

**New Islington Free School**

## **Draft Complaints Procedure**

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**December 2020**

**Review December 2021**

## **Policy statement**

1. This policy aims to ensure that:
  - Parents/carers know that the New Islington Free School takes concerns and complaints seriously and will respond in a courteous and efficient manner;
  - An effective procedure for making, investigating and resolving complaints (including appeals) from parents/carers is established;
  - There is a separate procedure for dealing with parental concerns which fall short of a formal complaint;
  - Parents/carers wishing to make a complaint know how to do so
  - All those involved in managing a complaint make every effort to resolve matters amicably;
  - Responses to complaints will be made within a reasonable period of time; and
  - Where necessary, appropriate action will be taken.

## **Scope**

2. This procedure covers all complaints from parents/carers, other than those listed below. Procedures for making complaints falling into any of these categories are covered by other school policies
  - Admissions
  - Statutory assessments of special educational needs
  - Child protection
  - Exclusion
3. Complaints from staff are dealt with under the school's grievance procedure. A separate procedure exists to cover 'whistle-blowing' by the school's employees
4. Where a parent/carer wishes to complain about a service provided by another supplier who is using/hiring the school's premises, they will be directed to that suppliers' own complaints procedure

## **Stage One: raising concerns informally**

5. A concern may be defined as 'an expression of worry or doubt over an issue considered by the parent/carer to be important and for which reassurances from the school are sought'

6. Parents/carers can raise a concern informally by contacting the relevant member of staff. Parents/carers must raise any concerns informally within 5 working days of the issue/incident
7. Raising a concern can be done in person or by telephone, email or letter. Parents/carers are strongly advised that by raising something informally and in a timely manner, it is normally possible to resolve matters quickly and to their satisfaction. The school takes concerns seriously and will aim to resolve them within 5 working days once they have been raised
8. In the vast majority of cases, it is anticipated that the relevant member of staff will be the pupil's Class Teacher. However, where a parent/carer wishes to refer the matter to a more senior member of staff, the relevant person is the Head Teacher, Mrs. Tabitha Smith. The above time-frames still apply if a matter is referred to the Head Teacher.
9. Parents/carers are strongly encouraged to use the template at the end of this document.

## **Stage Two: making a complaint**

10. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action' and which is not therefore a suitable matter for informal resolution. However, a complaint can be also made where informal resolution has been attempted but has failed to satisfy the complainant
11. A complaint should be made in writing, either by letter or email, and should be addressed to the Head Teacher, Mrs. Tabitha Smith. A Complaint Form can be found at the end of this document, which must be used by the parent/carer who is making a complaint.
12. A formal complaint should be made within 5 days of the issue/incident, or within 5 days of the failure to achieve resolution at the informal stage. The school will consider complaints made outside of this time frame if exceptional circumstances apply.
13. The school will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether an anonymous complaint warrants an investigation.
14. The school will consider complaints made outside term time to have been received on the first school day after the relevant holiday period has ended.
15. Parents/carers should note that (1) where the Head Teacher or (2) either individual governors or the entire governing body are the subject of the complaint, separate procedures apply. Details of this can be found at paragraphs 40-54 below

16. New Islington Free School will take every reasonable step to ensure that a complaint made under paragraph 11 is normally resolved within 15 working days of the complaint being received by the Head Teacher.

### **Investigating complaints**

17. Once a formal complaint has been received by the Head Teacher she will require that as soon as is reasonably practicable a senior member of staff contacts the parent/carer concerned. In certain cases where she considers it appropriate, the Head Teacher will make this contact herself. The purpose of this contact is to: ask the complainant what they believe might resolve the issue and explain how the school intends to investigate the complaint. The staff member will also inform the parent/carer how long the investigation is likely to take and when they might expect a response. Under normal circumstances, the School will aim to complete the investigation within 15 working days of the date the complaint was received by the Head Teacher. The parent/carer will be informed where it becomes clear that this timescale is likely to be exceeded.
18. The investigation will focus solely on those issues raised by the parent/carer in their written complaint. Where during the investigation the parent/carer raises another matter wholly unconnected with their original complaint, they should make a new complaint.
19. At the end of the investigation, the parent/carer will be informed in writing of the outcome. This will include the decision reached, the reasons for it and any action taken or proposed. The school will record all action taken as a result of the complaint, regardless of whether or not it was upheld. The letter will also advise the complainant, where they remain dissatisfied, of their right to request a Panel Hearing. Under normal circumstances, the school will aim to send the response to the parent/carer within 15 working days of receipt of the complaint.
20. In certain circumstances, the school will be required to refer the complaint or a particular aspect of it, to an external body. Examples include Greater Manchester Police and the Manchester City Council safeguarding team, particularly its Designated Officer. Where such a referral is made the school will either refrain from opening its investigation or cease its investigation until the relevant body has (1) completed its own enquiries and (2) advised the school to proceed with its own investigation. Where a parent/carer commences legal action against New Islington Free School in relation to a complaint but prior to its resolution, the school will consider whether to suspend the complaints procedure until the legal proceedings have concluded.
21. It is School policy that complaints made by parents/carers will not adversely affect their children's interests

## **Confidentiality**

22. Subject to paragraphs 23-24 below, any concern or complaint raised by parents/carers will be treated as confidential.
23. Knowledge of the complaint will be restricted to those who, for various reasons, need to know about it. This will include the Head Teacher, the member(s) of staff investigating the complaint and any other member of staff otherwise involved. In addition, there are circumstances where the Chairman of Governors may need to be informed.
24. As explained in paragraph 20, it may be necessary to inform external bodies of the complaint and, possibly, the identities of those involved. An example of this is where an investigation suggests that a criminal offence may have taken place.

## **Resolving complaints**

25. The aim of New Islington Free School is to resolve the complaint to the satisfaction of the parent/carer. Where appropriate, the school will acknowledge that the complaint is upheld, either in whole or in part. In addition, depending on the circumstances, the school may offer one or more of the following:
  - An explanation
  - Acknowledgement that the situation could have been handled differently or better
  - An assurance that the school will try to ensure that the issue complained of will not recur, including an explanation of the steps that have been taken or will be taken in this respect
  - An undertaking to review school policies and/or procedures
  - An apology

## **Written records**

26. A written record will be kept of all complaints, including whether or not they were resolved at the preliminary stage or proceeded to a panel hearing (see paragraph 19). The written record will also include all correspondence and statements gathered in the course of an investigation.
27. Written records will be treated as confidential. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under the Education and Skills Act 2008, s. 109 requests access to them.

## **Disciplinary action taken against staff**

28. It may be the case that as a result of a complaint made by a parent/carer disciplinary action is taken against a member of staff employed at the New Islington Free School.
29. Where this occurs, any such action will be taken in accordance with the official staff Discipline and Dismissal Policy and handled confidentially within school.

## **Stage Three: the Panel Hearing**

30. To reiterate, it is the aim of the New Islington Free School that parents/carers making a complaint will be satisfied both with the investigation and the formal response. Certainly, it will make every reasonable effort to ensure that each complaint is fully investigated and that the issues raised are considered in a fair and professional manner.
31. However, where the parent/carer is not satisfied with the formal response, they should inform the Head Teacher in writing, requesting that the matter be referred to a Panel Hearing. Any such request should be made within 14 days of the Head Teacher receiving a request. It is also particularly important that the parent/carer states as clearly and fully as possible the reasons for their request.
32. On receiving this request, the Head Teacher will refer the matter to the Chair of Governors, who will aim to convene the Panel within 10 working days. However, it is important to note that the date of any Panel Hearing will be dependent upon the availability of Panel members.

## **The Panel**

33. The panel formed under paragraph 32 will consist of three people, none of whom will have been directly involved either in the matters detailed in the complaint or its investigation, or the attempted resolution prior to this point. Further, at least one panel member will be independent of the management and running of the school.
34. The Panel will have access to all relevant documentation.
35. The parent/carer will be invited to attend the Panel Hearing. They will also be invited to produce documentation to be circulated in advance to Panel members. In addition, the parent/carer can be accompanied to the hearing by a friend.
36. The Panel will make the final decision in respect of the complaint. If the complaint is upheld in whole or in part, it will decide on the action required to resolve it. It may also, if it chooses, attach recommendations to its findings.

37. The Panel's findings, etc will be sent to the parent/carer making the complaint as soon as reasonably practical after they have been agreed by the Panel. A copy will be sent to the person or persons complained against.
38. A copy of the Panel's findings, etc will be kept on file in the Head Teacher's Office, where it can be inspected by the Head Teacher and the Chair of Governors.
39. If a parent/carer is still unhappy, after receiving a written response from the panel, they should contact the ESFA via the following link:  
<https://www.education.gov.uk/form/school-complaints-form>

## **Complaints against the Head Teacher**

40. Where the Head Teacher is the subject of the complaint, including cases where the complaint also extends to other members of staff, the matter should be referred directly to the Chair of Governors, via the Complaints Coordinator.
41. The Chair will then contact the parent/carer in order to explain how the school will respond to the complaint. Where relevant, this contact will include an explanation of how and by whom the complaint will be investigated, how long the investigation is likely to take and when a response can be expected.
42. Where the Chair of Governors believes that the complaint merits it, he will appoint a suitably skilled governor to investigate the complaint and report their findings to him. After considering this report, the Chair of Governors will then write to the parent/carer. This letter will include the conclusion reached, the reasons for it and any action taken or recommendations proposed. The letter will also advise the complainant, where they remain dissatisfied, of their right to request a Panel Hearing.
43. New Islington Free School will take every reasonable step to ensure that a complaint is normally resolved within 28 working days of the complaint being received by the Chair of Governors.
44. If the parent/carer is dissatisfied with the response, they should write to the Chair of Governors to request that their complaint be referred to a Panel Hearing. Any such request should be made within 14 days of receiving the written response. It is also particularly important that the parent/carer states as clearly and fully as possible the reasons for their request.
45. The composition of the panel, its purpose and procedure are set out in paragraphs 33-38 above.
46. If a parent/carer is still unhappy, after receiving a written response from the Panel, they should contact the ESFA via the following link:  
<https://www.education.gov.uk/form/school-complaints-form>

