PENAIR SCHOOL

DISCE UT VIVAS

Complaints Policy

Policy holder:	J Davidson: Headteacher
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1. Aims

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

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes.
- The school will make reasonable adjustments for disabled complainants, including providing information in alternative formats, allowing advocacy support, arranging interpreters or adjusting timescales where appropriate.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

Definitions

The DfE guidance explains the difference between a concern and a complaint:

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

Anonymous Complaints

The school will not normally investigate anonymous complaints.

However, the Headteacher and/or Chair of Governors may determine that an anonymous complaint warrants investigation where:

- sufficient information is provided to permit meaningful investigation;
- safeguarding concerns are raised;
- there are health and safety concerns;
- allegations suggest potential unlawful conduct;
- there is perceived risk to pupils, staff or the wider school community.

The decision to investigate an anonymous complaint shall be at the discretion of the school.

Safeguarding Complaints

Complaints which raise safeguarding or child protection concerns will be referred immediately to the Designated Safeguarding Lead.

Such matters will be managed in accordance with the school's Child Protection and Safeguarding Policy and statutory safeguarding guidance.

Where concerns involve allegations against staff, volunteers, contractors or governors, the school will follow the relevant safeguarding and disciplinary procedures rather than this complaints procedure.

3. Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.
There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

The following matters are not normally dealt with through this procedure because separate statutory or regulatory routes exist:

- Safeguarding allegations.
- Staff disciplinary and capability matters.
- Whistleblowing concerns.
- Staff grievances.
- Subject Access Requests.
- Freedom of Information requests.
- Admissions appeals.
- Exclusion appeals.
- SEND Tribunal matters.
- Matters subject to court proceedings.
- Complaints regarding services delivered by external providers.

Where an alternative statutory process applies, complainants will be advised accordingly.

Please see our separate policies for procedures relating to these types of complaint.

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.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4. Principles for investigation

When investigating a complaint, we will try to clarify:

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

4.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period. If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

5. Stages of complaint/concern (not complaints against the Headteacher or Governors)

5.1 Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the concern as soon as possible with the relevant member of staff (ie. subject teacher or form tutor) or the Headteacher. If the complainant is unclear who to contact or how to contact them, they should contact the school office on 01872 274737 or e-mail enquiries@penair.cornwall.sch.uk.

The school will acknowledge informal concerns within 5 school days and seek to resolve them within 15 school days. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

5.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher. Complaints should be set out in writing, including the full details the complainant wishes to be considered. The template form in Appendix A may be used.

The complainant should ensure they provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office on 01872 274737 or e-mail enquiries@penair.cornwall.sch.uk.

Complaints will be acknowledged within 5 working days during term time, and as soon as practicable during school holidays. The acknowledgement will detail the action which is being taken and confirm the likely response timescale.

The Headteacher may investigate themselves or appoint another senior member of staff to carry out the investigation. The investigator will look into the complaint and establish the facts by:

- Interviewing all relevant parties and keeping notes
- Considering records and any written evidence and keep these securely
- Preparing a comprehensive report which includes the facts and potential solutions.

The written conclusion of this investigation will be sent to the complainant within 15 school days, unless otherwise notified.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Professional in writing within 15 school days of receipt.

5.3 Stage 3: Review Panel

Complaints may be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the formal stage.

A request to escalate to Stage 3 must be made to the Governance Professional, either via the school office or by email to clerk@penair.cornwall.sch.uk, within 15 school days of receipt of the Stage 2 response. The Governance Professional will acknowledge receipt of the complaint in writing within 5 school days. Requests received outside this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will write to the complainant to inform them of the date of the panel meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional will decide when to hold the meeting and it will then proceed in the complainant's absence.

A panel will be appointed consisting of two governors who have no prior knowledge of the complaint and one person who is independent of the management and running of the school.

All parties may submit written evidence to support their case which should be submitted to the Governance Professional no later than 5 working days prior to the hearing. A document pack containing the complaint and all other relevant documentation including previous investigations will be circulated to all parties at least 3 school days prior to the hearing.

The panel members and complainant will attend the hearing, along with the Headteacher and any other person the panel considers relevant to the proceedings. The complainant may be accompanied by a representative. The process as set out in Appendix B will be followed.

The Panel Chair will ensure:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents or others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open-minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties, the opportunity to consider and comment on it.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

The Governance Professional will:

- ensure all parties are notified of the meeting date, time and venue and ensured any additional arrangements have been made
- ensure documentation is circulated to all parties at least 3 days prior to the meeting
- Meet all parties and escort them to the venue
- Make a written record of the proceedings
- Distribute the meeting record after the hearing
- Hearings may be conducted in person, virtually or through a hybrid arrangement where this assists accessibility, attendance or timely resolution.

