**Complaints and Concerns**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Review Date** | **Co-ordinator** | **Nominated Governor** |
| **February 2023** | **September 2024** | **Karen Headland** | **Chair of governors** |

**Introduction**

All relevant legislation to this policy is included in Appendix 1.

We believe that this school provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

However, we are aware that under section 29 of the Education Act 2002 we must have in place clear procedures to deal with any complaint made against the school or individuals connected with it. We take any complaint seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible but in some cases we need to establish whether the issue brought to our attention is a complaint or an actual concern. In such cases many issues can be resolved informally without the need to invoke formal procedures.

We are aware that under the Education Act 1996 parents have the right to complain directly to the local authority about any matter relating to the school’s curriculum, any issue relating to the general education that we provide.

We have a duty to publish the complaints policy in the Staff Handbook and on the school website with hard copies available from the school office.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

The School acts within the requirements of the General Data Protection Regulations (GDPR) introduced in May 2018 in its management and sharing of data and information.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy. Roles and responsibilities are outlined in more detail in Appendix 2.

This policy takes into account updated DfE guidance on 15th January 2021.

**Aims of this Policy**

* To deal with any complaint against the school or any individual connected with it by following the correct procedures.
* To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.
* To differentiate between a concern and a complaint.
* To ensure compliance with all relevant legislation connected to this policy.
* To work with other schools and the local authority to share good practice in order to improve this policy.

**Who can make a complaint?**

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 Cotton End Forest School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

**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. Cotton End Forest School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will ask the Headteacher to refer you 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Cotton End Forest School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

**Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

**Time scales**

You must raise the 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

**Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

**Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Cotton End Forest School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| **Exceptions** | **Who to contact** |
| --- | --- |
| * Admissions to schools
* Statutory assessments of Special Educational Needs
* School re-organisation proposals
* General education provision
 | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Bedford Borough Council.  |
| * Matters likely to require a Child Protection Investigation
 | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.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). LADO: 01234 267422MASH: 01234 718700.  |
| * Exclusion of children from school\*

 | Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions). *\*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.* Behaviour Policy |
| * Whistleblowing
 | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.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: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).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. |
| * Staff grievances
 | Complaints from staff will be dealt with under the school’s internal grievance procedures.  |
| * Staff conduct
 | Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.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. |
| * Complaints about services provided by other providers who may use school premises or facilities
 | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| * National Curriculum - content
 | Please contact the Department for Education at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)  |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our 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 a complainant commences legal action against Cotton End Forest School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

**Complaints against other Organisations**

We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school.

**Resolving complaints**

At each stage in the procedure, Cotton End Forest School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we 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 we will try to ensure the event complained of will not recur
* an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
* an undertaking to review school policies in light of the complaint
* an apology.

The School acts within the requirements of the General Data Protection Regulations (GDPR) introduced in May 2018 in its management and sharing of data and information.

**Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

**Dealing with Serial and Persistent Complaints**

We will do all we can to be helpful if you contact us with a

* Complaint or concern
* Request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. Once the procedure has been completed the complaint will not be re-opened and the matter is considered to be closed.

Should you wish to contact us again regarding the same issue, we may view this correspondence as ‘serial’ or ‘persistent’; in these circumstances we reserve the right to not respond on this matter.

**How to Raise a Complaint or Concern**

**Informal Stage**

Where possible, all complainants are asked to raise their complaint or concern informally in the first instance; every effort is made to resolve the matter at this stage.

* Complainant has an informal discussion with the person closely involved with the complainants cause for concern or with the Headteacher direct.

If after the discussion the matter is not resolved or if the complainant is not happy with the way that it has been handled then the process may move to the next stage.

