



MAHARISHI SCHOOL

Complaints Procedure

December 2023

Start Date: December 2023

Review Date: December 2024

Signed by:

Headteacher

Lisa Edwards

Date Dec 23

Chair of Governors

Ian Birnbaum

Date Dec 23

1. Statement of Intent

Maharishi School aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

Our Complaints Procedure sets out to ensure that:

- the school listens and acts on complaints;
- all complaints are investigated thoroughly, fairly and promptly wherever possible;
- the school will find a resolution;
- complainants are treated with respect and courtesy;
- complainants will not suffer as a result of a complaint;
- consideration is given to how complaints can feed into the school improvement evaluation processes.

This procedure is not intended to replace the normal discussions regarding problems and concerns which take place in school on a day-to-day basis. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken. 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 Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2022) 'Academy trust handbook 2022'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Attendance and absence policy
- Safeguarding and Child Protection Policy
- Enabling Good Behaviour Policy
- Whistleblowing Policy
- Grievance Policy
- GDPR Data Protection Policy
- Records Management Policy

3. Definitions and scope

For the purpose of this policy, a "**complaint**" is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

The definition of "**unreasonable complaints**" is outlined in the '[Managing unreasonable complaints](#)' section of this policy.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in 'The role of the ESFA' subsection of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

The school expects that complainants will respond within appropriate timescales throughout the complaints process and reserves the right to close a complaint where this does not occur and there were no valid reasons provided. The school regards 'appropriate timescales' to be commensurate with those applied to the school at each stage of the complaint process.

5. Stages of Complaint

Stage 1 - informal

An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting. Maharishi 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, deputy headteacher or the headteacher as appropriate. If the complainant is unclear who to contact, or how to contact them, they should contact the school office on 01695 729912 or by email via parents@maharishischool.com or via enquiries@maharishischool.com. If the concern expressed relates to the headteacher, the Chair of Governors should be informed in writing (see Stage 2ii: formal).

Within 10 school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with ESFA guidance, complainants should note that any acknowledgement by the school that it could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage 2: formal

2i) Formal complaints must be made in writing. This should include details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

The headteacher (or designated appropriate person) will call a meeting to clarify concerns, and seek a resolution. Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a Stage 2 meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. If the complainant is not satisfied with the outcome suggested, the complainant will be advised of any

escalation options (e.g. escalation to stage three) and will be provided with details of this process.

If the complainant wishes to proceed to the next stage of the procedure, Stage 3: formal, they should inform the Clerk to the Governing Body in writing within ten school days. The request should set out what aspects of the Stage 2 outcome they take issue with and what they feel would resolve the complaint. The clerk will acknowledge receipt of the request within two school days.

2ii) If the complaint relates to the headteacher, the complainant must inform the Chair of Governors in writing following the same procedure as Stage 2i.

Stage 3 – Formal - Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The complaint will be heard by a panel of three people who have had no prior involvement. The panel will comprise of two members of the Governing Body and one additional panel member who is independent of the management and running of the school. The panel will have access to the existing record of the complaint's progress.

The panel hearing will convene within 20 school days of receipt of the complainant's escalation request to the Clerk to the Governing Body. Five school days' notice will be given to all parties attending the panel hearing, including the complainant; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. 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 submissions prior to the meeting if they are needed in addition to the complainants' letter requesting a Stage 3 panel and the letter setting out the outcome of Stage 2 .

Neither the complainant nor the school will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

At the meeting, each individual will have the opportunity to give statements and present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

Once the complainant and school representative(s) have presented 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 a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and will make a copy available for inspection by the headteacher.

The Chair of the Panel will inform those involved of the decision in writing within 15 school days. The decision of the panel is final.

The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

6. Complaints against the headteacher or a governor

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stages 1 and 2.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

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

Stages 1 and 2 will be considered by an independent investigator appointed by the governing body (who at the conclusion of his/her investigation will provide a formal written response) and Stage 3 by independent governors.

7. Resolving complaints

At each stage of the complaints procedure, the school is committed to resolving the complaint. Where appropriate, the school may acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- An admission that the situation could have been handled better
- An assurance that the school will try and ensure the incident will not occur again

- An outline 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 changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA via its [webpage](#) or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2WT

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedures accordingly.

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

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

9. Record-keeping

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the school as a result of those complaints whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

The school will retain records of complaints and related documents in line with the GDPR Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary. Records of complaints will be kept for five years.

10. Interviewing witnesses

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The school will ensure that the conduct of interviews does not prejudice an investigation by the LA designated officer (LADO) or the police.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

11. Exceptional circumstances

The ESFA expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure.
- The ESFA has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the governing body may postpone the complaints procedure.

12. Managing unreasonable complaints

Maharishi School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with the school itself; however, the school does not expect staff to tolerate unacceptable behaviour and will take action to

protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, **“unreasonable complaints”** include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint at each stage, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or 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 trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the school whilst a 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.

Whenever possible, the member of staff or governor leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the school believes their intent is to disrupt or inconvenience the school. The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

13. Complaints campaigns

If the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website.

If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the ESFA.

14. Barring from the premises

School premises are private property and, therefore, any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the Chair of Governors where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the headteacher or Chair of Governors.

15. Monitoring and review

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA. The next scheduled review date for this policy is December 2024.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.