The panel will not review any new complaints or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

At the hearing, both the Headteacher, or other appropriate representative, and complainant will be given the opportunity to present their evidence, as set out in Appendix A. Witnesses may be called as appropriate. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. The panel will deliberate in private, although the Governance Professional may be present.

The panel will consider the complaint and all the evidence presented. The panel 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 panel 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 Panel will provide the complainant and the school with a full explanation of the panel's decision and the reasons for it, in writing, within 10 school days. The panel's decision is final.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Penair School.

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 Penair School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

6. Complaints/Concerns against the headteacher, a governor or the governing board

6.1 Stage 1: informal

Complaints/Concerns made against the Headteacher or any member of the governing board should be directed to the Governance Professional in the first instance. If the complaint/concern is about the Headteacher or one member of the governing board (including the Chair or Vice-Chair), a suitably skilled and impartial governor will carry out the steps at Stage 1 (set out above).

6.2 Stage 2: formal

If the complaint is jointly about the Chair and Vice-Chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in Stage 2 (set out above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

6.3 Stage 3: review panel

If the complaint is jointly about the Chair and Vice-Chair, the entire governing board or the majority of the governing board, a panel of independent governors will hear the complaint. They will be sourced from local schools or the Local Authority and will carry out the steps at Stage 3 (set out above).

7. Referring complaints on completion of the school's procedure

If the complainant believes the school / trust 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 ESFA after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Penair School. They will consider whether Penair School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the Department for Education using their online portal online portal.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

8. Persistent complaints

8.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make. Any restriction on communication will be reviewed after 6 months by the Headteacher and Chair of Governors. The complainant may make written representations for the restriction to be reconsidered.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

8.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

8.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

8.4 AI-Assisted and Excessively Long Complaints

See Appendix B

The school recognises that complainants may use Artificial Intelligence (AI) tools to assist in preparing correspondence.

Complaints will not be refused solely because AI has been used in their preparation.

However, in order to ensure the fair and efficient use of school resources, complaints must remain:

- concise;
- relevant;
- factually accurate where possible;
- proportionate in scope;
- focused upon matters directly affecting the complainant or child concerned.

The school may request clarification where complaints:

- contain excessive amounts of information;
- contain numerous unrelated issues;
- include repetitive allegations;
- contain substantial copied material;

- reference large numbers of policies, legislation or guidance not directly relevant to the complaint;
- place a disproportionate burden upon school resources;
- are unclear regarding the specific complaint being made.

The school may ask the complainant to:

1. Identify the specific complaint(s).
2. Confirm the desired outcome.
3. Provide a summary of no more than two sides of A4 on Appendix A.
4. Identify the evidence relied upon.
5. Identify which matters remain unresolved.

Where clarification is requested, published complaint timescales may be suspended until sufficient information has been received.

The school reserves the right not to investigate matters that are:

- repetitive;
- previously considered;
- unrelated to the school;
- unsupported by sufficient information;
- outside the scope of this policy.

The school will investigate the substantive issues identified rather than responding individually to every assertion, allegation or commentary contained within a complaint.

8.5 AI-Generated Campaign Complaints

Where multiple substantially similar complaints are received, including complaints which appear to have been generated wholly or partly through AI systems, the school may:

conduct a single investigation;
prepare a single response;
publish an anonymised response where appropriate;
provide that response to all complainants;
consider only genuinely new information submitted subsequently.

The school will ensure that all complainants receive a fair response whilst avoiding unnecessary duplication of effort and expenditure of public resources.

9. Record keeping

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision, in line with current data protection practices and the school's record retention policy.

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 section 109 of the 2008 Act requests access to them. Complaint records will be retained in accordance with the school's Records Retention Schedule and Data Protection Policy. Access to complaint records will be limited to those who require such access in the course of their duties.

