



# COMPLAINTS PROCEDURE

## Summary of changes

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## INTRODUCTION

*Dollar Academy has long prided itself on the quality of the teaching and pastoral care provided to its pupils, and the good relationships with parents, many of whom have had long standing connections with the school. However, when individuals do have a concern or complaint, they can expect it to be treated by the school in accordance with the following procedure.*

Complaints provide valuable information that can be used to improve the Academy's provision, facilities and procedures. They provide first-hand accounts and experience of those using, or who are affected by, the Academy's operations, and can help to highlight issues which may otherwise be missed. Handled well, complaints can provide redress when things do go wrong, and in turn can help the Academy to continuously monitor and improve its offering.

This procedure is not restricted to complaints regarding pupils and their education; teaching; or the educational setting itself, and can also be used for complaints about the overarching services which the Academy provides and buildings held under the School's portfolio.

This procedure explains how to raise a concern or a complaint and outlines the process that will be followed in all cases to resolve them.

## DEFINITIONS

'Concerns': an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

'Complaints': For the purposes of this Policy, a 'complaint' is defined as: 'a formal notification in writing to the Rector of an expression of dissatisfaction by one or more persons about the Academy's action, or lack of action, or about the standard of service provided by the Academy, for which the complainant is seeking action by the Academy.

A Complaint may relate to, for example:

- Where an individual has previously raised a concern but who feels the reassurances offered by the Academy have proven unsatisfactory.
- Treatment by, attitude of, or inappropriate behaviour by a staff member, pupil, or person(s) acting on behalf of the School.
- The failure of the Academy to properly follow a process which has led to unfairness or other detriment to the complainant.
- The quality of School facilities, services or resources.

## EXAMPLES OF WHAT IS NOT A COMPLAINT (UNDER THIS PROCEDURE)

- A matter which is considered to be part of normal school operation and can therefore be resolved using the established communication links between staff, parents and pupils. For example, a routine matter relating to the education of a pupil;
- Subject Access Requests - which should be made in writing to the Assistant Rector in charge of Data Protection.
- A grievance by a member of staff, which is eligible for handling through the School's Staff Grievance Procedure;
- An appeal related to Permanent Exclusion. Please refer to the Behaviour and Discipline Policy;
- An issue which is being, or has been, considered by a Tribunal, Court or Independent Review;
- An attempt to have a Complaint reconsidered where the School's procedure has been completed and a decision has been issued
- A Concern which relates to Charity Law. These should be referred to the Office of the Scottish Charity Regulator (OSCR).

## TIME LIMIT

A concern should be raised as soon as possible as it may be possible to prevent a recurrence or escalation of the issue. There is no set limit to raise a concern, but it is more difficult to investigate matters as time passes.

A complaint should also be raised as soon as problems arise to enable prompt determination, investigation and swift resolution. This procedure sets a time limit of three months to raise a complaint, starting from when the complainant first became aware of the problem.

### **CONTRACTORS/LETTINGS**

If the concern or complaint is about the service of another organisation, and the School has no involvement in the issue, the School will advise the complainant to contact the appropriate organisation directly. The Complaint, and advice, will be logged on the Complaint Register.

### **RESOLVING COMPLAINTS**

It is important that the focus of this procedure remains in finding a solution to the complaint. There are many ways in which a complaint can be resolved, for example:

- An apology is given.
- An explanation is given.
- An admission is made that the situation could have been handled differently or better.
- An assurance is given that actions will be taken to attempt to prevent a recurrence.
- An explanation of the steps that have already been taken, or will be taken, to ensure that if substantiated, it will not happen again.
- An undertaking is given to review the relevant School Policies or Procedures where necessary, in light of the complaint.

### **COMPLAINT HANDLING PROCEDURE**

#### **Stage 1 - Informal Resolution**

- It is hoped that most concerns and complaints will be resolved quickly and informally.
- If parents have a concern, they normally contact their child's Class Teacher, Form Tutor or Houseparent as appropriate. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Class Teacher, Form Tutor or Houseparent cannot resolve the matter alone, it may be necessary for them to consult a Head of Department, a Head of Year, or a member of the Senior Staff Group before returning to the parents involved.
- Concerns brought directly to a Head of Department, a Head of Year, or a member of the Senior Staff Group may be referred to the relevant Class Teacher, Form Tutor or Houseparent unless the Head of Department, a Head of Year, or a member of the Senior Staff Group deems it appropriate for them to deal with the matter personally, in which case they will approach the parent directly.
- All members of staff receiving intimations of a concern make a written record of all such communications. Should the matter not be resolved, within a reasonable period, to the satisfaction of both parents and school, then parents will be advised to proceed with their concern in accordance with Stage 2 of this Procedure.

#### **Stage 2 - Formal Resolution**

If the concern cannot be resolved on an informal basis, then the parents should put the matter in writing to the Rector in the form of a complaint. The Rector will decide, after considering the complaint, the appropriate course of action to take. The individual tasked with responsibility for determining the nature of, and investigating or hearing the complaint will ensure that they:

- Contact the complainant to establish the nature of complaint, identifying what has happened so far, and who has been involved.
- Identify what remains unresolved.
- Interview those who are the subject of the complaint and anyone else involved in the matter.
- Conduct the interview with a fair and open mind and be prepared to persist in deliberations to ensure a meaningful conclusion for all parties.
- Write a comprehensive report of findings (facts), including any recommendations, the decision reached and the rationale for the decision.
- Write a letter responding to the complainant, explaining the outcome.
- If still not satisfied with the decision, complainants may proceed to Stage 3 of this Procedure unless their complaint lies with a suspension or exclusion. Procedures specifically in respect of suspension and exclusion are set out separately in the Behaviour and Discipline Policy.

### Stage 3 – Conciliation Committee

- If parents seek to invoke Stage 3 [following a failure to reach an earlier resolution], they will be referred to the Chairman of Governors who will call a meeting of the Conciliation Committee.
- The Conciliation Committee will consist of a Convenor and two other Governors.
- The Convenor, on behalf of the Panel, will then acknowledge the concern and schedule a hearing to take place as soon as practicable and normally within 10 working days.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 10 days prior to the hearing.
- Parents may be accompanied to the hearing by one other person. This may be a relative or friend. Legal representation will not normally be appropriate.
- If possible, the Panel will resolve matters immediately without the need for further investigation.
- Where further investigation is required, the Panel will decide how it should be carried out.
- After due consideration of all facts, they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within 10 days of the Hearing. The Panel will write to the parents informing them of its decision and the reasons for it. [The decision of the Panel will be final.] The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Rector, the Governors and, where relevant, the person complained of.
- **In accordance with the relevant legal framework, any decision by the Rector or his staff would only be overturned if the panel concluded that the original decision was unreasonable given the information available at the time the decision was made.**

### DATA PROTECTION

Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. However, complainants should be aware that where a complaint has been raised against a particular individual or individuals, it may be necessary to provide those concerned (or any relevant witnesses) with details about the nature of the complaint to allow them the opportunity to respond to the allegations or provide relevant witness evidence, as the case may be. In some cases, the identity of the complainant may be apparent even though the name of the complainant is not revealed.

Complaints will be made available to any Education Inspection Team.

Where a complaint has been raised against a pupil or member of staff and has been upheld, the complainant will be advised of this. However, it is not appropriate to share specific details affecting the individuals involved, particularly where disciplinary action is taken.

In serious instances, the Rector and the Chair of Governors will be informed.

On some occasions it may be necessary to make third parties outside the School aware of the complaint. This would happen, for example, if a child's safety was at risk or it became necessary to refer matters to the Police.

### BASIC PRINCIPLES, BEHAVIOURS AND EXPECTATIONS OF COMPLAINANTS

Complainants are subject to the same expectations regarding their behaviour as all others who interact with the Academy, its staff and its pupils. The Academy has a duty to protect staff from unacceptable behaviour and measures will be taken to protect staff as necessary.

Aggressive or abusive behaviour towards staff will not be tolerated. In addition to any physical threats, the definition of unacceptable behaviour includes derogatory remarks or rudeness and any written or verbal approach that may cause staff to feel afraid, threatened or abused. Inflammatory remarks and unsubstantiated allegations are also considered unacceptable behaviour.

In cases where behaviour is considered unacceptable, the complainant will be advised by the appropriate member of the Senior Staff Group that their language/behaviour is considered unacceptable. They will be asked to moderate their behaviour, and they will be advised that if the unacceptable action or behaviour continues, the Academy will cease to communicate with the complainant.

In all cases, if physical violence is threatened or used, the Academy will report this to the Police.

### **PROTECTION OF STAFF, TIME AND RESOURCES**

If a complainant indulges in unacceptable behaviour and/or unreasonably persistent and/or vexatious Complaints, the Rector will:

- Ensure that the matter is properly considered and progressed in accordance with this policy.
- Require that any appropriate adjustments to the policy be made, including cessation of communication with the complainant, and/or impose restrictions on the complainant's contact with the Academy as may be appropriate and proportionate, and inform the complainant of any restrictions and the reason for the restriction.

When unreasonable behaviour limits our ability to communicate with the complainant, attempts will nevertheless be made to investigate and report on the complaint, on the basis of written evidence produced up to the point at which contact has been restricted. The outcome of the investigation will be given in writing at the end of the stage at which contact was stopped.

Other examples of inappropriate behaviour include:

- Demanding responses within an unreasonable timescale;
- Unreasonable levels of contact, e.g. volume of emails or telephone contact;
- Insisting on speaking to a particular staff member when that is not possible;
- Repeatedly changing the substance of a complaint or raising unrelated concerns;
- Refusing to cooperate with the process;
- Denying statements made at an earlier stage;
- Using electronic recording tools without consent of others involved;
- Persistent refusal to accept a decision or explanation made in relation to a Complaint, and/or continuing to pursue or attempting to re-open a Complaint without presenting any new evidence;
- Having insufficient or no grounds for their complaint, or refusing to specify the grounds for their Complaint and appearing to be making the complaint only to annoy, or for undeclared reasons.

**Individuals have the right to complain to the Academy more than once, if subsequent issues arise. However, repeated use of this Policy becomes unreasonable when the effect of the repeated or additional complaint(s) is to harass staff or prevent the Academy from pursuing its legitimate business or implementing a legitimate decision.**

### **REPORTING AND LEARNING**

Regularly reporting the analysis of Complaints information helps to inform where improvements are required in School processes, policies and systems. Information reported will include:

- Performance data: details of the number and type of complaints, key performance information, for example, average time taken to resolve complaints;
- Trends and outcomes;
- Actions taken in response to complaints, including examples to demonstrate how complaints have helped improve services;

This information will be discussed on a termly basis by the Senior Staff Group.