



# COMPLAINTS POLICY

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## Introduction

This policy is intended to allow you to raise a concern or complaint relating to the school or the services that it provides to be raised and managed.

A concern or complaint should be brought to the attention of the school as soon as possible to enable a proper investigation and resolution.

### 1. Definitions and aims

#### 1.1 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 or statement of dissatisfaction however made, about actions taken or a lack of action”

#### 1.2 Aims

**The school will resolve concerns through day-to-day communication as far as possible.**

Many concerns can be resolved by simple clarification or the provision of information. The school intends to resolve issues raised informally where possible, at the earliest possible stage.

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

An anonymous concern or complaint will not be investigated under this procedure.

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

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

- Make sure 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 by informal means wherever possible. Where this is not possible, the formal complaints procedures will be followed.

We aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure 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.

This does not include complaints that have their own appeals process which are dealt with by virtue of a separate statutory provision.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedures for complaints and for managing serial and 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 (EYFS) requirements.

## 3. Principles for investigation

When investigating a complaint, we will aim to clarify:

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

### 3.1 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to our school's fulfilment of the Early Years Foundation Stage requirements (EYFS) 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.

## 4. Informal concerns

We 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.

Where possible we would prefer to deal with both concerns / complaints informally and resolve the issues swiftly and internally.

In the first instance, concerns / complaints should be discussed with the class teacher. If this is not satisfactory then please contact the Phase Leader.

The complainant should raise the concerns / complaints as soon as possible within the timescales set out in section 8.

The concerns / complaints should be addressed to the relevant member of school staff, 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 by emailing [admin@sinai.brent.sch.uk](mailto:admin@sinai.brent.sch.uk) or calling 020 8204 1550.

### 4.1 Informal resolution

It is intended that concerns or complaints will usually be resolved at the informal stage. Matters should only be escalated to the formal stage if the issues are not resolved informally and all steps have been exhausted.

Where the matter is not resolved at the informal stage, the complainant may elevate it to the formal stage, in accordance with Section 5.

## 5. Stages of complaint

Complaints should be made in writing and addressed to the Headteacher setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. If a complainant is not able to make their complaint in writing, it may be made in person and a note will be taken.

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 emailing [admin@sinai.brent.sch.uk](mailto:admin@sinai.brent.sch.uk) or calling 020 8204 1550.

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 15 school days.

An investigation will be carried out by a member of the Senior Leadership Team (The Investigator) who will offer the complainant a meeting and speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place, within 15 school days of the complaint being received.

## **5.1 Formal Resolution**

If the complainant is not satisfied with the response of the investigator in Stage 2, they may request that the complaint be considered by the Chair of Governors. The complainant should set out briefly the facts and state what it is that the complainant considers a fair and reasonable resolution.

In the absence of the Chair of Governors a Vice-Chair or another independent Governor would review if required.

Complaints can be escalated by contacting the Governing Board in writing:

This will need to include the details of the complaint, including the information submitted at the first stage set out in Section 5 of this Policy, 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 Chair of Governors will put their findings in writing to the complainant whenever reasonably possible; this will be done within 15 school days of receiving the escalated complaint.

## **5.2 Formal Resolution (Review Panel Hearing)**

### **Convening the panel**

If the complainant is not satisfied with the response of the Chair of Governors, they may request that the complaint be considered by the complaints Panel of the Governing Board, which will comprise at least three Governors who have not previously been directly involved in the matter. That request should be made in writing, addressed to the Clerk to the Governing Board of the school, within 15 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the responses received thus far. If a complainant is not able to make their request in writing, it may be made in person and a note will be taken. Emails should be addressed to c/o [chair@sinai.brent.sch.uk](mailto:chair@sinai.brent.sch.uk)

The Clerk will invite the School to put in writing its response to the complainant's reasons. The school will do this within 15 school days and at the end of that period, (whether or not the School has responded) the Clerk will convene a meeting of the complaints panel of the Governing Board. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

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

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 15 school days of the request being made, where possible.

If the complainant rejects the offer of 3 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 both parties and the Panel at least 5 school days before the date of the meeting.

The review panel will ensure that the hearing is properly minuted.

## **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. These will only be permitted if required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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 meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put forward his/her reasons for dissatisfaction and to expand on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put forward its position and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

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 formulate its response as quickly as reasonably possible, aiming to do so within 15 school days of the Panel Hearing, and the Clerk to the Governors will notify all concerned.

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 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

## **Attendance at a Complaints Panel Hearing**

The complaints Panel will only proceed if the complainant attends or provides a satisfactory reason to the panel in advance confirming why they are unable to attend, in which case the hearing will be rescheduled (once only). If the complainant fails to attend on the day without compelling reasons, the complaints Panel will proceed in the absence of a 'compelling reason' in order to conclude the process. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

## **6. Complaints against the Headteacher, a Governor or the Governing Board**

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of the Governing Board (or the Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate an impartial Governor to investigate in the same way as in the first stage of the formal process outlined above. Any complaint relating to the Chair of Governors or any individual Governor should be made in writing to the Clerk to the Governing Board.

An independent investigator will carry out the steps in stage as set out previously. They will be appointed by the Governing Board and will write a formal response at the end of their investigation.

Should such a complaint lead to a final review, a committee of independent Governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps as previously set out.

## **7. 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 DfE. Details of this will be included in the Stage 3 outcome letter.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

## **8. Timeliness**

Complaints need to be considered and resolved as quickly and efficiently as possible. We expect complaints to be made as soon as possible after an incident arises and within the same academic year as the incident. After this time, the Governors and Senior Leadership Team will have discretion

not to investigate the complaint. It will be for the complainant to show that there is good reason for the delay. In the case of a complaint received outside of term time or 15 days prior to a holiday period, we will consider this to have been received on the first school day after the holiday period.

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 timeframe 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.

## 9. Unreasonable and persistent complaints

### 9.1 Excessive correspondence

Complainants should try to limit their communication with the school 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.

#### **Steps we will take:**

We will take every reasonable step to address the complainant's comments 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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally. If the complainant continues to send repeated correspondence to the school, the Headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, 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
- Put any other strategy in place as necessary

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### 9.2 Serial/persistent complaints

If a complainant attempts to re-open an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Governing Board (or the Vice-chair in the absence of the Chair) may write to the complainant to inform him/her that the procedure has been

exhausted and the matter closed, and that continued correspondence is 'serial' or 'persistent' and that the school will not respond to any further correspondence on this issue or a closely related issue.

### 9.3 Unreasonable behaviour

We may stop responding to the complainant if the following conditions are met:

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

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

### 9.4 Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete.

We will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete.

### 9.5 Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- Send the same response to all complainants

or

Publish a single response on the school's website

## 10. Anonymous Complaints

Anonymous complaints will not be considered under the Sinai School complaints procedure. However, the Headteacher or Chair of Governors, if appropriate, will determine if there are exceptional circumstances to warrant an investigation.

## 11. Record keeping and confidentiality

A written record will be kept of all complaints and the outcome. The Headteacher is responsible for these records, which will be held centrally.

Records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

This material will be treated as confidential and stored securely, 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, our privacy notices and data retention schedule.

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

Where the Governing Board 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.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Board, who will not unreasonably withhold consent.

## 12. Learning lessons

The Governing Board will review any upheld complaints with the Headteacher/Senior Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **13. Monitoring arrangements**

The Governing Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues as stated in section 11.

This policy will be reviewed by the full Governing Board every 2 years.

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

### **14. Links with other policies**

Policies dealing with complaints out of the scope of this policy include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices