



COMPLAINTS PROCEDURE

Date Approved by Governors	September 2017
Review Date	September 2019
On Behalf of Governors Signed	Signed copy on file
Print Name	
On Behalf of Governors Signed	
Print Name	
Principal's Signature	

All One In A Million Free School Policies have been devised to ensure that:

- Students from all backgrounds and all abilities are welcome
- Each student has the opportunity to flourish and achieve their potential
- We value the individuality of each student within the context of membership of our community
- We are committed to raising educational attainment and improving our students' life chances
- We provide an environment in which all students will be self aware, self disciplined and confident
- All students will understand how to make a positive contribution to our extended community
- We support academic, creative and personal achievement through our focus on Sport, the Arts and Enterprise.



Complaints Procedure

Aims

The purpose of the One In A Million Free School's (OIAMFS) Complaints Policy is to ensure parents/carers' complaints about OIAMFS issues are dealt with as quickly and sensitively as possible and by the person best able to do so. The school expects ALL parental complaints to be taken seriously and to be dealt with comprehensively and in confidence. All concerns will be dealt with as informally as possible.

A parent, student or other complainant will be able to expect to have a response, even if not the final response, to their complaint within 24 hours of having made the complaint. If parents/carers, students or other complainants wish to register a formal complaint they will be asked to complete the school's formal complaint form and return it to the complaints co-ordinator, the Vice Principal of Student Experience.

The Chair of Governors and Principal will ensure all staff and governors are conversant with the procedures.

Types of concerns and complaints

The majority of complaints received by the schools fall into the following categories:

- Financial and administrative
- Academic (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject etc)
- Pastoral (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of a student, unhappiness of student etc)
- Child protection (allegations against staff, handling of sensitive issues)

Responsibilities

Governing Body will:

- Approve the policy, procedures, and guidelines
- Hear and decide on appeals
- Receive reports



Complaints Procedure

- Advise the Principal
- Monitor the level and nature of complaints and
- Review the outcomes annually or earlier if so determined by the chair

Chair of the Governing Body will:

- Receive complaints at Stage 3
- Nominate a governor or panel to hear the appeal, and
- Check that the correct procedure is followed.

The nominated governor or chair of the panel at Stage 3 will ensure that:

- The parties understand the procedure
- The issues are addressed
- Key findings of fact are established
- Complainants are put at ease
- The hearing is conducted as informally as possible
- The panel is open-minded and acts independently
- No member of the panel has a vested interest in the outcome, or has been involved in the issues previously
- All parties have the chance to be heard
- Any written material is seen by all parties.

The clerk to the Governing Body will:

- Act as the reference point for the complainant at Stage 3
- Set convenient dates and times and venues for hearings
- Collate any written material and forward it to the parties
- Meet and welcome the parties
- Record the proceedings and
- Notify the parties of the decision



Complaints Procedure

The Principal is responsible for:

- The overall internal management of the procedures
- Hearing complaints at the stage 2 (see below)
- Ensuring that the procedures are monitored and reviewed
- Reporting to the Governing Body

The Vice Principal is responsible for:

- The efficient operation and management of the policy and procedures
- Training staff on how to deal appropriately with complaints
- Keeping parents/carers, students and others informed of the procedures
- Compiling reports for the Principal as required

The Business Manager is responsible for:

- Administrative, environmental and financial queries and complaints

Directors of Faculty are responsible for:

- Dealing with and where possible, resolving complaints about academic matters/programmes of study/teaching methods at Stage 1 of the procedures

The Vice Principal of Student Performance is responsible for:

- Dealing with and where possible resolving complaints concerning overall student progress, discipline issues, pastoral care; teaching and learning

The Vice Principal of Student Experience is responsible for:

- Child protection issues



Complaints Procedure

All staff are responsible for:

- For hearing any concerns brought to them by parents/carers and students and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff
- For informing the relevant staff of the concerns
- For passing any complaints received from other people who are not parents or students to the Complaints Coordinator (Vice Principal of Student Performance)

Information for parents/carers

The full procedure at each stage will be set out in OIAMFS's prospectus.

