend, introduce those present and explain the procedure to be followed;
 - b. the complainant may be questioned by the Committee and by the Headmaster;
 - c. the Headmaster may make a statement to the Committee regarding the matter of the complaint and may be questioned by the Committee or by the complainant through the Chairman;
 - d. the complainant may summarise the complaint;
 - e. the Headmaster may summarise his position; and
 - f. the Headmaster, the complainant and any friend accompanying the Headmaster or the complainant will be asked to withdraw while the Committee considers the matter.
- 2.8 The Committee may:
 - a. decide to reject the complaint;

- b. decide to uphold the complaint;
- c. decide on the appropriate action to be taken to resolve the complaint; or
- d. recommend changes to the school's systems or procedures to ensure that problems
- e. of a similar nature do not recur.
- f. investigate the complaint further.

2.9 The Clerk shall inform the complainant and the Headmaster in writing within five calendar days:

- a. of the decisions reached by the Committee and the reasons for the decisions; and
- b. if the complaint was upheld, of any action taken or proposed, including details of any request to those complained against to take particular actions to resolve the complaint.
- c. Where under paragraph 2.8.f) the Committee decides to investigate the complaint further, the Clerk shall inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Committee shall be subject to the provisions described above in so far as they are relevant.

2.10 The Committee shall have conduct of its own proceedings and, subject to this policy, may take any decisions in order to facilitate the expeditious hearing of complaints, including giving directions on the evidence required, the adjournment of hearings or altering of time limits where it believe it necessary to do so.

2.11 The Committee will make findings and recommendations and send a copy of these and the Minutes of the Hearing to the complainant and where relevant to the person being complained about. The Committee will ensure that such documentation is available for inspection on the School premises by the Academy and the Headmaster.

2.12 The Committee will provide a written record to be kept of all complaints that are made in accordance with Stage 2 formal complaints.

2.13 Pupils attending the School will be called to give oral evidence only in exceptional circumstances and entirely at the discretion of the Committee. Where it is considered appropriate or in the best interests of pupils, names of pupils may be withheld in reports, documents and oral evidence.

2.14 Advice about these arrangements may be obtained from the Headmaster or the Clerk to the Governing Body.

2.15 The Committee will provide that correspondence, statements and records relating to individual complaints will 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.

2.16 Unless statutory regulations apply, complaints will be retained for 3 years.

2.17 Appeals against a decision of the Governing Body committee should refer to the ESFA document "How the ESFA handles complaints about academies".

This policy should be read in conjunction with all other policies and not as a stand- alone policy.

In establishing, implementing and assessing this policy, the School will have regard to its duty, as a public authority and within its ethos, to advance equality of opportunity and eliminate discrimination. The Governing Body will review the impact of this policy on staff and pupils with protected characteristics as part of its regular assessment of its public equality duty.

Addendum

Serial, persistent, frivolous and vexatious complaints

If, after the completion of all of the stages of the complaint procedure, the complainant remains dissatisfied, the complainant will be informed that the procedure has been completed and that the matter is now closed.

The characteristics of 'frivolous' or vexatious' complaints include:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The decision to stop responding will be communicated by the School, subject to:

- the School having satisfied itself that it has taken every reasonable step to address the complainant's concerns
- the issue of a clear statement of the School's position and the complainants options
- repeated contact from the complainant, making substantially the same points each time

The following will also be taken into consideration when ceasing to respond:

- letters, emails, or telephone calls that are often or always abusive or aggressive
- insulting personal comments about or threats towards staff
- the School has reason to believe the individual is contacting it with the intention of causing disruption or inconvenience

Complaint Form

Please complete and return to The Clerk of Governors on clerk@los.ac who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Roles and Responsibilities

Complainant

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

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

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headmaster or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the Headmaster / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Chair of Governors or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chairman

The committee's chairman, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the pupil does not feel intimidated.
- The committee should respect the views of the child and give them equal consideration to those of adults.
- Where the child's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the committee considers is not in the child's best interests.
- the welfare of the child is paramount.