

Complaints and Compliments Policy.

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Signed: Natasza Hughes – Headteacher

Signed: Sue Lau – Proprietor

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- **Introduction**

Myles Academy recognises its duty under the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and any community facilities or services, the school provides. We also comply with The Education (Independent School Standards) Regulations 2014 and have regard to the DfE guidance ‘Best practice guidance for school complaints procedures 2020’

Myles Academy acknowledges the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010. We also follow current DfE guidance ‘Keeping children safe in education’ (2020), ‘Working together to safeguard children’ (2018), HM Government advice ‘What to do if you’re worried a child is being abused’ (2015) and the Local Safeguarding Children Partnership’s policies, procedures, guidance and protocols. Where a complaint is received which may involve other procedures, e.g. Child Protection Procedures, Disciplinary Procedures, criminal investigations, etc. those other procedures take precedence and the investigation of the complaint is temporarily suspended.

When appropriate action under those other procedures has been completed the complainant is then asked if further action is necessary under these Complaints Procedures or if the complainant is satisfied with the outcome under the other procedures.

This policy and all associated procedures apply to all staff (including consultants, agency

staff, volunteers, students on placement and any other individual working for, or on behalf of Myles Academy).

Aims and objectives

To promote a culture that is open and welcoming.

To demonstrate to parents/carers and students that their opinions are valued.

To encourage parents/carers and students to raise any concerns that they might have.

To enable parents/carers to feel comfortable in communicating with the school.

To enable members of staff to feel comfortable when dealing with complaints.

To establish a means of dealing with complaints.

- **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 complaint’s procedure. Myles Academy 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, Myles Academy will attempt to resolve the issue internally, through the stages outlined within this complaint’s procedure

- **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services provided, unless separate statutory procedures apply (such as exclusions or admissions).

The complaints procedure does not apply to prospective pupils who have no right of complaint.

- **Roles and responsibilities**

The Proprietor endorses this policy and has delegated responsibility for its effective operation to the Head Teacher. We expect and encourage all our staff to tell us as soon as they become aware of any circumstances that could give rise - or be seen to give rise - to a conflict of interest in responding to a complaint (whether or not the parties to a complaint have raised the potential conflict). In any such circumstances, the member of staff will be expected to withdraw from the process, and the complaint passed to someone else to investigate and/or consider.

- **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.

Complainants should not approach the proprietors 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 3 of the procedure.

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.

Stage One - Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally. If parents/carers or students have a complaint they should normally contact the Deputy Head. In many cases, the matter will be resolved straightaway by this means to the students' or parents' satisfaction.

If the Deputy Head cannot resolve the matter alone, it may be necessary for him/her to consult other staff, the Headteacher or a Proprietor. Complaints made directly to the Headteacher or Proprietors will usually be referred back to the Deputy Head initially to resolve informally at Stage 1. Myles Academy will make every effort to resolve any informal complaints within ten working days of them being raised, except where they are raised in school holidays. Should the matter not be resolved as referred to above, or in the event that the Deputy Head and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

Stage Two - Formal Resolution

If the complaint cannot be resolved on an informal basis as set out above, then the complainant should put their complaint in writing to the Headteacher of Myles Academy. The complaint should be expressed clearly and courteously.

The Headteacher will investigate the complaint and will decide the appropriate course of action to take. In most cases, the Headteacher will meet or speak with the complainant to discuss the matter. If possible, a resolution will be reached at this stage. The Headteacher will use reasonable endeavours to speak to or meet the complainant within ten working days of the formal complaint being received, except where the complaint is received in school holidays.

The Headteacher will keep a record of all meetings and interviews held in relation to the complaint. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, they will draw conclusions and provide feedback. The complainant will receive feedback in writing no later than ten working days after speaking or meeting with the complainant to discuss the matter. The Headteacher may also arrange to meet the complainant to explain the feedback. Where the complainant is dissatisfied with the outcome of the Headteacher's response to their formal complaint, they have the opportunity to appeal to the Proprietor of Myles Academy.

Stage Three – Appeal to the Proprietor

If the complaint cannot be resolved at Stage Two, as set out above, then the complainants can appeal to the Proprietor of Myles Academy. The complainant should put their appeal in writing.

