



Southend YMCA
Community School
building a future

Complaints Policy

Approved by: Governing
Body & Headteacher

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1. Definitions and aims

1.1 Definitions

Department for Education (DfE) guidance explains 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”

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

Any person, including members of the public, may make a complaint to Southend YMCA Community School about any provision of facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

1.2 Aims

Our school aims to meet its statutory obligations when responding to complaints from parents and carers 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, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect confidentiality, where necessary
- Treat complainants with respect and courtesy

- Make sure 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

We try to resolve 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 make sure 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.

It is also based on [best practice guidance for academies complaints procedures](#) from the Department for Education (DfE).

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

3. Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

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

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

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they explain the complaint in full as early as possible and 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
- Respect confidentiality
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

4.2 The investigator

This is an individual appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, making clear notes and keeping these securely
- Carefully consider any relevant records, information or evidence
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Be mindful of the timescales to respond
- Provide a comprehensive, open, transparent and fair consideration of the complaint
- Prepare a comprehensive report to the headteacher, complaints panel or CEO, which includes the facts and potential solutions and recommends courses of action to resolve problems

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The Head Teacher
- The designated complaints governor or trustee
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors/trustees, clerk and CEO and chair of trustees as appropriate
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants – for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints panel hearing
- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any legislation relating to school complaints, education law, the Equality Act

2010, the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK General Data Protection Regulation (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 and send it to the parties in advance of the meeting within an agreed timescale.
- Arrange the complaints panel hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel chair

The complaints panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect and courtesy throughout
- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case
- Ensure that the panel is open-minded and acts independently, and no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

5. 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

5.1 Timescales

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 timeframe 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; however, this would be on a case-by-case basis

When complaints are made outside of term time, they will be deemed to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales 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

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), local safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the procedure being suspended until those public bodies have completed their investigations.

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

6. Stages of complaint (not complaints against the headteacher or governors)

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – panel hearing

6.1 Stage 1: informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise the concern as soon as possible within the timescales set out in section 5.1.

The concern should be addressed to the relevant member of school staff for example, class teacher, year head or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office

Email@ info@ymca.southend.sch.uk

Tel 01702 987820

The complainant should also state what they feel might resolve the concern.

The school will acknowledge informal complaints within 10 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage may involve a meeting between the complainant and the Head Teacher or a designated member of staff. A written response will be provided by the trust within 20 school days following any informal meeting.

If the complaint involves the headteacher or a member of the local governing body, stage 1 will be completed by the chair of the local governing body.

If the complaint involves the chair of the local governing body, stage 1 will be completed by the clerk to the local governing body.

If the informal complaint cannot be dealt with in the timescales set out in this policy, then the relevant person will provide the complainant with an update on this.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

Submitting complaints

Formal complaints can be raised:

- In a letter or email (this is preferred)
- Over the phone
- In person
- Through a third party acting on their behalf, if they have the complainant's consent to do so

The complainant should 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.

Complaints against:

- Staff (except the headteacher) should be directed to the headteacher
- The headteacher should be directed to the chair of the local governing body
- The chair of the local governing body, any individual governor or the whole governing body should be directed to the clerk to the local governing body

Please submit any complaints **via the school office**, marked private and confidential (if made in writing).

If complainants need assistance raising a formal complaint, they can contact the school office

Email@ info@ymca.southend.sch.uk

Tel 01702 987820

Investigation

The complainant will receive written acknowledgement of their complaint within 10 school days. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The headteacher will then conduct their own investigation and consider whether a face-to-face meeting is the most appropriate way of doing this.

The headteacher may delegate the investigation to another member of the school's senior leadership team, but will not delegate the decision to be taken.

If the complaint is about the headteacher or a member of the local governing body (including the chair or vice-chair), a suitable skilled governor will be appointed to carry out the investigation at stage 2.

Complaints about the following will be escalated to the Local Authority:

- Jointly about the chair and vice-chair, or
- The entire local governing body, or
- The majority of the local governing body

Conclusion

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the person investigating 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 to be taken to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the local governing board in writing within 5 school days.

