

Aspire London



Complaints Procedure

"Aspire not to have more but to be more"

St Oscar Romero

Approved by: Governing Body of Aspire London

Date: December 2020

Next review due by: December 2021

Contents

1. Aims	
2. Legislation and guidance	
3. Definitions and scope	
4. Roles and responsibilities	
5. Principles for investigation	
6. Stages of complaint (not complaints against the Executive Headteacher or governors)	
7. Complaints against the Executive Headteacher, a governor or the governing board	
8. Referring complaints on completion of the school's procedure	
9. Persistent complaints	
10. Record keeping	
11. Learning lessons	
12. Monitoring arrangements	

1. Aims

Aspire London aims to meet its statutory obligations when responding to complaints from parents of pupils at our Schools.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Schools will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the School website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The Schools intend to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher or Inclusion Manager then Head of School or Executive Headteacher. They will then be referred to this complaints policy.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the School throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- › Interview all relevant parties, keeping notes
- › Consider records and any written evidence and keep these securely
- › Prepare a comprehensive report to the Executive Headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- › Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- › What has happened
- › Who was involved
- › What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- › Set new time limits with the complainant
- › Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The School will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the Executive Headteacher or Governors)

6.1 Stage 1: informal

The School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head of School as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. At Holy Cross on 0208 698 2675. At St Augustine's on 0208 698 6083.

The School will acknowledge informal complaints within five school days, and investigate and provide a response within ten school days.

The informal stage will involve a meeting between the complainant and the Head of School and/or the subject of the complaint], as appropriate. A meeting with the Executive Headteacher may be required in addition.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the School Office by phone/email].

The Executive Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the School of the identity of their companion in advance.

In certain circumstances, the School may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the School will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Executive Headteacher (or other person appointed by the Executive Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within fifteen school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within five school days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the Governing Body:

- By letter or email
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within fifteen school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within five school days. Requests received outside of this time frame will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within five school days.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first three members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools or Southwark Diocese. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within fifteen school days of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

At the meeting

At the review panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a School employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the School representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Executive Headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within five school days.

7. Complaints against the Executive Headteacher, a Governor or the Governing Body

7.1 Stage 1: informal

Complaints made against the Executive Headteacher or any member of the Governing Body should be directed to the clerk to the Governing Body in the first instance.

If the complaint is about the Executive Headteacher or one member of the Governing Body (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire Governing Body or the majority of the Governing Body, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Governing Body or Southwark Diocese and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire Governing Body or the majority of the Governing Body, a committee of independent governors will hear the complaint. They will be sourced from local schools or the Southwark Diocese and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the Aspire London procedures

If the complainant is unsatisfied with the outcome of Aspire London's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the complaints policy and any other relevant statutory policies that Aspire London holds were adhered to. The DfE also looks at whether the statutory policies adhere to education legislation. It may direct Aspire London to re-investigate the complaint where it is clear the School has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure

- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our School sites.

10. Record keeping

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

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

11. Learning lessons

The Chair of Governors will review any underlying issues raised by complaints with the Executive Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Aspire London can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Governing Body of Aspire London will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Chair of Governors will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Executive Headteacher.

This policy will be reviewed by the Governing Body every two years.

At each review, the policy will be approved by the full Governing Body.