



Dame Alice Owen's School
The Dame Alice Owen Foundation - 1613

COMPLAINTS POLICY AND PROCEDURE

(Statutory Policy)

Agreed by the Governing Body Curriculum Committee
To be reviewed
(reviewed every 2 years)

Spring 2021
Autumn 2022

To be monitored by the Senior Leadership Team and the Governing Body Curriculum Committee.

Adopted from the DfE and Herts CC model policies and EFSA best practice guidance.

To be read in conjunction with the [Policy and Procedure for Managing Persistent or Vexatious Behaviour and Complaints](#).

It is the School's policy to try to reassure any concerns and to resolve any complaints at an informal stage. If this is not possible, the School commits to follow the formal complaints procedure, outlined below, fairly and impartially, in order to resolve the complaint.

Scope of this complaints procedure

This procedure applies to all complaints other than those relating to:

- Admissions to the school
- Matters likely to require a Child Protection Investigation
- Whistleblowing
- Exclusion of children from school
- Staff grievances and disciplinary procedures
- Complaints about other services provided by other providers who may use school facilities or premises.
- Examination results

If you wish to complain about the SEN support provided to your child, you should do it while your child is still registered at the school. This includes complaints that the school has not provided the support required by your child's SEN statement or education, health and care (EHC) plan.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Dame

Alice Owen's School about any provision of facilities or services that the School provides. Unless complaints are dealt with under separate statutory procedures, the School will follow this complaints procedure.

If other bodies are investigating aspects of the 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 this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, the School will inform the complainant of a proposed new timescale.

If a complainant commences legal action against Dame Alice Owen's School in relation to their complaint, the School will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Dame Alice Owen's School takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible. At each stage in the procedure, the School wants to reassure a concern and resolve a complaint.

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

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the School 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 systems and procedures in light of the complaint
- an apology

How to raise a concern or complaint

A complainant must raise a concern or complaint 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 only consider complaints made outside of this time frame if exceptional circumstances apply.

Stage 1: Informal concerns and complaints

The School expects that most concerns and complaints, where a complainant seeks intervention, reconsideration, or some other action to be taken, can be resolved informally.

A concern or complaint should initially be raised as follows:

1. **Teaching and Learning** - if the matter relates to the classroom, the curriculum or special educational needs, the complainant should speak or write to the Head of Department or SEN Co-ordinator.
2. **Pastoral Care** - for matters outside the classroom, the complainant should speak or write to the relevant Pastoral Director or Deputy Headteacher, Pastoral.
3. **Disciplinary matters** - a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it. Then, if not resolved, with the relevant Pastoral Director or Deputy Headteacher, Pastoral.
4. **Financial and administrative matters** - a query relating to charges or to other administrative matters should be raised either with the Finance Office or with the School Business Manager.

If the complainant has difficulty discussing a concern with a particular member of staff, the School will respect this. In these cases, the Headteacher will refer the complainant to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

If the issue remains unresolved, the next step is a Stage 2 formal complaint. A complaint which has not been resolved by informal means within 10 school days of receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

Stage 2 - Formal complaints

A complaint that is unresolved at Stage 1, a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the School's policies, procedures, management or administration, must be set out in writing, giving full details and sent with all relevant documents for the attention of the Headteacher. This should be done using the Stage 2 Complaint Form (Appendix 1). Should a formal written complaint be received by another member of the School's staff, they will immediately pass it onto the Headteacher.

Such a complaint will be acknowledged in writing, normally within 5 school days of receipt. The School will consider complaints made outside of term time to have been received by the Headteacher on the first school day after the holiday period.

The Headteacher or another senior member of staff or, in exceptional circumstances, a School Governor, will act as the Investigating Officer. The Investigating Officer should not have been directly involved in the matters detailed in the complaint. The Investigating

Officer will probably first wish to speak to the complainant personally and then to others who have knowledge of the circumstances. The Investigating Officer may also request additional information from the complainant and other involved parties.

The Investigating Officer will aim to inform the complainant of the outcome of the investigation and the resolution of the complaint in a Report within 28 school days of receipt of the Stage 2 Complaint Form. If the Investigating Officer is unable to meet this deadline, they will provide the complainant with the reason for the delay and a revised response date.

The Investigating Officer's Report will detail the actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions that Dame Alice Owen's School will take to resolve the complaint.

If the complainant remains dissatisfied with the outcome of Stage 2, then the process moves to Stage 3 - a Panel Hearing.

Complaints against the Headteacher or member of the Governing Body (including the Chair or Vice-Chair)

Complaints made against the Headteacher will be dealt with initially by the Chair of Governors in line with the process described below. Complaints to the Chair of Governors should be addressed for their attention in a sealed envelope via the School Office. They should be marked as Private and Confidential.

Complaints about a member of the Governing Body (including the Chair or Vice-Chair) should be addressed to the Clerk of the Governing Body via the School Office. They should be marked as Private and Confidential.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), then a School Governor, not directly involved in the matters detailed in the complaint, will be appointed as Investigating Officer to complete all the actions outlined in Stage 2. At the conclusion of their investigation, the School Governor/Investigating Officer will provide a written Investigation Report detailing the actions taken to investigate the complaint and providing a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions that Dame Alice Owen's School will take to resolve the complaint.

If the complainant remains dissatisfied with the outcome of Stage 2, then the process moves to Stage 3 - a Panel Hearing (described below).

