

COMPLAINTS POLICY

Policy author	W Hemmingsley
First review date	2015
Last reviewed	April 2019
Review frequency	Three years
Next review date	April 2022
Approved by	The Board of Trustees

Introduction

The Mill Academy (the Trust) endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents/carers, pupils, and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Board of Trustees (the Board) has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- **Pupil admissions;** please see the school's admissions policy
- **Pupil exclusions;** please see the school's Behaviour, Exclusion and Attendance policy
- **Where the complaint concerns a third party used by the school;** please complain directly to the third party themselves.
- **Subject Access Requests and Freedom of Information Requests** – please see the school's Data Protection and Freedom of Information policy

Raising concerns

Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.

The MILL Academy and the individual schools will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the headteacher or Trust Board (whichever is more appropriate) who will decide what, if any, action should be taken.

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with the member of staff most directly involved via the school office –Email: office.4050@henrybox.oxon.sch.uk Tel. No. 01993 703955. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 . However, such

notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which is available via the school website and the school office.

Social Media and the press

In order for complaints to be resolved as quickly and fairly as possible, the Trust requests the complainants do not discuss complaints publically via social media such as facebook and twitter and local and national press. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

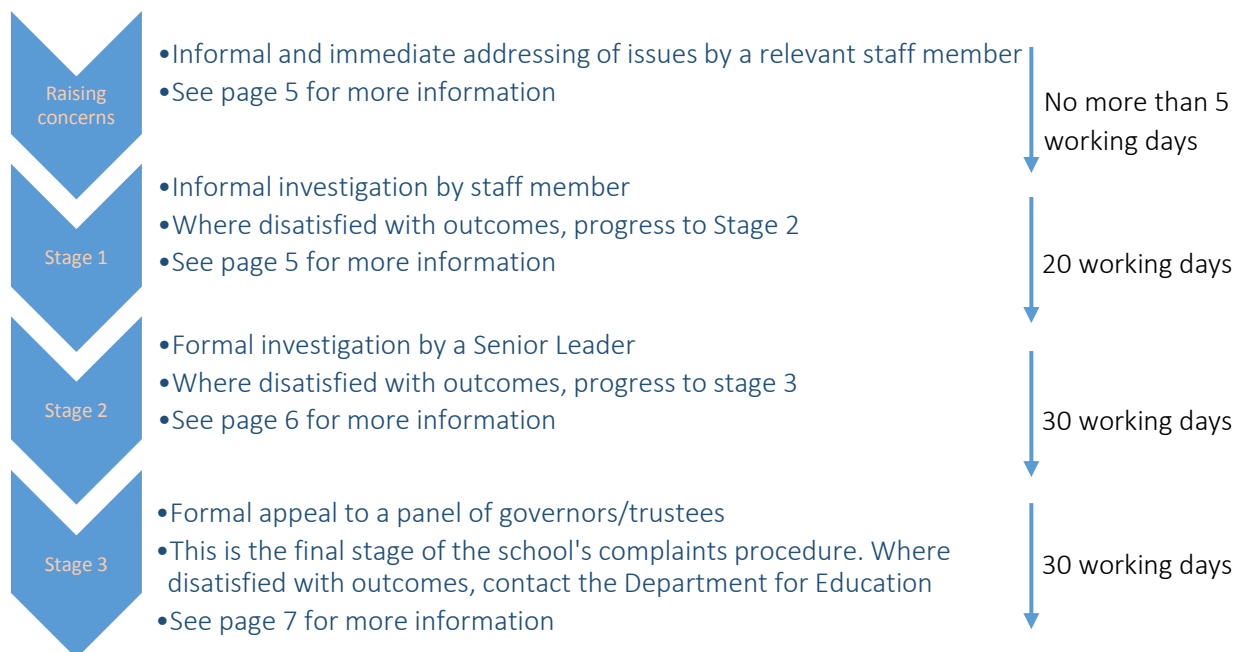
Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher/HR Manager and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



Timeframes

The MILL Academy will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The MILL Academy reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Who should I approach?

Educational matters: Class teacher or subject teacher

Pastoral care: Class teacher or form tutor

Disciplinary matters: Relevant staff member

Financial/Administration matters: Business Manager

Complaint about a staff member's conduct: Contact the school office

Complaints about the headteacher or the governors

Where a complaint regards the headteacher, the complainant should first directly approach the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the Board (see contact details at the end of the document). The Stage 2 process will then commence, but with a member of the Trust's Executive Team as the individual responsible for the investigation rather than the Senior Leader.