Formal procedure

Every attempt will be made to resolve complaints informally, but if this fails then this procedure will be followed:

Stage 1 complaint heard by Vice Principal of Student Performance (who is not subject of the complaint)

Stage 2 complaint heard by Principal

Stage 3 complaint heard by GOVERNING BODY's complaints appeals panel

Guidelines and Procedures

Stage 1

All staff will listen carefully and patiently to parents/carers' and students' complaints, recognising that however ill founded it may appear the complaint might be, it is a matter of great concern to the parent/carer or student.

If the matter is within the competence of the member of staff to resolve quickly this will be done. Otherwise the complainant will be reassured that the complaint will be passed to the relevant member of staff, and the relevant person will be informed by the member of staff as soon as possible.



Complaints Procedure

The member of staff receiving the complaint will speak to the Vice Principal of Student Performance about the matter at the earliest opportunity and complete OIAMFS's 'Complaints Form'. If the Vice Principal considers the issue to be serious (but is not a child protection issue) he will inform the complainant of the action taken. The Vice Principal will determine the next step(s).

If the Vice Principal of Student Performance considers that he can deal with the complaint, he will attempt to do so. If a resolution cannot be found the VP will inform the complainant of their right of appeal to the Principal (Stage 2) and, then after, the Governing Body(Stage 3), and inform the Principal/Governing Body of the action taken.

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of OIAMFS staff, one of the three 'named persons' responsible for child protection complaint will be informed by the co-ordinator and dealt with as a safeguarding concern.

If a serious complaint is made by a student, the member of staff will immediately inform the co-ordinator, who will immediately inform the student's learning coach. It will be the responsibility of the Vice Principal to determine whether he can deal with the issue, or what the next course of action will be, including referring the matter to the Principal.

If a trivial/simple verbal complaint is made it might be possible in most cases to resolve it immediately. In more serious cases, or where a member of staff is uncertain, parents/carers will always be asked to put their complaint in writing. This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by the members of the school staff.

In any cases of doubt, members of staff will seek the advice of the Vice Principal who has the responsibility for mentoring colleagues.

If the appropriate member of staff cannot resolve the complaint, the co-ordinator must refer the matter to the Principal (Stage 2).

At Stage 1 the school will aim to resolve the complaint within 24 hours of receiving it. Where this is not possible, the co-ordinator will inform the parties of the action being taken, and when it is expected to resolve it.

No complaint will normally be left unresolved at this stage after THREE days of receipt of the complaint. In abnormal circumstances, the matter will be referred to



Complaints Procedure

the Principal who will determine the appropriate action, and will keep the parties informed.

It is likely that the Vice Principal of Student Performance will organise a meeting to resolve the issue.

The meeting arranged to discuss concerns informally

- The parent/carer can bring a friend to any discussion
- The Vice Principal should make sure that the parent/carer is clear as to what action (if any) or monitoring of the situation has been agreed
- The Vice Principal of Student Performance will decide whether a member of staff should attend or not
- This stage should be completed speedily and concluded in writing with appropriate detail
- Where no satisfactory solution has been found, the parent/carer will be informed that they can consider making a formal complaint in writing to the Principal which will take matters to stage 2 on the complaints procedure.

Stage 2 - Complaint to the Principal for investigation

The Principal should acknowledge the complaint in writing. In some cases the Principal will have already been involved in looking at the matter; in others it will be his/her first involvement.

The Principal should consider providing an opportunity to meet with the parent/carer to supplement any information previously provided.

If the complaint is against a member of staff the Principal should talk to the staff member against whom the complaint has been made and the member of staff who has previously dealt with it.

If necessary, the Principal should interview witnesses and take statements from those involved.

The Principal should keep reasonable written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Principal should produce a written response to the parent/carer. This should, wherever possible, be within 10 school days of having received the complaint. The Principal may wish to meet with



Complaints Procedure

the parent/carer to discuss/resolve the matter before confirming the outcome in writing.

The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action OIAMFS will take to resolve the complaint.

The parent/carer should also be advised that if they are not satisfied with the response and wish to take the matter further, they can do so, by writing to the Chair of the Governing Body within three weeks of receiving the outcome letter.

Stage 1 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints that are complex. In such cases, the Principal should write to the parent/carer giving a revised target date.

