

## **COMPLAINTS POLICY & PROCEDURE**

Date of Policy: January 2025

Date of next review: January 2027

Who the review will involve: Headteacher, Governors

Senior member of staff responsible for overseeing that this policy is implemented and regularly reviewed: Headteacher



The Avon Valley School (AVS) is committed to working in close partnership with parents and the community. However, we recognise that from time to time concerns or complaints may arise and it is our aim to work with all parties involved to resolve these as quickly and efficiently as possible. Usually concerns can be resolved quickly through day-to-day communication between parents and school staff.

### **1.0 AIMS**

The aim of this procedure is to:

1. Provide a fair complaints procedure which is clear and easy to use.
2. Attempt to resolve concerns through informal discussions at the earliest stage.
3. Provide clarity of who will be coordinating the process in school.
4. Give clear timelines for resolution.
5. Encourage resolving the issues and finding a way to move forwards.
6. Demonstrate a fair approach to managing complaints and concerns.
7. Explain how vexatious and unreasonable behaviour by complainants is dealt with.

Our School Complaints Policy will:

1. Encourage resolution of problems by informal means wherever possible.
2. Be easily accessible and publicised.
3. Be simple to understand and use.
4. Involve management that will be impartial and non-adversarial.
5. Allow swift handling with established time limits for action.
6. Keep people informed of the progress.
7. Ensure a full and fair investigation by an independent person where necessary.
8. Respect people's rights for confidentiality.
9. Address all the points at issue and provide an effective response and appropriate redress where necessary.
10. Provide information to the leadership teams so that services can be improved.
11. Not allow for anonymous concerns or complaints to be investigated unless there are exceptional circumstances. The Headteacher will determine whether an anonymous complaint warrants an investigation.
12. Complaints will be managed in line with the Complaints Process set out within this procedure.

### **2.0 SCOPE OF THE PROCEDURE**

This procedure covers all complaints about any provision of community facilities or services by The Avon Valley School other than complaints that are dealt with under other statutory procedures, including those listed below. In these cases, if such an issue is brought to the Headteacher's or Chair of Governor's attention, the school will follow its own internal personnel processes. The complainant will be informed that an issue is

to be considered as part of the school's processes but will not be informed of the outcome of any such considerations.

The complaints out of scope of this policy are covered by other policies which are available on the school website.

- Admissions.
- School reorganisation proposals.
- Statutory assessments of SEN.
- Safeguarding matters.
- Suspension and permanent exclusion.
- Whistle-blowing.
- Staff grievances or discipline.
- Curriculum.
- Collective worship.

Complaints about services provided by other providers who use the school site should be directed to those providers.

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 / special educational needs co-ordinator / SENCO / Headteacher); they will then be referred to the complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

### 3.0 COMPLAINTS PROCEDURE

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 Complaint Procedure.

The school's complaints procedure consists of the following stages which are detailed in section 5.0. At **ALL** stages the complaint form must be submitted.

***The role of the investigator at stage 3 is not to reinvestigate but to review the decisions made by the previous investigator, e.g. Were the actions and decisions taken lawful, reasonable and proportionate when dealing with the complaint?***

STAGE	INVESTIGATION PROCESS
STAGE 1	Informal stage (school)
STAGE 2	Formal stage investigated by Headteacher or Chair of Governors or Nominated Deputy where complaints are about the Headteacher
STAGE 3	Formal Stage for complaints that have been escalated from Stage 2 Investigated by Chair of Governors /Nominated Deputy  Investigated by an independent panel if the complaint is about the Chair of Governors or the governing body

#### **3.1 Time Limits**

Time limits for each stage of the procedure are set out in (5.0).

Although every effort will be made to comply with the time limits specified it may not always be possible to do so, for example, due to the complexity of the matter raised or due to the unavailability of the complainant to attend a meeting if one is offered.

However, where a timescale cannot be complied with, the school will write to the complainant within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on the school's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, the school will write to the complainant within the specified time limit setting out the reasons the time limit cannot be complied with and confirm the new time limit that will apply.

If a complainant commences legal action against The Avon Valley School in relation to their complaint, the school will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **3.2 Data Protection**

The use and storage of data in this procedure adheres to the guidance in the school's Data Protection Policy.

Prior to commencing any investigation, it is necessary for the complainant to consider what personal data they are content to share with an investigating officer. The complaint form (6.1) asks for the complainant to consent to share material to enable an investigation to be undertaken.

If the complainant does not give consent to share information, then the scope of the complaint may be limited and, therefore, the actions available to conclude the complaints process may also be limited. In some instances, the complaint may not be able to proceed. The complainant will be informed if this is the case to give an opportunity to consider consent to share the material again.

All complaint information will be handled confidentially and sensitively, telling only those who need to know and following any relevant data protection requirements.

### **3.3 Retention of Records**

The records of a complaint process are subject to the Data Protection Act 2018 and other statutory requirements. The school will follow their Data Protection Policy with regards to retention of records and will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the outcome and any action taken by the school. This will include

- All notes taken by the investigating officer /panel.
- Copies of letters, emails and notes related to the complaint.
- Notes relating to meetings, phone calls, and panel hearings (including minutes, where relevant).
- If relevant and consent has been gained, any audio or video recordings.

The Investigating Officer will collect and keep records of meetings as necessary. All notes should be signed and dated. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint. They will be stored and disposed of in accordance with the school Data Protection Policy / Privacy Notice Policy and relevant legislation.

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.

### **3.4 Reviewing and Monitoring Arrangements**

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Headteacher will record the number and nature of complaints, and review underlying issues as stated above.

The Governing Board will review any underlying issues raised by complaints with the Headteacher, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every 2 years, considering the latest guidance. Responsibility for reviewing the procedure remains with the Governing Board.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop process and the monitoring and reviewing of complaints will be used to help evaluate the school's performance.

### **3.5 Availability and Publishing**

A copy of this policy will be made available on request. It will also be published on the school website.

## **4.0 RAISING A COMPLAINT**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person can make a complaint, this includes:

- Parents or carers of children currently at the school.
- Parents or carers of children no longer at the school.
- Members of the public.
- A third party acting on behalf of the complainant. In these cases, written consent will be required from the complainant before any information is disclosed.

Unless complaints are dealt with under separate statutory procedures as detailed previously the school will use this complaints procedure.

The definition of a concern and a complaint is detailed below:

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. AVS takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

***The school will decide whether the issue qualifies as a concern or a complaint. If it does not meet the definition of a complaint, the school will advise of how the concern will be addressed.***

### **4.1 How to Raise a Complaint**

At all stages, including the informal stage, a complaint must be made in writing using the complaints form that can be found on the website. If there is any issue with accessing the form on the website, please contact the school reception who will be able to provide you with a printed copy. They may also be made by a third party acting on behalf of a complainant, if they have appropriate consent to do so. All complaints should be detailed on the form (6.1 Complaint Form). If help is required in completing the form, please contact the school office. A third-party organisation for example like the Citizens Advice may also help.

They should be raised as detailed below

1. Complaints against school staff (except the Headteacher) should be marked as Private and Confidential and addressed to the Headteacher via the School PA. (kwatts@avonvalleyschool.uk)

2. Complaints that involve or are about the Headteacher, the Chair of Governors or any individual or the whole governing body should be addressed to the Clerk to the Governing Body: marked as Private and Confidential (richarddavies@warwickshire.gov.uk).

Complainants should not approach individual governors to raise concerns or complaints. Governors will not act on an individual complaint outside the formal procedure or be involved at the early stages as it may prevent them from considering complaints at stage 2 and 3 of the procedure. If a written complaint is sent directly to or received by any member of the Governing Board, it will be forwarded to the Head's PA to enable the correct process to be followed.

In accordance with equality law, the school 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.

#### **4.2 Anonymous Complaints**

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### **4.3 Unreasonable Actions**

The Avon Valley School defines unreasonable actions as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school. This includes the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaint's investigation process.
- Refuses to accept that certain issues are not within the scope of the complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be considered and commented on.
- 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time through frequent, lengthy and complicated contact about the complaint either in person, in writing, by email and/or by telephone while the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes information relating to the complaint on social media or other public forums.

Complainants should try to limit their communication with the school if it relates to their complaint, while the complaint is being progressed. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, specific methods of communication limiting the number of contacts in a communication plan will be put in place. This will be reviewed after six months.

#### **4.4 Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors can inform them in writing that the procedure has been exhausted and that the matter is now closed.

#### **4.5 Duplicate Complaints**

If the complaint has been resolved under this procedure and a duplicate complaint on the same subject from a partner, family member or other individual is raised, the Head will assess whether there are aspects that hadn't previously been considered, or any new information that needs to be considered. If the Head is satisfied that there are no new aspects, he will tell the new complainant that this has already been investigated and responded to, and the local process is complete and direct them to the DfE, if they are dissatisfied with the original handling of the complaint. If there are new aspects, the Head will follow the procedure again.

#### **4.6 Complaint Campaigns**

There can be occasions where the school receives large volumes of complaints from multiple sources. In these cases, the Head reserves the right to treat this as a complaints campaign and as such may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants.

#### **4.7 Timescales for Submitting a Complaint**

The complaint must be made within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Exceptional circumstances are where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether to enact the complaints procedure, informing the Chair of Governors of the decision.

The Headteacher will consider complaints made outside of term time to have been received on the first school day after the holiday period. If at any point the timescales set out in this policy cannot be met, the Investigating Officer will contact the complainant to explain the delay and set new timescales.

#### **4.8 Resolving Complaints**

At each stage in the procedure, the school wants to resolve the complaint. The Investigating Officer will either acknowledge that the complaint is upheld in whole or in part, or advise that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld.

#### **4.9 Withdrawal of a Complaint**

If a complainant expresses their wishes to withdraw their complaint in any other form than writing, they will be asked to confirm this in writing to the investigating officer. If no subsequent written confirmation is received, the investigating officer will email the complainant stating that it is understood that the complaint has been withdrawn and that the matter is closed so that the complainant is aware that their request has been actioned.

## 5.0 COMPLAINTS PROCEDURE

(Process is summarised in 6.2 Complaints Flow Chart)

### 5.1 Timescales

The timescales for submissions, acknowledgment and response to complaints are shown below, guidance on time limits is detailed in section 3.1

STAGE	COMPLAINT ACKNOWLEDGED	COMPLAINT RESPONSE	ESCALATION TIME LIMIT
STAGE 1	3 school days	7 school days	10 days to escalate to stage 2 from date of written response *
STAGE 2	3 school days	15 school days	10 days to escalate to stage 3 from date of written response *
STAGE 3	3 school days	15 school days to review complaint and confirm if a meeting will be held or not If the complaint is to be heard, the meeting will be convened within 20 school days of the response Written response 10 school days after the meeting	End of complaints process

\*Complaints received out of the 10 school days' timeframe will only be considered if exceptional circumstances apply.

### 5.2 Investigation process

All stages of the procedure will be investigated in the same way to ensure a fair, reasonable and impartial process is followed. It is important that the right person to investigate is nominated at each stage:

**Stage 1:** Line manager of the individual person the complaint concerns.

**Stage 2:** Headteacher, Chair of Governors, or nominated deputy governor.

**Stage 3:** Chair of Governors or nominated deputy governor

Independent Panel – Only for complaints regarding the Chair of Governors or Governing body

The Headteacher (or Chair of Governors) has discretion to appoint another person if required.

The person investigating the complaint will conduct a thorough investigation

- Establish what has happened so far, and who has been involved.
- Clarify how the Complainant may feel things could be put right (if this has not been set out in the complaints form).
- Decide if a face-to-face meeting or call is required to clarify information. The Investigating Officer may decide that there is no requirement to have a face-to-face meeting, if they possess all the information they need to make an informed decision.
- If necessary, interview others involved in the matter.
- Keep a written record of any meetings/interviews in relation to their investigation. These will be dated and signed.
- Keep the complainant up to date throughout the process.

***The responsibility of the investigating officer at stage 3 is to review the decisions made previously not to reinvestigate, e.g. Were the actions and decisions taken lawful, reasonable and proportionate when dealing with the complaint?***

Should the complainant be offered the opportunity to meet with the Investigating Officer, they can be accompanied by a friend or relative. The companion will not be acting in a legal capacity to speak on their behalf or help them make their case. The complainant should inform the school of the identity of their companion in advance of the meeting.

In certain circumstances, the school may need to refuse a request for a particular individual to attend the 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 can arrange alternative accompaniment.

### **5.3 Outcome & Responses**

A written response will be sent to the complainant. This will also be shared with the Headteacher. The response will:

- Advise of any actions taken to investigate the complaint.
- Provide a full explanation of the decision made and the reason(s) for it.
- Where appropriate, include details of actions which the school will take to resolve the complaint.
- Advise what the next stage of the procedure is, if they are dissatisfied with the outcome of the investigation. They will advise that should the complainant wish to escalate they need to set out the clear reasons why they are not satisfied with the decision and not simply that they disagree.

If the complainant wishes to bring up new complaints the procedure needs to start from Stage 1.

### **5.4 Stage 1 Informal (School Resolution)**

*This stage does not apply to complaints against the Headteacher, a Governor, or the Governing Board.*

Initial contact should be made with the line manager through the normal school process and a complaints form must be submitted. They will follow the process detailed in 5.2 and will ensure that the complainant is kept informed of any action taken. The emphasis at this stage is on resolving the issue quickly and informally for the benefit of pupil, parents / carers, and staff.

The member of staff dealing with a concern will make a written record of the issues raised, the action taken and, at the conclusion of their investigation, will provide an informal but considered written response within 7 school days of the date of receipt.

If the complainant believes that the issue remains unresolved, the next step is to make a formal complaint (Stage 2). The member of staff will advise the complainant of the procedure to follow and refer the concern to the Headteacher. The complainant will be advised that all evidence and relevant documentation supporting the complaint will need to be submitted along with the original complaint form that should be updated.

All documentation relating to the informal complaint will be retained as detailed in section 3.3.

