Complaints Policy

Introduction

This Policy is based on the Department for Education (DfE) Model Complaints Policy, downloaded on 7 March 2024. It has also taken into account the suggested timescales promulgated by Lancashire County Council in the Governor Services Supporting Information Booklet for Autumn Term 2023.

We Care About What You Think

Royal Cross will work in partnership with Parents/Carers and the Wider Community to do the best for our Pupils. Therefore, any person, including members of the Public, can make a complaint.

We try hard to do our best for all our Pupils. Your views help us plan for the future. We like to know when things are going well. We also want Parents/Carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the School to sort out a recent problem than something that happened some time ago.

Our Commitment to You

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the School has made a mistake.
- We will tell you what we are going to do to put things right.

Overview of the Complaints Procedure

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or advocate can speak to the School on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

We take our duties under Equality Law seriously and we encourage any person having difficulty accessing this procedure to contact us immediately in order that reasonable adjustments can be made. For instance, providing information in alternative formats, assisting Complainants in raising a formal complaint or holding meetings in accessible locations.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the Formal Stage of the procedure. Try to go to the member of Staff involved or your Child's Class Teacher who will either deal with your issue or pass you on to someone who is more able to help.

Please remember that the beginning or end of the School day can be a very busy time. If you talk to a Teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures (set out within this document) will be followed. Where your concern or complaint is considered sufficiently complex or serious, the School may choose to investigate formally from the outset.

Who Can Make a Complaint?

This Complaints Procedure is not limited to Parents and Carers of Children that are Registered at Royal Cross. Any person, including members of the Public, may make a complaint to Royal Cross about any provision of facilities or services that are provided by the School. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the School will use this Complaints Procedure.

The Difference between a Concern and a Complaint

A <u>Concern</u> may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A <u>Complaint</u> 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. Royal Cross 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, the Headteacher will refer you to another Staff member. The member of Staff may be more senior, but that 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, Royal Cross School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have

appropriate consent to do so.

Concerns should be raised with either the class Teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at **Stage 2** of the procedure.

Complaints against School Staff (except the Headteacher) should be made in the first instance, to the Headteacher via the School Office. Please mark them as 'Private and Confidential'.

Complaints that involve or are about the Headteacher should be addressed to Clive Gregory, The Chair of Governors, via the School Office. Please mark them as 'Private and Confidential'.

Complaints about the Chair of Governors, any Individual Governor or the whole Governing Body should be addressed to The Clerk to the Governing Body via the School Office. Please mark them as 'Private and Confidential'.

Where complaints are made against an individual member of the School Staff or a governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

For ease of use, a template complaint form is at the end of this procedure. If you require help in completing the form, please contact the School office. You can also ask third-party organisations, such as Citizens Advice, to help you.

In accordance with equality law, we will consider making reasonable adjustments if required to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous Complaints

Royal Cross will always give serious consideration to concerns and complaints that are brought to its attention. The School will not normally investigate such Complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the Complaint warrants an investigation.

Unreasonable Complaints

There is a right to raise a complaint against a School and an expectation that the individual will exhaust the School's procedures. If the individual contacts the School again with the same issue, this could be seen as unreasonable and the School may choose not to respond.

The School will seek advice from Governor Services and their Legal Adviser, prior to

taking the decision not to progress the complaint further. The School will not stop responding to a complaint because an individual is viewed as difficult to deal with or asks complex questions. The School may refuse to respond to the subject matter but not the correspondent.

The DfE provide additional guidance in 'Best Practice Guidance for School Complaints Procedures' (January 2019 and updated in March 2019).

See: Best practice guidance for School complaints procedures 2020 - GOV.UK (www.gov.uk)

Duplicate Complaints

A duplicate Complaint i.e. about the same subject, from a relative of the Complainant, will not normally be considered:

- A spouse
- A partner
- A grandparent
- A child

However, the School will inform the new Complainant that the School has already considered that complaint and the local process is complete.

The School will take care not to overlook any new aspects to the complaint that may not have previously been considered and ensure these are investigated and dealt with to the full extent of the Complaints procedure.

Complaint Campaigns

If the School receives what are 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 on the nature and scale of the Complaint:

- Send the same response to all complainants
- Publish a single response on the School's website.

Third Parties

The School will ensure that any third-party providers have their own complaints procedures in place if they are using School premises or facilities to offer:

- Community Facilities
- Services

Parental Responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to Schools. Understanding and dealing with issues relating to parental responsibility contains specific advice about how to approach issues concerning parental responsibility: Parental responsibility: guide for Schools and local authorities - GOV.UK (www.gov.uk)

Timescales

Complainants must raise the Complaint within three months of the incident, or where a series of associated incidents occur, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Note: 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 in this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If a complainant commences legal action against Royal Cross 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 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.