OIAMFS will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

Complaints against the Principal

If the complaint is wholly or mainly about the Principal the Governing Body should consider the complaint in accordance with Stage 3 of the procedure described below. However, before stage 3 is instigated the Chair of the Governing Body will invite the Principal to respond to the complaint in writing within ten school days. The Chair will send a copy of the Principal's response to the complainant and the parent/carer will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the parent/carer is not satisfied with the response Stage 3 should commence as described below.

Stage 3 - Consideration by the Governing Body

If the complainant decides to take the matter further, the Chair of the Governing Body should write to the parent/carer to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Principal and the Clerk to the Governing Body.

Investigating the complaint

If the complaint has been investigated at Stage 2 the result of the investigation must be made available to the Clerk/Chair by the Principal. However, where the



Complaints Procedure

complaint is against the Principal and the complaint is referred to Stage 3, the Chair of the Governing Body must decide, in consultation with the Chair of the Complaints Committee whether and how the complaint should be investigated.

Governing Bodies are advised to establish a complaints panel from which three Governors can be drawn by the Clerk to constitute a Committee. The Principal should not serve on the committee.

The Committee should consider the complaint on the basis of the written evidence and usually also set up a hearing and hear both parties. Governors may also take evidence on their own initiative. Governors should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. If they decide to set up a hearing, the Committee should follow the procedure set out below.

The Chair of the Committee should take a decision at the beginning of Stage 3 on whether to seek the services of a suitably qualified person or clerk to:

- Deal with the administration of the procedure
- Provide independent advice on procedure and evidence
- Ensure that the relevant facts are established
- Minute the meeting
- Draft the decision letter

The Clerk/Chair of the complaints committee should write to the parent/carer to explain how the review will be conducted. The letter should be copied to the Principal.

The Clerk/Chair of the Complaints Committee should confirm the date of the meeting with the other Governor(s).

The parent/carer and Principal should be invited to attend the meeting. The date and time of the meeting should be convenient to the parent/carer and Principal within reason. The notification should inform the parent/carer of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the parent's right to submit further written evidence to the committee.

The Principal should also be invited to prepare a written report for the Committee in response to the complaint.



Complaints Procedure

All relevant correspondence regarding the complaint should be circulated to the committee members; the parent/carer and the Principal in advance of the meeting.

If the Principal and/or the parent/carer wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.

It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between OIAMFS and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence.

Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

The Meeting

The meeting should allow for:

- The parent/carer to explain his or her complaint and the Principal to explain the reasons for his decision
- The Principal to question the complainant about the complaint and the complainant to question the Principal
- Panel members to have an opportunity to question both the complainant and the Principal
- Any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statement by the Principal and parent/carer

The Chair of the Committee should explain to the parent/carer and the Principal that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Principal and any witnesses will then leave.



Complaints Procedure

The panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

As above, Governors will not pay financial compensation as a response to a complaint.

The Governor/panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on appropriate action to resolve the complaint
- Recommend changes to the school's systems or procedures

The Clerk/Chair will send a written statement, within three school days, outlining the decision with reasons to both the complainant and the Principal.

Stage 3 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints that are complex. In such cases the Chair of the Complaints Committee should write to the parent/carer giving a revised target date.

In exceptional circumstances the Committee may decide not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

Please note:

Careful consideration must be taken when the complainant is a student.

Dealing with complaints through Ofsted

The *Education (Investigation of Parents' Complaints) (England) Regulations 2007* brought in a new procedure for dealing with parents' complaints through Ofsted. The regulations set out what complaints can be investigated by Ofsted as qualifying or non-qualifying complaints.



Complaints Procedure

Ofsted cannot investigate a parental complaint until the parent/carer has exhausted all internal methods and appeals. However, the Chief Inspector has the discretion to waive this restriction.

Dealing with complaints through the EFA

The Education Funding Agency (EFA) will normally only consider a complaint about a Free School after the school's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by schools. They can only investigate whether the school considered the complaint appropriately. If the EFA finds that a school did not consider a complaint appropriately it can request the school to re-consider the complaint.