The Myles Academy Proprietor will consider the appeal and will decide the appropriate course of action to take. In cases that require urgent consideration the Proprietor of Myles Academy may deal with the matter exclusively and without delay but usually an independent hearing will be convened to hear the complaint. An independent hearing should be convened as soon as possible giving due regard to the complainant's availability (usually within ten working days).

An independent hearing and complaints panel

The complaints panel will consist of at least three people who were not directly involved in the matters detailed in the complaint and one of these will be independent of the management and running of the school.

At the hearing the complainant will be given the opportunity to have a friend or representative, and / or a translator present if required. The outcomes from a hearing will be one of the following;

Dismiss the complaint in whole or in part

Uphold the complaint in whole or in part

Where appropriate decide on action to be taken

Recommend changes to procedures to seek to ensure that problems of a similar nature do not recur.

Following the investigation, the complainant will receive written feedback from the hearing including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. This should be issued within ten working days after the investigation has concluded.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Myles Academy. They will consider whether Myles Academy has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

Any correspondence, statements and records relating to individual complaints will be stored securely and kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, requests access to them.

Complaints from Pupils

The procedures below will be followed in the event of a pupil making a complaint against a member of staff, a fellow pupil or any other person or situation either in school or outside. Pupils may wish to talk to an adult they trust about a situation relating to school or to a situation outside school.

Pupils are reminded that, although they may speak to any member of staff, there may be occasions where information will have to be referred to other agencies such as Children's Services.

Within school, pupils may talk to any member of Education Staff.

A pupil may merely need a trusted adult to talk a situation through with and may not be making a formal complaint. However, all actual complaints made by pupils will be recorded

by the member of staff in the Complaints Log. The school response to the complaint will also be recorded.

If the complaint is serious the pupil's parents/carers will be informed of both the complaint and the outcome. Some complaints will be referred to other agencies or to the Local Authority. If necessary, a meeting will be called to discuss the issues further.

A pupil may ask to speak to an adult from an outside agency. The school will, wherever possible, put the pupil in contact with a representative of the appropriate agency. The referral will be noted in the pupil's file.

If the complaint is an allegation against a member of staff then the school's safeguarding and child protection policy must be followed in addition to recording the complaint. Failure to follow this process may result in disciplinary action.

- **Resolving complaints**

At each stage in the procedure, Myles Academy 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.

When necessary, relevant issues will always be brought to the notice of:

- The referring/placing authority
- Parents/carers
- Office for Standards in Education, Children's Services and Skills (Ofsted)

- **Complaints concerning allegations of child abuse or safeguarding**

Complaints concerning allegations of child abuse or safeguarding must be referred to children's social care and the referring authority, in accordance with our 'Safeguarding and Child Protection Policy'.

If an allegation is shown to be deliberately invented or malicious, the Head Teacher will consider whether any sanction is appropriate against the child who made it. In addition to the other methods for making complaints, as described above, children have been informed about Childline and telephone numbers for the following organisations are displayed in a prominent position:

- Childline (Childline is a service provided by NSPCC)
- The Office for Standards in Education, Children's Services and Skills (Ofsted)
- The Office of the Children's Commissioner – 'Help at Hand'
- Children's social care (Office Hours and Out of Hours).

Telephone access to the above is always available. The electronic complaints log and a copy of this policy document are kept on the school server and both are open to inspection by officers from placing local authorities, DfE and Ofsted Inspectors. The record will state whether the complaint was resolved following a formal procedure, or proceeded to a panel hearing, include details of any action taken by the setting as a result of the complaint (regardless of whether the complaint was upheld) and the outcome of any investigation.

- **Withdrawal of a Complaint**

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

- **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.

- **Multi-agency partnership**

We work closely with social care, the police, health services and other agencies; and where another public body is investigating aspects of a complaint raised with Myles Academy, consideration will be given to extending the relevant timescales or suspending the complaints process, until those public bodies have completed their investigations. If a complainant commences legal action against Myles Academy, in relation to their complaint, we will consider whether to suspend the complaints procedure, in respect of their complaint, until such legal proceedings have concluded.

- **Anonymous complaints**

We will not normally investigate anonymous complaints. If an anonymous complaint is received, or the complainant requests anonymity, then the complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. An anonymous concern or complaint will not be investigated under this policy unless there are exceptional circumstances and/or the complaint is of a sufficiently serious nature. In this case the headteacher will decide whether action is appropriate.