## **Complaints against Governors**

47. Complaints about the Chair of Governors, any individual governor or the entire governing body should be addressed to the Complaints Coordinator.
48. The parent/carer will be contacted by a governor or someone appointed by the governors to act of their behalf, in order to explain how they will respond to the complaint. This contact will include an explanation of how and by whom the complaint will be investigated, how long the investigation is likely to take and when a response can be expected.
49. (1) Where the subject of the complaint is an individual Governor including the Chair and/or Vice Chair, or a minority of governors, a suitably skilled governor will be appointed by the Chair to investigate it. (2) Where the complaint is about the Chair and Vice-Chair jointly, a majority of governors or the entire governing body, the governors will appoint an independent person both to investigate the complaint and provide a formal, written response.
50. On conclusion of the investigation and depending upon which governors are the subject of the complaint, either the Chair or the independent person referred to in the previous paragraph will write to the parent/carer. This letter will include the conclusion reached, the reasons for it and any action taken or recommendations proposed. It will also advise the complainant, where they remain dissatisfied, of their right to request a Panel Hearing.
51. New Islington Free School will take every reasonable step to ensure that a complaint is normally resolved within 28 working days of the complaint being received by the Complaints Coordinator.
52. If the parent/carer is dissatisfied with the response, they should write either to the Chair of Governors or the independent person as appropriate, to request that their complaint be referred to a Panel Hearing. Any such request should be made within 14 days of receiving the written response. It is also particularly important that the parent/carer states as clearly and fully as possible the reasons for their request.
53. The composition of the Panel, its purpose and procedure are set out in paragraphs 33-38 above. The exception to this is where the complaint has been investigated by an independent person. In this case, the Panel will consist of three, independent co-opted governors
54. If a parent/carer is still unhappy, after receiving a written response from the Panel, they should contact the ESFA via the following link:  
<https://www.education.gov.uk/form/school-complaints-form>

### **Withdrawal of a complaint**

55. A parent/carer can decide to withdraw their complaint at any time. However, where this is their wish, the school will ask them to confirm their decision in writing.



The matter will then be considered 'closed' by the Governing Body and the school.

## **Addresses**

Mr. Maurice Watkins  
Chairman of Governors

Mrs Tabitha Smith  
Head Teacher

c/o Ms Kim Spooner  
Complaints Coordinator  
Second2None Clerking Service

New Islington Free School,  
10 Hugh Oldham Way,  
Manchester,  
M4 6EY

## **Appendix 1**

New Islington Free School will take all necessary steps to ensure parents/carers are treated fairly and equally. To this end:

- A concern and/or complaint can be made by a third party, providing they have appropriate consent to act on behalf of the parent/carer
- Help in completing the complaint form is available from the school office and organisations such as the Citizens' Advice Bureau
- The school will consider making reasonable adjustments if required to enable complainants to access and complete the complaints procedure. For example providing information in alternative formats, assisting complainants in raising a formal complaint and holding meetings in accessible locations

## Appendix 2

### CONCERN FORM

Please complete this form and return it to the Head Teacher on the day the concern arose, or as soon as reasonably practicable thereafter. Where relevant, a dated record of further action taken will be attached to this form.

|  |                         |
|--|-------------------------|
| <b>Pupil's name:</b><br><br><b>Form:</b>   | <b>Date of concern:</b> |
| <b>Parent/carer's name:</b><br><br><b>Contact details (address, daytime and evening telephone numbers and email address):</b>            |                         |
| <b>Details of concern (including where relevant date, time and location of the incident, the parties involved and any words spoken):</b> |                         |

|   |
|---|
|   |
| <b>OFFICIAL USE ONLY</b>  |
| <b>Action taken, including the date(s) and the person(s) taking the action:</b> |
| <b>Further action to be taken:</b>  |
| <b>Date that details of the action taken was shared with the parent/carer:</b>  |
| <b>Details of the parent's/carer's response:</b>                                |

## Appendix 3

### COMPLAINT FORM

Please complete and return to either the Head Teacher or the Complaints Coordinator as appropriate. This person or someone authorised to act on their behalf will acknowledge receipt and explain what action will be taken.

|  |
|--|
| <b>Your name:</b>  |
| <b>Pupil's name (where relevant):</b>  |
| <b>Your relationship to the pupil (where relevant):</b>  |
| <b>Your address:</b><br><br><b>Postcode:</b><br><b>Day time telephone number:</b><br><b>Evening telephone number:</b><br><b>Email address:</b> |
| <b>Please give details of your complaint, including whether or not you have already spoken about it with someone at the school.</b>            |

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

|   |
|---|
|   |
| <b>Are you attaching any paperwork? If so, please give details.</b> |
| <b>Signature:</b>   |
| <b>Date:</b>  |
| <b>Official use only</b>  |
| <b>Date acknowledgement sent:</b>                                   |
| <b>By whom:</b>   |
| <b>Complaint referred to:</b>                                       |
| <b>Action taken:</b>  |
| <b>Date:</b>  |