6.3 Stage 3: panel hearing

Convening the panel

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

The panel will be appointed by, or on behalf of, the proprietor and will consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member will be independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant will be given reasonable notice of the date of the panel hearing. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The panel will be made up of trustees and an independent panel member if the complaint is:

- Jointly about the chair and vice-chair, or
- The entire local governing body, or
- The majority of the local governing body

Any written material will be circulated to all parties at least 3-5 school days before the date of the hearing.

The board will ensure that the hearing is properly minuted.

At the hearing

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and the evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The outcome

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 the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it. Where appropriate, it will include details of actions Southend YMCA Community School will take to resolve the complaint

The panel will ensure that those findings and recommendations are sent by email 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 headteacher

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

7. Complaints against the headteacher, a governor or the governing board

As set out in section 6 of this policy, complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant (if they have the complainant's consent to do so)

7.1 Complaints against the headteacher

Complaints that involve or are about the headteacher should be addressed to the clerk to the governing board, via the school office, marked as private and confidential (if made in writing).

A suitably skilled and impartial governor will then carry out the steps at stage 1 set out in section 6 above.

If the complaint is not resolved informally, the complainant can escalate it to a formal complaint.

A suitably skilled member of the governing board (usually the chair of governors) will then carry out the steps of stage 2 set out in section 6.2 above.

If the complainant is not satisfied with the response, they can escalate the complaint further, as set out in section 6.2.

The complaint will then be considered by a complaints panel, as set out in section 6.3 above.

7.2 Complaints against individual governors

Complaints against individual governors should be made to the clerk to the governing board via the school office, marked as private and confidential (if made in writing).

The clerk will arrange for the chair of the governing board to hear the complaint.

If the complaint is not resolved informally, the complainant can escalate it to a formal complaint. The chair of governors will carry out the steps of stage 2 set out in section 6.2 above.

If the complainant is not satisfied with the response, they can escalate the complaint as set out in section 6.2.

The complaint will then be considered by a complaints panel, as set out in section 6.3 above.

7.3 Complaints against the chair, the entire governing board or majority of the governing board or complaints involving both the chair and vice chair

These complaints should be made to the clerk to the governing board via the school office, marked as private and confidential (if made in writing).

The clerk will then determine the most appropriate course of action, which will depend on the nature of the complaint.

For example, this may involve:

- Having the complaint heard by a suitably skilled governor, in cases of complaints against the chair
- Sourcing an independent investigator to complete stage 2 (set out in section 6.2 above)
- Stage 3 (set out in section 6.3) being carried out by a completely independent complaints panel

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

If the complainant is unsatisfied with the outcome of the school or trust complaints procedure, they can refer their complaint to the DfE. The DfE will check whether the complaint has been dealt with properly. The DfE will not overturn the school or trust's decision about a complaint but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage on GOV.UK for [how to complain about a school](#).

We will include this information in the outcome letter to complainants.

9. Unreasonable and persistent complaints

9.1 Unreasonable complaints

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

- 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 complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure

- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant 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 own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school 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 threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school 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.

Steps we will take

The school will take every reasonable step to address the complainant's comments, 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.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, 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

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

The school will not refuse to accept further correspondence or complaints from an individual we have had repeated or excessive contact with. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

9.3 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 that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

9.4 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, we 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 our handling of the situation, they can contact the DfE as per section 8 of this policy.

10. Record keeping and confidentiality

The school will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final 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 stored securely, and will be viewed only by those involved in investigating the complaint or the panel hearing

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 2018 and UK GDPR, or where the material must be made available to Ofsted

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices and Data Protection Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a panel hearing needs to be organised at a later point. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations in order to respond.

Where the governing board is aware of the substance of a complaint (that is not about the board) before the panel hearing stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher/senior leadership team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the School Business Manager.

This policy will be reviewed by the headteacher and full governing board annually.

At each review, the policy will be approved by the full governing board and the headteacher.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures

- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices
- Data Protection Complaints Policy