- **Duplicate complaints**

If after closing a complaint at the end of the complaint's procedure, Myles Academy receives a duplicate complaint about the same subject, from a different person, we will inform the new complainant that the setting has already considered that complaint and Arc School Ansley's process is complete. The new complainant will be advised to contact one of the independent contact points identified above if they are dissatisfied with the setting's handling of the original complaint. If the new complainant raises new aspects to the complaint that have not previously been considered, further action will be taken to ensure the additional matters are dealt with appropriately.

- **Serial, persistent or unreasonable complaints**

We will do our best to be helpful to people who contact us with a concern, complaint or request for information. However, if, despite all the stages of the complaint's procedure being followed, a complainant tries to re-open the same issue, Myles Academy will inform them that the procedure has been completed and the matter is now closed.

If the complainant contacts us again about the same matter, the communication may then be viewed as 'serial' or 'persistent' and we may choose not to respond. A complaint will not be considered 'serial' or 'persistent' before the complainant has completed all relevant stages of

our 3- stage complaints procedure. Furthermore, the application of the marking 'serial' or 'persistent' relates to the subject or complaint itself, not the complainant. For further information, on managing serial and unreasonable complaints, please see Appendix 2. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.
-
- **Complaints campaigns**

In the event, that Myles Academy becomes the focus of a campaign and receives a large volume of complaints:

- All based on the same subject; and/or
- From complainants unconnected with the school.

We may choose to respond by sending a template response to all complainants and/or publish a single response on our website.

- **Record Keeping**

Myles Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

Again, 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.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

- **Monitoring and Evaluation**

The Proprietor and Headteacher review and implement the complaints procedures. These procedures will be reviewed on an annual basis to ensure that the procedures are accessible and meet statutory requirements.

- **Compliments policy**

We ensure that compliments received from children, staff, parents, carers, local authorities and others are properly recorded, acknowledged (where appropriate) and conveyed to the individuals being thanked and to all other interested parties.

A compliment may refer to children or staff and may relate to an individual, a group/team or the school, as a whole. Compliments and expressions of appreciation are valuable in monitoring the effectiveness of our provision and can provide useful learning points and examples of good practice, which should be shared throughout the organisation. An individual wishing to make a compliment can do so either:

- In-person
- By telephone:
- By e-mail to:
- By post:

Children are free to express their compliments and gratitude by drawing pictures, designing/writing cards, poems etc. All compliments should be brought to the attention of the Head Teacher, who will, in turn, ensure such feedback is acknowledged (where appropriate) and conveyed to all interested parties. A record of all compliments should be maintained and where a specific individual is identified, a record will be entered in their personal file.

Appendix 1

Myles Academy Complaint Form

Please complete this form, and return it to the school office or to the headteacher who will acknowledge its receipt and inform you of the next stage of the procedure.

Relationship with school (eg parent of a pupil on the school roll):

.....
Pupil's name (if relevant to the matter to be discussed):

.....
Your address:

.....
Telephone number:

.....
Email address:

Please give concise details of your complaint (including dates, names of witnesses, etc.) to allow the matter to be fully investigated:

You may continue on separate paper or attach additional documents if you wish.

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to, and what was the outcome?)

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

Signature:

Date:

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by

Appendix 2

Managing serial and unreasonable complaints

Myles Academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Myles Academy defines unreasonable behaviour as that which hinders our consideration of

complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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, irrelevant or falsified information which they expect to be taken into account and commented on;
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their 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 setting's complaint procedure has been fully and properly implemented and completed;
- Seeks an unrealistic outcome;
- Makes excessive demands on Myles Academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- Uses threatening, abusive, offensive or discriminatory language or violence;
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with Myles Academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Head Teacher, will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact Myles Academy, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months. 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 Myles Academy.

Appendix 3

Request for Meeting Form

Myles Academy

I wish to meet (insert name of the member of staff)..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (eg parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed):

Your address:

Telephone number:

Email address:

Signed:

Date

[Please complete this form and return it to the school office]

School use:

Date form received:

Date response sent:

Received by:

Response sent by: