



Complaints Procedure

Staff reviewer:	Scrutinised by link Governor:	Date approved at Full Governing Board:	Next review date:
Nicola Mitchell	Anne Oxborough	08/12/19	July 2023

Complaints Procedure

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Exeter Mathematics School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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 complaints procedure. Exeter Mathematics School 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 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, Exeter Mathematics 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 on a complainant, as long as they have appropriate consent to do so.

Concerns (informal complaint process) should be raised with either the class teacher or Head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Concerns are expected to be settled informally. All members of staff have a responsibility to respond to concerns and take action to resolve as soon as possible, wherever possible. The member of staff should complete a Concern Form, which should then be passed to the Head teacher for review and the School Business Manager for retention.

Where a member of staff feels unable to resolve the concern, that member of staff should refer the matter as quickly as possible to the Head teacher, who will deal promptly with the concern.

Feedback should be given to the person raising the concern, as soon as possible, but always within 20 working days unless there are exceptional circumstances.

A record of all concerns will be kept by the School Business Manager for a period of 3 years.

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 Head teacher) should be made in the first instance, to Kerry Burnham (Head teacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head teacher should be addressed to the Clerk to 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 Jane Lucas (Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included 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 like the 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

We will not normally investigate anonymous complaints. However, the Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

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

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.

Resolving complaints

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

Withdrawal of a Complaint

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

Complaints Procedure

Stage 1

Formal complaints must be made to the Head teacher (unless they are about the Head teacher) directly. This may be done in person, in writing (preferably on the Complaint Form and emailed to kerryburnham@exeterms.ac.uk), or by telephone on (01392) 429020 and asking to speak to the Head teacher.

The Head teacher 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 Head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Head teacher 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 Head teacher (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.

At the conclusion of their investigation, the Head teacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Head teacher 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 Exeter Mathematics School will take to resolve the complaint.

The Head teacher 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 Head teacher, 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 Head teacher or member of the governing body must be addressed to Clerk of Governors who will then forward the complaint on to Anne Oxborough, Chair of Governors. Once received by the Chair of Governors a response to the complaint will be sent within 20 working days.

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 Appeals 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 7 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 15 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 Appeals 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 Appeals Committee. If there are fewer than three governors from Exeter Mathematics School available, the Clerk will source any additional, independent governors through another local school, in order to make up the Appeals Committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Appeals 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, we do not encourage 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.

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.

Representatives from the media are not permitted to attend.

At least 5 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 Appeals Committee at least 10 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 Appeals 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 Appeals 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 Appeal Committee will consider the complaint and all the evidence presented. The Appeals 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 Appeals 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 Appeals Committee will provide the complainant and Exeter Mathematics School with a full explanation of their decision and the reason(s) for it, in writing, within 5 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 Exeter Mathematics School.

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 heard by an Appeals Committee of independent governors.

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 Exeter Mathematics School 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 Education Skills and Funding Agency (ESFA) after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Exeter Mathematics School. They will consider whether Exeter Mathematics School 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:

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen



Concern Form

Please complete and return to Kerry Burnham, Head teacher once the concern has been addressed

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 concern, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

What action has been agreed to take place to resolve the concern?

Signature:

Date:

For use by Head teacher
Has the action been completed and when?

Complaint Form

Please complete and return to Kerry Burnham, Head teacher who 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.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

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 Head teacher or Appeals Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head teacher or Appeals Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the point of contact for the complainant and the Appeals Committee when the

complaint has reached stage 2 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 Appeal 's Committee's decision.

Appeals Committee Chair

The Appeals 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 Appeals 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 Appeals Committee is open-minded and acts independently
- no member of the Appeals 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).

Appeals Committee Member

Appeals 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 Appeals 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 Appeals 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 Appeals 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 Appeals 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 Appeals Committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

7. Equality Analysis

Please use the 'equality analysis procedure' to guide you to complete the text boxes below, expanding them as you wish. If this is a review - please add date and make any amendments if required.

7.1. Is your policy equality- relevant? If yes, please list which groups of people will be affected by this policy. Yes, access to make a complaint should be varied to ensure no one is prevented from being able to raise a concern or make a complaint

7.2. How have you involved people from minority groups who may be affected by this policy? Describe any activities such as conversations, interviews, feedback or plans to do this in the future.

Referred to guidance on best practice by the ESFA

7.3. What evidence have you considered? List any sources of data and research you have used. This can include college or national monitoring data, surveys, reports, consultations, focus groups, pilots, evaluations. Describe any ongoing data collection or plans for future research.

Model/Best Practice from ESFA

7.4. How will your policy fulfil the public sector duty by helping fight discrimination, advance equality of opportunity and foster good relations?

Characteristic	How does your policy help fulfil the public sector duty? What Equality issues have you addressed?
Age	In particular, disability and giving various methods to make a complaint
Disability	
Gender	
Pregnancy & maternity	
Race	
Religion and belief	
Sexual orientation	
Transgender	

7. 5. Describe any potential adverse impacts that may arise as a result of the policy. If any are identified, you should also state what actions will be taken to mitigate that negative impact. If yes, say if you have an action plan to carry this out? No