### **5.5 Stage 2 Concerns and complaints investigated by Headteacher / Chair of Governors or Nominated Deputy**

The complainant should submit the complaint as detailed in 4.1 and will be dealt with in accordance with the timescales detailed in 5.1.

At this stage it may also be the case that the Investigating Officer may decide that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated and is not going to be investigated. This will be advised to the complainant with reasons and if applicable will direct the complainant to the relevant process.

The Investigating Officer will be appointed and will conduct the investigation in accordance with the principles outlined in 5.2.

The written response will:

- Detail any actions taken to investigate the complaint.
- Provide a full explanation of the decision made and the reason(s) for it.
- Where appropriate, it will include details of actions which the school will take to resolve the complaint.
- Advise the complainant that if they are dissatisfied with the outcome of the investigation, and they wish to escalate their complaint to Stage 3, they should inform the Governor Clerk within 10 school days of the date of the formal written response.

The complainant will also be advised that they need to set out the clear reasons why they are not satisfied with the decision and not simply that they disagree or not to bring up new complaints. New complaints must be dealt with from Stage 1 of the procedure.

All documentation relating to the informal complaint will be retained as detailed in section 3.3.

### **5.6 Stage 3: Chair of Governors/Nominated Deputy Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This is the final stage of the complaint's procedure.

The complainant should submit the complaint as detailed in 4.1 and will be dealt with in accordance with the timescales detailed in 5.1.

Stage 3 is a hearing with either the Chair of Governors or Nominated Deputy.

An independent Committee will only be arranged to hear the complaint if:

- The whole Governing Board is aware of the substance of a complaint before the investigation has been completed.
- The complaint is jointly about the Chair and Vice Chair or the entire Governing Body or most of the Governing Body.

No review of any new complaints will be heard at this stage and evidence unrelated to the initial complaint will not be considered at this stage. It may also be the case that the Investigator deems that the complaint may not have any substance for escalating to Stage 3 and is therefore considered to be unfounded or unsubstantiated and is not going to be investigated. This will be advised in writing to the complainant detailing the reasons why.

The Investigating Officer will decide whether to deal with the complaint by inviting parties to a meeting or through written representation, but in making their decision they will be sensitive to the Complainant's needs.

The Clerk will aim to convene a meeting within 20 school days of the acknowledgement of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the meeting cannot be convened because the end of term is less than 20 school days from the date the acknowledgement letter is sent, it must meet within 10 working school days of the start of the new term.

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 based on written submissions from both parties.

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 Investigating Officer will provide the complainant and the school and where relevant the person being complained about with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. 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 AVS will take to resolve the complaint.

All documentation relating to the complaint will be retained as detailed in Section 3.3 Retention of Records.

The response will advise the complainant that if they are unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

6.1 Complaint Form



# THE AVON VALLEY SCHOOL & PERFORMING ARTS COLLEGE COMPLAINTS FORM

## Complaint Form

Your name	
Relation to student	
House/ flat/ building number and street name	
Town	
County	
Postcode	
Your telephone number	
Your email address	
Signature	
Date	

**Please provide as much detail as possible. All of the boxes expand to take additional text.**

<p><b>Please provide in detail what you are making a formal complaint against/about.</b></p> <ul style="list-style-type: none"><li>• Be specific about exactly what your complaint is about and when it arose.</li><li>• Be specific about any breach of rules/policies that you believe may have occurred.</li><li>• Give specific details of any events that you believe have led up to this.</li></ul>
<p><b>What do you think the School did or did not do? Include</b></p> <ul style="list-style-type: none"><li>• Dates, names of witnesses</li></ul>

• What evidence you have to support this

Please provide details and evidence about the consequences/impact of what happened.

What action, if any, have you already taken to try to resolve your complaint?

Who have you spoken with or written to and what was the outcome?

What do you think the school should do to resolve matters at this stage?

Please list copies of any documents you are attaching to the complaint.

**SCHOOL USE ONLY**

Received by:

Date received:

Summary of decisions and next steps (including if this is categorised as a concern what the next steps are)

**Consent for Data**

Please consider if you give consent to share your personal data with any investigating officer or not.  
Please delete either:

I give my consent for information held in paper and electronic records in respect of my case to be made available to any allocated investigator. I consent to this confidential and sensitive data to be shared for that specific purpose. I realise that any information held about any third party cannot be shared without their specific consent.

Should it be necessary in the view of the investigator to seek that third party consent I give my approval that they may share sufficient information with that third party to enable that person to make an informed choice about whether or not to give consent to sharing that person's information with the investigator.

**OR**

I do not give my consent to share my personal data to an allocated investigating officer. I acknowledge that this may limit the scope of the complaint investigation.

Signed

Dated

## 6.2 Complaints Procedure Flow Chart

