



## **Complaints Procedure**

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### **Introduction**

Springfield School is committed to providing an excellent service to its stakeholders and would want any concerns to be addressed promptly and effectively. There is a difference between a concern and a formal complaint; in the vast majority of circumstances it is in everyone's best interest that the concern is addressed informally.

Concerns and complaints should be managed in a manner which:

- is non-adversarial
- facilitates a full and fair investigation
- respects confidentiality (as appropriate)
- provides a constructive and proportionate response

The school will endeavour to treat complainants and those raising concerns fairly and proportionately; and will respond to formal complaints in writing.

### **Who Can Make a Complaint?**

All academies (schools) must have a complaints procedure; this must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. The school's complaints procedure is published on the school's website.

As the complaints procedure is based upon [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#), it only applies to complaints from parents/carers of pupils at Springfield School, regarding their child.

The school will not normally investigate anonymous complaints.

### **Stages of the Complaints Procedure**

The complainant will receive a more effective response to their concern/complaint if they:

- explain the concern/complaint in full as early as possible
- cooperate with the school in seeking a solution to the concern/complaint
- respond promptly to requests for information or meetings, or in agreeing the details of the concern/complaint

- ask for assistance as needed
- treat all those involved in the concern/complaint with respect
- refrain from publicising their concern/complaint on social media (or via other means) and respect the confidentiality of all those involved

### **Stage 1 (informal): concern heard by an appropriate staff member**

If you have a concern, please contact the school's Reception team and ask to discuss your concern with an appropriate member of staff; this might be the Tutor, Head of Achievement or Head of Department, for example. If you are unsure who the appropriate member of staff is, please outline your concern with the school's Receptionist who will forward your concern to the correct person.

### **Stage 2 (formal): complaint heard by the Headteacher**

If you do not believe that your concern has been resolved, then the next step would be to make a formal complaint in writing to the Headteacher. The Headteacher will review your complaint or designate a Deputy Headteacher to do so on his/her behalf. (All formal complaints must be in writing unless you have a sufficient reason to request a reasonable adjustment be made to amend this.)

\*It is advised that in your letter/email you should clarify:

- the nature of the complaint and what remains unresolved;
- what has happened so far and who has been involved; and
- what you believe would put things right, i.e., what you think might resolve the issue.

### **Stage 3 (formal): complaint heard by the Chair of Governors**

If you are not satisfied by the response of the Headteacher or designated Deputy Headteacher (or if the complaint is about the Headteacher), then please \*write to the Chair of Governors c/o the Clerk to the Governing Body to request that the complaint is considered further. The Clerk will acknowledge receipt of the complaint. The Chair of Governors will review your complaint or designate an appropriate member of the Governing Body to do so on his/her behalf.

### **Stage 4 (formal): complaint heard by the Governing Body's Complaints Appeal Panel**

This is the last school based stage of the complaints process. If the complainant remains dissatisfied by the Chair's (or designated Governor's) response, then s/he can \*write to the Clerk to the Governing Body giving details of the complaint and request that it is heard by an appeal panel.

The appeal panel will comprise two local governors and an independent member. It is a matter for the Clerk to invite suitable individuals who can fulfil the role of being the independent member. The De Curci Trust considers suitable individuals for the independent role to include local governors from other schools in the Trust. The panel members must have no prior connection or conflict of interest with the complaint or complainant.

The decision of the appeal panel is final.

If the complainant contacts the school again regarding the same issue, then the Chair of Governors is able to inform them that the procedure has been exhausted and the matter is now closed. Further correspondence regarding the same issue may be recognised as vexatious and/or serial and there will be no further obligation on the part of the school to respond.

### **Resolving Complaints**

Further to a fair and thorough investigation (at any stage of the formal procedure), it may be appropriate to offer one or more of the following in order to achieve resolution:

- an acknowledgement that the complaint is valid in whole or in part
- an apology
- an explanation
- a private meeting or telephone call to discuss the complaint and/or investigation outcome
- an admission that the situation could have been handled differently
- an explanation of the steps that have/may be taken to ensure that the issue will not happen again
- an undertaking to review school procedures
- provision of information to appropriate managers so that services can be improved

The procedure will endeavour to identify areas of agreement between the parties. However, there may be circumstances where the evidence does not uphold the complaint; and/or despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied.

### **Time Limits**

The school will endeavour to consider and resolve complaints as quickly and as efficiently as possible. The school should:

- acknowledge receipt of complaints within five working days;
- and respond fully within 10 working days for a stage 2 complaint, 15 working days for a stage 3 complaint and 20 working days for stage 4 complaint.

Note that working days are considered to be school term time only. Therefore, the school will consider complaints made out of term time to have been received on the first school day after the holiday period.

In most circumstances the time limits cited above are realistic. However, where further and/or complex investigations are necessary, new time limits can be set.

Complainants must raise their complaint as soon as possible and within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this time frame only if exceptional circumstances apply. Please note that any delay may limit the evidence available for review.