10. Links with other policies

Policies dealing with other forms of complaints include:

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

Appendix A: Complaint/Concerns Form

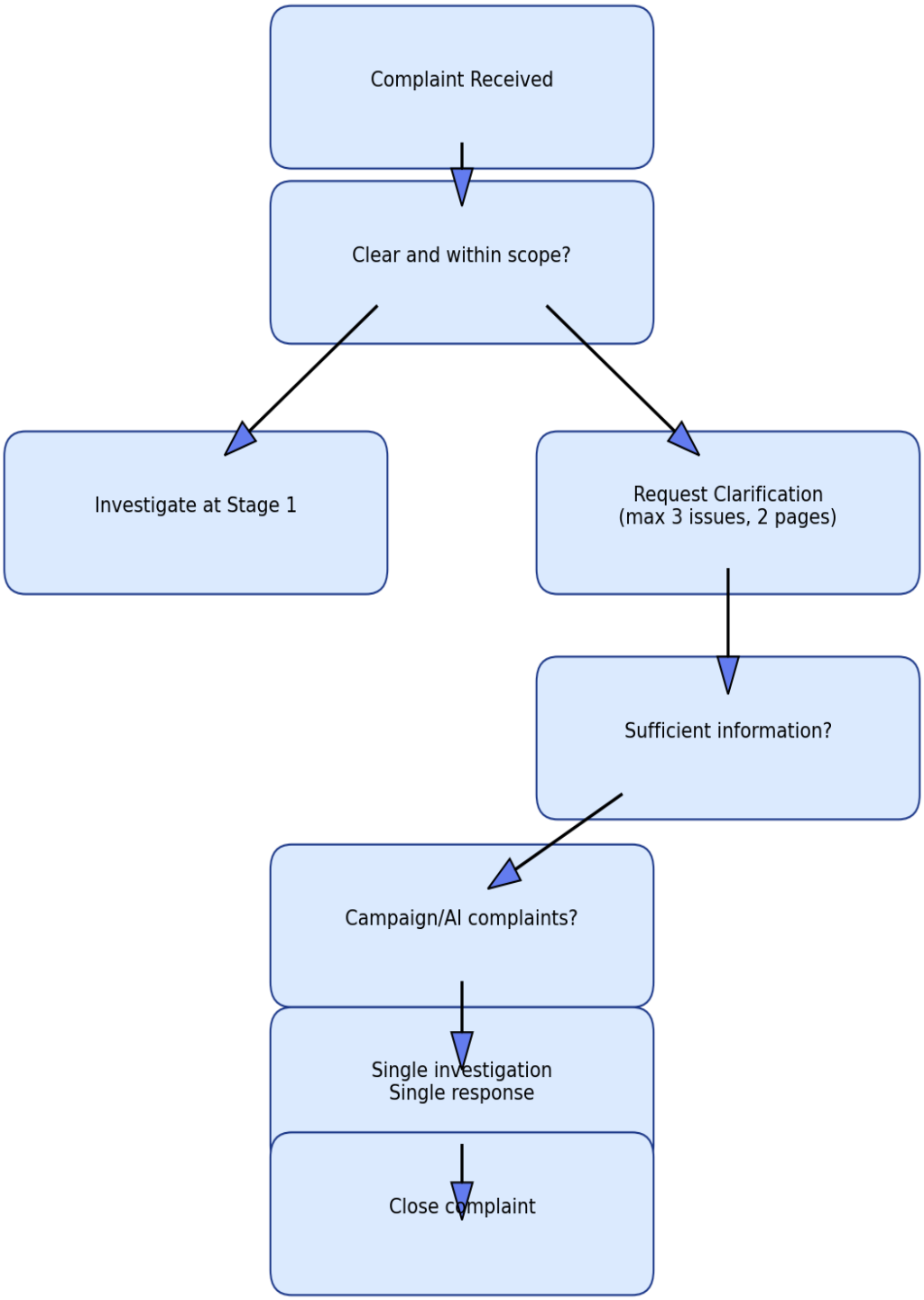
Please complete and return to the appropriate person i.e. either the Headteacher or Governance Professional, who will acknowledge receipt and explain what action will be taken.

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/concern, including whether you have spoken to anybody at the school about it under stage 1 of the policy.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**

Appendix B: Hearing checklist and order of proceedings

☑	The hearing is as informal as possible.
☑	Witnesses are only required to attend for the part of the hearing in which they give their evidence.
☑	After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
☑	The Headteacher may question both the complainant and the witnesses after each has spoken.
☑	The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
☑	The complainant may question both the Headteacher and the witnesses after each has spoken.
☑	The panel may ask questions at any point.
☑	The complainant is then invited to sum up their complaint.
☑	The Headteacher is then invited to sum up the school's actions and response to the complaint.
☑	Both parties leave together while the panel decides on the issues.
☑	The Chair explains that both parties will hear from the panel within a set timescale.

Appendix C: AI Complaints Management Flowchart



COMPLAINTS POLICY

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