Responsibilities of the EFA

The EFA will not usually investigate complaints until the Free School's own complaints procedure, including any hearing, has been exhausted. The EFA may decide to investigate before the school's procedure has been exhausted, if it has reason to believe either that:

- A complaint was made to the school and the school has had a reasonable opportunity to investigate it and respond but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the school

Vexatious complaints

If the complainant remains dissatisfied after all stages have been properly followed, the chair is empowered to inform them in writing that the procedure has been exhausted and that the matter is now closed. Further complaints on the same matter may be regarded as vexatious.

Resolving complaints

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology



Complaints Procedure

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. The governors acknowledge that an admission that the OIAMFS could have handled the situation better is not the same as an admission of negligence.

The Principal and Chair of Governors will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Monitoring, Evaluation And Review

The Governing Body will review and amend this policy and procedure at least every two years or as required by:-

- Changes in legislation
- Changes in guidelines from advisory bodies
- The effectiveness of the policy.



Complaints Procedure

STANDARD LETTERS AND FORMS

1. Example of a Complaint Form

If a person wishes to log a formal complaint in writing to either the Principal or the Governing Body, the following form may be used.

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if applicable):

Your relationship to the student (if applicable):

Address:

Postcode:

Telephone number:

Email:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?



Complaints Procedure

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:

Date:



Complaints Procedure

2. Standard Letters

These letters are provided as a guide only.

Initial Response:

Dear

Thank you for coming to see me about
.....

I can assure you that the matter you have raised will be fully looked into within the school. As you know, we always try to deal with any parental concerns as quickly and thoroughly as possible and I will contact you again by to let you know the outcome.

Thank you again for bringing this matter to my attention.

Yours sincerely,

Response after Principal's Investigation:

Dear

Further to our meeting on I have now had an opportunity to look into your concerns. The results of my investigations are:

I hope you are satisfied that the matter has now been dealt with appropriately. If, however, you feel that your concerns have not been fully addressed, you may wish to proceed to the next stage of the School Complaints Policy by writing to the Chair of Governors to ask for the matter to be considered by the Governors' Complaints Panel. If you do wish to proceed in this way, you will need to contact the Chair of Governors within 10 school days of the date of this letter.

Yours sincerely,



Complaints Procedure

Advising Complainant about the Complaints Panel Meeting where they and the Principal are not invited in Person:

Dear

Thank you for your letter dated indicating that you wish to make a formal complaint about School.

I am now writing to advise you that a panel of governors of the school will be meeting to discuss your complaint in order to reach a decision which produces a fair and reasonable outcome in the circumstances. The panel will consist of three governors who have had no prior involvement with the complaint. The governors are (names).

The panel will be discussing in full all the points made in your formal letter of complaint. They will not be able to consider any new issues which have not been made available to the panel prior to the meeting. Please ensure, therefore, that any additional papers that you would like considered at the meeting are sent to me by

May I take this opportunity to assure you that the panel will pay careful attention to both your views and those of the school, and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely,

Advising Complainant about the Complaints Panel Meeting where they and the Principal are invited in Person:

Dear

Thank you for your letter dated indicating that you wish to make a formal complaint about School.

I am now writing to invite you to a meeting with a panel of governors of the school to discuss your complaint and to reach a decision which produces a fair and reasonable outcome in the circumstances. The panel will consist of three governors who have had no prior involvement with the complaint. The three governors are . . . (names). You may wish to bring a friend or relation to the meeting.

The meeting will be held on ... (date)... at ... (time)... at ... (location) *. We shall be discussing in full all the points made in your formal letter of complaint. We will not be able to consider any new issues which have not been made available to all the participants prior to the meeting. Please ensure, therefore, that any additional papers that you would like considered at the meeting are sent to me by You will receive copies of all the papers being considered by the Complaints Panel in due course.



Complaints Procedure

May I take this opportunity to assure you that the panel will pay careful attention to both your views and those of the school, and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely,

*** NB Date should be agreed in advance to ensure it is convenient to all parties**

Notification of Decision Regarding the Complaint Panel Meeting

Dear

Following receipt of your formal letter of complaint concerning I am writing to inform you that the Governors' Complaint Panel met on (date) to consider your complaint. Having considered all the information available, the panel has concluded that

I hope that we can now put this matter behind us and work for the benefit of your child's progress.

Yours sincerely