Withdrawal of a Complaint

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

Scope of this Complaints Procedure

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

These procedures do not cover	Who to contact
Admissions to Schools Appeals for Schools	Concerns about admissions/appeals, should be raised with Lancashire County Council (Pupil Access Team) Email: ESCPupilAccessCentral@lancashire.gov.uk

Inclusion Service: Statutory assessments of Special Educational Needs and Disabilities (SEND)	Concerns about Special Educational Needs and Disabilities, should be raised with Lancashire County Council Tel: 0300 123 6706 Email: enquiries@lancashire.gov.uk
School Reorganisation Proposals	Concern about School re-organisation proposals should be raised with Lancashire County Council (School Place Planning Team) Email: Schoolplanning@lancashire.gov.uk
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). Email: MASHeducation@lancashire.gov.uk
School Exclusions *	Further information about raising concerns about exclusion can be found at: www.gov.uk/Schooldiscipline-exclusions/exclusions. Concerns about exclusions should be raised with Lancashire County Council (Pupil Access Team) Email: ESCPupilAccessCentral@lancashire.gov.uk Tel: 0300 123 6707 *Complaints about the application of the Behaviour policy can be made through the School's complaints procedure. Please refer to the School's Behaviour policy which is located on the School website.

These procedures do not cover	Who to contact
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.
	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 Lancashire County Council or the Department for Education depending on the substance of your complaint
Staff grievance procedures	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 their service. Please contact them direct.
National Curriculum content Early Years Foundation Stage Statutory Framework Collective Worship Sex Education	Please contact the Department for Education at: www.education.gov.uk/contactus
Unauthorised absence fines	Please contact Lancashire County Council Tel: 0300 123 701
Freedom of Information Data Protection (GDPR)	Data Protection Officer at the School and if this remains unresolved the Information Commission Office Tel: 0303 123 1113 Email: dataprotectionfee@ico.org.uk

Functions of the County Council

Complaints and Appeals Team Legal and Democratic Services County HallPreston PR1 8XJ

Tel: 0300 1236701

Email: Complaintsandfeedback@lancashire.gov.uk

Resolving Complaints

At each stage in the procedure, Royal Cross School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or 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 it will not happen again and an indication of the timescales in which any changes will be made
- An undertaking to review the School's policies in light of the complaint
- An apology

The Complaint Procedure

Informal Stage

The School will seek to resolve complaints informally by email, telephone call, brief meeting as appropriate. If the complaint is unable to be resolved at this stage, Royal Cross will request that any Concerns or Complaints are put in Writing. The "Formal Stage 1" procedures will commence from the date that the letter is received by the School.

If the School has not heard from you within 20 School days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'Private and Confidential' and addressed to the Chair of Governors via the School. Under Data Protection legislation, the School is not permitted to provide the personal details of the Chair of Governors, but the School will forward the envelope to Chair as soon as possible.

Formal Stage 1

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), or by telephone.

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 5 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.

Note: The Headteacher may delegate the investigation to another member of the School's senior leadership team but not the decision to be taken.

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.
- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: the Clerk to the Governing Board; Legal Services; Schools' HR Team; the School's Adviser; the Schools' Finance Officer; Pupil Access Officer or other appropriate Lancashire County Council Officer.)
- Inform the member of Staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and the School's Policy and Procedures.

At the conclusion of their investigation, the Headteacher will aim to provide a formal written response within 20 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 Royal Cross will take to resolve the complaint.

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

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 Stage 1.

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

Stage 1 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Formal Stage 2

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 – a meeting with members of the Governing Body's Complaints Committee, which will be formed of the first three, impartial, Governors available. 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 10 School Days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 School Days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 25 School Days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the Complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the Complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three Governors with no prior involvement or knowledge of the Complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Governors from Royal Cross 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 committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Committee 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. Generally, it is not encouraged for either party to bring legal representatives to the Committee Meeting. However, there may be occasions when legal representation is appropriate. 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.

Note: Complaints about Staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any Staff conduct complaints will be considered under Staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

At least 10 School Days before the meeting, the Clerk will:

- Confirm and notify the Complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 7 School Days before the Meeting.

Any written material will be circulated to all parties at least 5 School Days before the date of the meeting. The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee 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 Stage 1 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 Committee will consider the Complaint and all the evidence presented. The Committee 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 Committee will aim to provide the Complainant and Royal Cross with a full explanation of their decision and the reason(s) for it, in writing, within 15 School days.

The letter 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 Royal Cross.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

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 Royal Cross will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

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 Royal Cross. They will consider whether Royal Cross 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, by telephone on: 0370 000 2288 or by writing to:

Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

Complaint Form

Please complete and return to the School Office. The Headteacher/Chair of Governors 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.
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:		
Signature.		
Date:		
Official use		
Date acknowledgement sent:		
By who:		
Complaint referred to:		
Date:		

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.

Investigator

The Investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - Interviewing Staff and children/young people and other people relevant to the complaint
 - Consideration of records and other relevant information
 - Analysing information
 - Liaising with the complainant and the complaints co-ordinator as appropriate
 to clarify what the complainant feels would put things right.

The Investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely

pending any appeal

- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Headteacher or complaints committee
 that sets out the facts, identifies solutions and recommends courses of action to
 resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(This could be the Headteacher / designated complaints governor or other Staff member providing administrative support)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with Staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the Complaints Procedure
- Be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- Keep records.

Clerk to the Governing Body

The Clerk is the contact point for the Complainant and the Committee 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 the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and

proceedings are accessible

- Collate 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
- Record the proceedings
- Circulate the minutes of the meeting
- Notify all parties of the committee's decision.

Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all
 parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- Both the Complainant and the School are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- The issues are addressed
- Key findings of fact are made
- The committee is open-minded and acts independently
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted
- They liaise with the Clerk (and complaints co-ordinator, if the School has one).

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting 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 meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be
 possible if the parent wishes the child/young person to attend a part of the meeting
 that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.