Where a complaint regards a governor, the complainant should notify the Chair of Governors. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the Board. The Stage 2 process will commence, but with a member of the Trust's Executive Team as the individual responsible for the investigation. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. A member of the Trust Board will mediate any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by a staff member/subject leader/head of faculty

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the school office to direct the complainant to the relevant staff (not Senior Leader at this informal stage)
2. The complainant must explain in writing
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The relevant staff member will respond within **5 working days** (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.

4. Where the complaint is about a member of staff the relevant staff member dealing with the complaint, will arrange an informal mediation meeting between the two parties to see if a resolution can be found.
5. The staff member will provide a written confirmation of the outcome of their investigation within **15 working days** (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 2018

Stage 2 – Formal investigation by a Senior Leader

The complainant may submit a formal complaints form to a Senior Leader. See the end of the procedure for the contact details and for a copy of this form.

1. The Senior Leader will respond in writing within **10 working days** (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
2. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
3. The Senior Leader will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
4. The Senior Leader may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
5. After considering the available evidence, the Senior Leader can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage 3 appeals process
 - Uphold the complaint in part: in other words, the Senior Leader may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

6. The Senior Leader must inform the complainant of their decision in writing within **20 working days** (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage 3 if they are not satisfied, providing them with the contact details of the clerk to the Local Governor Committee (see the end of the procedure for these).

Stage 3 - Appeal – review by a panel

If the complainant wishes to appeal a decision by the Senior Leader made under stage 2 of the procedure, or they are not satisfied with the action that Senior Leader took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk of the Local Governor Committee if the complaint is a matter for the school or the clerk to the Board if the matter relates to the Board of Trustees (see the contact details at the end of the procedure) as soon as possible after receiving notice of the Senior Leader's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within **4 weeks** of receiving the Senior Leader's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within **5 working days** (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of three comprising two school governors and or Trustees (which ever is more appropriate for the issue raised) and one independent member. All three members should not be directly involved in matters detailing the complaint. The independent Complaint Panel member will not be a Trustee, a Local Governor of the school, or an employee of either the Trust or the school. When appointing the independent Complaint Panel member, the Trust and the school will bear in mind the non-statutory advice of the Department for Education, which states:

“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 might be considered by schools. Schools will of course have their own views.”

For the avoidance of doubt, a Local Governor of another MILL Academy school may be the independent Complaint Panel member, as long as they are not an employee of that school or the Trust, and they are sufficiently removed from the management and running of the school to be considered truly independent.

3. The appeal hearing will take place within **20 working days** (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Senior Leader/Executive Team member who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor or trustee, the complainant may request that the appeal is heard by an entirely independent panel. This may include governors/trustees from other schools/trusts and all 3 members of the panel will be independent of the management and running of the school. They will carry out the steps at stage 3 as specified in this policy. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

Procedure at the Complaint Panel Hearing

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 (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;

The Complainant's relevant 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 Complaint Panel will 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, 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;

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, 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

7. The panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint

8. Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur. All parties who attended the meeting will be informed in writing of the outcome of the appeal and any findings and recommendations within **5 working days** (excluding those which fall in the school holidays). For the avoidance of doubt, this includes the complainant and, where relevant, the person complained about, the proprietor and headteacher if absent from the meeting.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school/Trust will not consider the complaint beyond this.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the Trust's complaints procedure, and that procedure has been exhausted, the school/Trust will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the school/Trust will write to them explaining that the matter has been dealt with fully in line with the Trust's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school governors/trustees and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The school's Senior Leaders or the Trust will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of the Board that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair of the Board deems it appropriate to, they can redirect the school's Senior Leaders to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Senior Leader's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the Board.

The MILL Academy and school contact details

- School Office: Email office.4050@henrybox.oxon.sch.uk Tel. No. 01993 703955 Mark email for the attention of staff member, if known. Alternatively, the email will be directed to the relevant person.
- Clerk to governors: governors@henrybox.oxon.sch.uk Tel. No. 01993 703955
- Clerk to the Board: clerk@millacademy.co.uk Tel. No. 01993 703955

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If the complainant feels that the Local Governor Committee and or the Trust acted ‘unreasonably’ in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
<https://www.gov.uk/complain-about-school>

Complainants unsatisfied with the outcome of the school’s complaints procedure, can refer their complaint to the ESFA (Educational and Skills Funding Agency) via their online form

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

- Ofsted will also consider complaints about schools.

Record Keeping

The Trust/school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and will be viewed only by those involved in investigating the complaint or on the review panel, the proprietor and headteacher. This is except where the Secretary of State or body conducting an inspection under section 109 of the 2008 Act requests access to them.

Relevant legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

The Henry Box School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:	
Dated:	
<i>Official use</i>	
Date received:	
Signed:	