## **Complaints Regarding the Governing Body**

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body and marked as 'Private and Confidential'. Depending upon the nature of the complaint, the Clerk would determine the most appropriate course of action to take, which might involve escalating the complaint to the Trust Board to investigate and convene a panel hearing, if required. In these circumstances a suitably skilled governor, trustee or independent investigator would be appointed to take forward the complaint.

(Complaints that involve or are specifically about the Headteacher should be addressed to the Chair of Governors and marked as 'Private and Confidential'.)

## **Escalation of a Complaint to The De Curci Trust**

If a complainant does not believe that the school has handled a complaint in accordance with the procedure above, s/he should write to the Chair of Trustees at The De Curci Trust specifying evidence for this.

The Trust will only consider complaints about Trust schools that fall into one or more of the following areas:

- where there is undue delay and/or the school did not comply with its own complaints procedure when considering a complaint
- where the school did not follow a complaints procedure consisting of three stages, including a final panel hearing
- where the school is in breach of its funding agreement with the Secretary of State/Trust

### **The Trust will not overturn a school's decision about a complaint.**

However, if the Trust finds that a school did not deal with a complaint properly, it will request the complaint is looked at again by the school and that procedures meet the requirements set out in the Trust's policy and in Regulations.

If a complainant remains unsatisfied with the handling of a complaint, subsequent to it being considered by the Trust, then s/he can contact the Education Funding Agency (ESFA):

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Note that complaints regarding Portsmouth City Council services including school admissions and children's social care should be directed to the Council's Corporate Complaints Service. For further information, go to:

<https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/>

If a complainant wants to withdraw their complaint at any point in the procedure, they will be asked to confirm this in writing.

## **Further Information**

This procedure should be read in conjunction with:

- Appendix 1 Scope of the Complaints Procedure
- Appendix 2 The Remit of the Complaints Appeal Panel
- Appendix 3 Procedure for Managing Complaint Campaigns, Serial and Unreasonable Complaints
- Appendix 4 Complaints Procedure in Overview – Flowchart
- The De Curci Trust's Complaint's Policy (<https://thede-curci-trust.co.uk/>)

This procedure and appendices will be published on the school's website and available for inspection on the school premises by the proprietor and headteacher.



## **Appendix 1 - Scope of the Complaints Procedure**

The complaints procedure covers all complaints about any provision of community facilities or services by Springfield School, other than complaints that are dealt with under other statutory procedures, including those listed below:

<b>Exceptions</b>	<b>Who to contact</b>
<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 <b>Portsmouth City Council</b>.</p> <p>PCC Complaints line: 023 9283 4702</p> <p><a href="https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/admissions/">https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/admissions/</a></p> <p><a href="https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/special-educational-needs-and-disabilities/">https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/special-educational-needs-and-disabilities/</a></p> <p><a href="https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/">https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/</a></p> <p><a href="https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/">https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/</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).</p> <p><a href="https://www.portsmouthscp.org.uk/worried-about-a-child-suffering-from-harm/">https://www.portsmouthscp.org.uk/worried-about-a-child-suffering-from-harm/</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.</i></p>

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

If other bodies are investigating aspects of a complaint, for example the Police, local authority (LA) safeguarding teams or Tribunals, this may impact on the school's ability to adhere to the timescales within the complaints procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Springfield School in relation to their complaint, the school will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.



## **Appendix 2 - The Remit of the Complaints Appeal Panel (Stage 4)**

### **Introduction**

The aims of the panel are to:

- achieve reconciliation
- put things right that may have gone wrong

The panel can:

- 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;
- and/or recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will:

- consider the complaint in a manner befitting the nature and complexity of the matter under review
- hold one or more sessions with one, both or neither of the parties present to review appropriately and objectively the stated complaint
- observe the relevant guidance, regulation and policy guidelines pertinent to the matter in hand, including, but not exclusively, those relating to Human Resources and Health and Safety

### **The Role and Responsibilities of Panel Members**

There are several points which any governor/independent member sitting on a complaints panel needs to remember:

- a. The governors/independent members sitting on the panel need to be aware of the school's complaints procedure and how it fits into The De Curci Trust's complaints policy. Good practice guidance should be reviewed, as appropriate. It is the responsibility of the panel to structure their hearing and review of evidence in such a way that a full and fair investigation can be conducted and confidentiality respected, as appropriate. The 'EFSA recognises that there may be occasions when it is necessary or reasonable to deviate from the published complaints procedure; this includes not doing something the procedure states the school will, should or may do. Any deviation from the published procedure (at any stage) should be documented.
- b. It is important that the appeal hearing panel is independent and impartial and that it is seen to be so. No governor/independent member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure, where possible, that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.



- c. The aim of the hearing, which needs to 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 might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.
- d. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel will decide whether to deal with a complaint by inviting a party or parties to meet with them, or through written representations. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that all proceedings are as welcoming as possible. The layout of a meeting room, if required, will set the tone and care is needed to ensure the setting is informal and not adversarial.
- e. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- f. Complaints about staff will not generally be managed under the school's complaints procedure. Should the panel call an employee to meet with them as a witness or to provide information, care must be taken to ensure that their employee rights, including those pertaining to dignity at work, are respected. An employee may wish to be supported by a union or legal representative. The panel should take advice from the school's HR Employee Relations team, if required.
- g. There may exist sensitive or confidential information that cannot be shared with all parties in any format. Care must be taken that confidentiality and data protection requirements are adhered to, including what is shared in minutes.
- h. The Clerk is responsible for maintaining the records of all complaints considered by the Governing Board and ensuring that the data is kept secure. Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary. The written records kept will note whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. All 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.