Stage 3 - Panel Hearing

Only if the complainant has been through the earlier stages of this procedure and is dissatisfied with the Stage 2 decision that has been communicated, may the complainant request a final hearing by a Review Panel.

To request a hearing before the Review Panel, the complainant should write to the Clerk to the Governors within 5 school days of receiving the Stage 2 decision. The complainant must

ensure that copies of all relevant documents accompany their letter to the Clerk to the Governors, and state all the grounds for the complaint and the desired outcome. The request will only be considered if the relevant procedures at Stages 1 and 2 have been completed. The Clerk to the Governors will acknowledge the request for a Panel Hearing in writing within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to the Governors will convene the Panel within 28 school days of receipt of the Stage 3 Panel Hearing request. If this is not possible, the Clerk will provide an anticipated date when a Panel Hearing can take place and will keep the complainant informed. The Panel will not sit during School holidays nor outside of working hours.

The Hearing will be undertaken by a Panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk to the Governors. The Panel members will not have been directly involved in the matters detailed in the complaint, and one member will be independent of the management and running of the School.

If the complaint is about: jointly, the Chair and Vice Chair of the Governing Body; the majority of the Governing Body; or the entire Governing Body, then the Panel will comprise fully of Independent Governors.

As soon as reasonably practical, and in any event at least 5 school days before the hearing, the Clerk to the Governors will send the complainant written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.

The complainant will be required to attend the Hearing Panel to make their representations at each stage of the proceedings in person. If they wish, they may be accompanied by someone to observe and provide support. Representatives from the media and legal representation are not permitted to attend. The party complained about may also be accompanied on the same basis. The Clerk to the Governors or a nominated deputy will also attend the Panel Hearing to keep a record of the proceedings.

The Panel Hearing will be held in private. Electronic recordings of hearings, meetings or conversations are not permitted. Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be admissible as evidence.

If the complainant rejects the offer of three proposed dates for the Panel Hearing, without good reason, the Clerk will decide when to hold the hearing. It will then proceed in the complainant's absence based on the complainant's written submission.

The Chair of the Panel has the right to decide whether or not the Panel will consider any additional evidence following Stage 2 from either party. If additional evidence is accepted by the Chair, it should be circulated to all parties at least 5 school days before the Panel Hearing in order that it can be considered and commented upon.

The Panel will not review any new complaints at this stage nor consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part; or
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and Dame Alice Owen's School with a full explanation of the Panel's findings and the reason(s) for them, in writing, within 5 school days of the Hearing. Where appropriate, it will include recommendations of actions Dame Alice Owen's School will take to resolve the complaint. The letter to the complainant will also include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Dame Alice Owen's School.

The Panel findings and recommendations will be available for inspection on the school premises by the Governing Body and the Head Teacher.

A written record will be kept of all formal complaints and of whether they are resolved at Stage 2 or else have proceeded to a Stage 3 Panel Hearing. A written record will be kept of any actions taken by the school as a result of those complaints (regardless of whether or not they have been upheld).

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 108 of the 2008 Act requests to access them.

Stage 3 - Complaints where a child is not on the School roll

Where a child is not on the School roll and the Stage 2 process has been exhausted, the Chair of Governors has the discretion to conduct a Stage 3 intervention by way of a Governor Review.

The Chair of Governors will appoint a Governor who has not been directly involved in the matters detailed in the complaint to undertake the Review. If no School Governor is available, then an independent Governor may be appointed.

The Governor will review the original complaint, the Stage 2 Investigation Report and the complainant's response to the Report (including their escalation request) and any further evidence that either party has submitted. When the review is complete, either the Chair of Governors or the Governor who conducted the review will write to the complainant to inform them of whether the complaint has been upheld, in full or in part, or rejected. They will

also describe any recommendations regarding systems or procedures resulting from the Review.

Persistent or Vexatious Behaviour and Complaints

There will be occasions when, despite all stages of the Complaints Procedure having been followed, the complainant remains dissatisfied. If a complainant contacts the School making substantially the same points, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. Where the conduct of a persistent or vexatious complainant is causing a significant level of disruption to the running of the School, the School will invoke the [Policy and Procedure for Managing Persistent or Vexatious Behaviour and Complaints](#) and legal advice will be sought.

Next Steps

If the complainant believes the School did not handle their complaint in accordance with the published complaints procedure or that the school or Board of Governors acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA once Stage 3 has been completed.

The ESFA cannot overturn the decision made about a complaint. They will consider whether Dame Alice Owen's School has adhered to education legislation and to any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#) (Manner in which complaints are handled)

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Appendix 1



Dame Alice Owen's School Stage 2 Formal Complaint Form

Name:		
Address:		
Postcode:		
Email Address:		
Telephone no:	Day:	
	Evening;	
	Mobile:	
What is the nature of your complaint? (Please use additional sheets if needed and provide evidence to support the complaint)		

Have you raised your issue(s) with the member of staff concerned at Stage 1? If so, when did you do this?	Yes (inc. date)	No
What happened when you complained to the teacher concerned		
What are your desired outcomes?		
Signed:		
Date:		

Please return your completed complaint form to the School Office either by email at ea@damealiceowens.herts.sch.uk or in hard copy format and it will be passed to the Headteacher or Chair of Governors, depending on the nature of the complaint.