**Stage 1 (Formal Stage)**

Formal complaints must be made to the Headteacher(unless they are about the Headteacher), **via the school office**. This may be done in person, in writing (preferably on the Complaint Form), by email or by telephone. Please email office@cottonendforestschool.co.uk or ring 01234 740100

* The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.
* The headteacher will investigate the complaint. During the investigation, the headteacher (or investigator) will:
	+ if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
	+ keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within **15 school days** of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any 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 actions Cotton End Forest School will take to resolve the complaint. All responses will comply with the requirements of GDPR with regards to disclosure of details of individuals.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

**Complaints about the headteacher or member of the governing body** (including the Chair or Vice-Chair) must be made to the Clerk via the school office (office@cottonendforestschool.co.uk ) . In this event a suitably skilled governor will be appointed to complete all the actions at Stage 1. At the conclusion of their investigation, the Clerk will provide a formal written response within **15 school days** of the date of receipt of the complaint.

It the complainant is not satisfied with the outcome then they may move to the next stage of the process.

An independent investigator :(this may be a governor from another governing body who has no relationship with the School) may be appointed at Stage 2 of the complaint if it is

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

At the conclusion of their investigation, the independent investigator will provide a formal written response.

**Stage 2 (Formal Stage)**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. **This is the final stage of the complaints procedure.**

A request to escalate to Stage 2 must be made to the Clerk, via the school office, **within 15 school days** of receipt of the Stage 1 response. In their request the complainant must outline why he/she is not happy with the outcomes of the initial investigation.

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

* The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) **within 3 school days**.
* The Clerk (together with the Chair) will convene a separate panel of three governors who have no prior involvement or detailed knowledge of the complaint; one of the three governors will act as Chair of the Panel.
* If there are fewer than three governors from Cotton End Forest School available, the Clerk will source any additional, independent governors through another local school or through their LA’s Governor Services team, in order to make up the panel. Alternatively, if deemed appropriate (when the complaint concerns the governing body, or where all governors have prior involvement or detailed knowledge), an entirely independent panel may be convened to hear the complaint at Stage 3.
* The panel will meet within **12 to 20 school days** after receipt of the complainant’s letter. The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from the informal stage of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant’s own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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

* uphold the complaint in whole or in part
* dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee 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 Cotton End Forest School with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days** of the panel meeting. The response will detail any 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 actions Cotton End Forest School will take to resolve the complaint. At all times the Governors will act within the requirements of the General Data Protection Regulations (GDPR) introduced in May 2018 in its management and sharing of data and information.

The response to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Cotton End Forest School.

Review by an independent panel will take place at Stage 2

If the complaint is:

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

At the conclusion of their investigation, the independent panel will provide a formal written response.

**Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Cotton End Forest School. They will consider whether Cotton End Forest School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

M1 2WD.

**Raising Awareness of this Policy**

We will raise awareness of this policy via:

* the school website
* the Staff Handbook and staff induction training
* meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
* school events
* meetings with school personnel
* communications with home such as weekly newsletters and of end of half term newsletters
* reports such annual report to parents and Headteacher reports to the Governing Body
* information displays in the main school entrance

**Monitoring the Implementation and Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

|  |  |  |  |
| --- | --- | --- | --- |
| **Headteacher:** |  | **Date:** |  |
| **Chair of Governing Body:** |  | **Date:** |  |

Cotton End Forest School

Complaints Policy Flowchart

**Stage 1- Formal Stage**

Formal complaints to the Headteacher in person, in writing, by email or telephone.

Headteacher will acknowledge receipt within 3 school days.

After investigating the Headteacher will provide a written response within 15 working days of the receipt of the complaint.

**Informal stage**

Raise concern or complaint informally with the person involved or Headteacher.

If the issue is not resolved move to Stage 1.

**Stage 2-Formal Stage**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take things further a request to escalate must be made to the Clerk, via the school office within 15 days of their receipt of response to Stage 1.

The clerk will record the date the complaint is received and acknowledge receipt within 3 school days.

The clerk will convene a separate panel of 3 Governors to meet within 12-20 school days after receipt of the complainant’s letter. One of the three Governors will act as Chair of the Panel.

The Panel will gather evidence and investigate.

The Chair of the Panel will provide the complainant and Cotton End Forest School with a full explanation of their decision and reasons for it, in writing within 10 school days of the panel meeting.