### **The Role and Responsibilities of the Clerk**

The Clerk is the contact point for the complainant and provides administrative and procedural support to the panel. He/she must remain objective and neutral at all times and be the 'constitutional conscience' of the panel.

Any panel or group of governors considering a complaint will be administered by the Clerk.

The Clerk is required to:

- convene a panel to review and respond to the complaint at stage 4
- set the date, time and venue for hearing proceedings, taking into account the availability of panel members
- make reasonable efforts to ensure that the dates are convenient to all invited parties and that the venue and proceedings are accessible
- collate any written material and send it to all parties in advance of the hearing (recommended at least five school days in advance)
- meet and welcome invited parties as they arrive at hearing proceedings
- record the proceedings via formal written minutes
- circulate the minutes to all parties, subject to appropriate redaction
- notify all parties of the panel's decision in writing as soon as possible, including an explanation of the outcome, findings and recommendations (recommended within 10 school days of the panel concluding its hearing proceedings)

### **Administration**

If the Clerk has made reasonable attempts to accommodate complainants with dates/times for any required complaint meetings and they refuse or are unable to attend, then the panel will meet in their absence, referencing information from their written submissions, in order to reach a conclusion in the interests of drawing the complaint to a close. Usually, complainants will be offered no more than two alternative dates/times.

**Recording meetings** - the school does not allow meetings to be recorded by any party using recording devices. The school will refuse to accept, as evidence, recordings or images of conversations/incidents that were obtained covertly and/or without informed consent of all parties being recorded.

**Challenging the minutes** - it is not unknown for complainants to make supplementary comments or raise additional complaints because they do not agree with the record of a meeting. Should any party wish to challenge the content of the formal minutes, then their written comments should be filed with the minutes by the Clerk as part of the record.

**Support/Representation** - if a complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend. Neither the complainant nor the school should bring legal representation as the panel proceedings are not a form of legal proceedings. However, it is noted that employee witnesses may be entitled to bring union or legal representation in some circumstances. Representatives from the media are not permitted to attend.

### **The Role and Responsibilities of the Chair of the Governing Body or the Designated Governor**

The Chair or designated governor is required to:

- Check that the correct procedure has been followed.
- If an appeal panel hearing is required, notify the Clerk to arrange the panel.

## **The Role and Responsibilities of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties
- each party has the opportunity of putting their case to the panel
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy at all times
- it is explained to all that the panel can be suspended by the Chair at any time if circumstances dictate
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and raise questions to be considered by the panel
- where possible, written material is seen by all parties (if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it)
- effective liaison with the Clerk takes place

### **Notification of the panel's decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing and via the Clerk at the earliest opportunity. The panel's response must summarise the reasons for the decision.

The letter will explain that the panel's decision is final and that the end of the school's complaints procedure has been reached; it will explain that the further rights of appeal will be to the Chair of the De Curci Trust, the specific grounds that are required for that appeal and to whom such an appeal needs to be addressed.



## **Appendix 3: Managing Complaint Campaigns, Serial and Unreasonable Complaints**

### **Introduction**

Springfield School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff or governors to tolerate unacceptable behaviour and will take action to protect staff and governors from that behaviour, including that which is abusive, offensive, harassing or threatening.

### **Serial and Unreasonable Complaints**

Springfield School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education/EFSA
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- comes onto the school site without an appointment expecting that staff can address their issues 'then and there'
- uses threats or harassment to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- escalates the complaint before the complaints procedure has concluded.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. Complainants should take care to ensure that correspondence is addressed to the correct person in accordance with the complaints procedure and not copy in other parties.

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

If the behaviour continues, the Headteacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Springfield School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of intimidation, aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Springfield School. The school will take legal action and/or refer to the police cases where statements posted on social media or made public by a complainant are defamatory or threatening in nature.

## **Complaint Campaigns**

It is possible that a school may become the focus of a 'campaign' and receive large volumes of complaints, possibly via social media:

- all based on the same subject
- from complainants unconnected with the school

The <sup>1</sup> ESFA notes that there are occasions when it is necessary or reasonable for a school to deviate from its published complaints procedure. The Governing Body considers that a 'complaint campaign' might constitute such an occasion and reserves the right to consider and document the best approach for the school to take to address the issue(s) raised, subject to the precise nature of the circumstances.

The response would likely include:

- sending a 'template' acknowledgment to all complainants (this may be in the form of a single acknowledgement/statement published on the school's website)
- further to a review of the issue(s) raised, publishing a single response on the school's website
- signposting complainants as to how they can escalate their complaint, for example to the Trust

<sup>1</sup> ESFA Guidance – Best practice guidance for academies complaints procedures – Updated 16 July 2020

**Complaints Procedure in Overview – Appendix 4**