## Complaint Form

Please complete and return to either the Headteacher or Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

|  |
| --- |
| **Your name:** |
| **Pupil’s name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:** **Postcode:****Day time telephone number:****Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school about it.** |
| **What actions do you feel might resolve the problem at this stage?** |
| **Are you attaching any paperwork? If so, please give details.** |
| **Signature:****Date:** |
| **Official use** |
| **Date acknowledgement sent:** |
| **By who:**  |
| **Complaint referred to:** |
| **Date:**  |

**Appendix 1 – Relevant Legislation**

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

* Local Government Act 1974
* Local Government Act 1988
* Education Act 1996
* Data Protection Act 2018
* School Standards and Framework Act 1998
* Freedom of Information Act 2000
* Education Act 2002
* Education Act 2005
* Education and Skills Act 2008
* Apprenticeship, Skills, Children and Learning Act 2009
* Children, Schools and Families Act 2010
* Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
* Education (Independent Schools Standards) Regulations 2010
* Equality Act 2010
* Education (non-maintained Special Schools) Regulations 2011
* School Admissions ( Appeals Arrangements) (England) Regulations 2012

The following documentation is also related to this policy:

* Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
* School Admission Appeals Code ( DfE)
* Equality Act 2010: Advice for Schools (DfE)
* Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

**Appendix 2: Roles and Responsibilities**

**Complainant**

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

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

**Headteacher**

The Headteacher is the primary contact for complainants for Stage 1 of the complaints process and, where necessary, during Stage 1 when raising concerns with a staff member directly is not possible. The Headteacher will:

* deal with all complaints impartially, sensitively and in a non-adversarial manner;
* keep the complainant fully updated at all stages of the complaints procedure;
* keep records;
* not share third party information;
* seek an interpreter if the need arises;
* refer any complaint made against him/her to the Chair of Governors;
* ensure full and fair investigations are undertaken by an independent person where necessary;
* ensure confidentiality at all times;
* ensure all complaints are resolved as quickly as possible within realistic time limits;
* log all complaints received by the school and records how they were resolved, and discuss the complaints log every year with the Governing Body;
* monitor and review complaints to see how they can contribute to school improvement;
* ensure all school personnel, pupils and parents are aware of and comply with this policy;
* work closely with the link governor and coordinator;
* provide leadership and vision in respect of equality;
* provide guidance, support and training to all staff;
* make effective use of relevant research and information to improve this policy;
* monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
* annually report to the Governing Body on the success and development of this policy.

**The Governing Body**

The Governing Body has:

* a duty to have in place a published complaints procedure, available to everyone;
* responsibility to deal with any complaint made against the Headteacher;
* responsibility not to share complaints with the whole governing body in case an appeals panel has to convene;
* responsibility to arrange for an independent panel to hear a complaint if the whole governing body have been 'contaminated' by having full knowledge of the complaint;
* responsibility of regularly discussing the concerns/complaints log with the Headteacher;
* in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures;
* responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
* responsibility for ensuring that the complaints procedure is publicised on the school website and in the school handbook, is concise, simple to understand and impartial;
* nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all discrimination related incidents or incidents which are a breach of this policy;
* responsibility for ensuring funding is in place to support this policy;
* responsibility for ensuring this policy and all policies are maintained and updated regularly;
* make effective use of relevant research and information to improve this policy;
* responsibility for the effective monitoring, implementation, and evaluation of this policy via the relevant governor team visit.

**Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the review panel (Stage 2) and should:

* ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
* set the date, time and venue of any meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
* arrange for collation of any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
* ensure the proceedings of any meeting are minuted and circulated to relevant parties
* notify all parties of the panel’s decision.
* Source an independent investigator if required

**Panel (Stage 2 review) – members and Chair**

The panel chair, who is nominated in advance of the panel meeting, should ensure that:

* the issues are addressed
* key findings of fact are made
* the panel is open-minded and acts independently
* no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
* the meeting is minuted, including any recommendations and outcomes.
* they liaise with the Clerk.

Panel members should be aware that:

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