



An inclusive online school

COMPLAINTS PROCEDURES POLICY FOR ADL

Complaints Procedures Policy

Note:

For the avoidance of doubt, Acorn Digital Learning is a part of the Acorn Education and Care division part of the Outcomes First network of schools. It operates as an “online school” within OFSTED’s Independent School Inspection framework as far as is possible. However, it is not a school nor registered with the DfE for those purposes

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Please note: The policy is based on the procedures outlined in the DfE's ['The Independent School Standards'](#) guidance which sets out requirements concerning managing complaints in independent schools. In order to meet the requirements, independent schools must have three stages in their complaints procedures: informal, formal and a hearing before a panel which must include an independent member.

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Statement of intent

ADL aims to resolve all complaints at the earliest possible stage and is dedicated to ensuring all complaints are managed sympathetically and efficiently.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented. This policy has been created to deal with any complaint against a member of staff, or ADL as a whole, relating to any aspects of ADL or the provision of facilities or services.

ADL will ensure the complaints procedure is:

- Easily accessible and publicised on ADL's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

Signed by:

_____	Headteacher	Date: _____
_____	Chair of management committee	Date: _____

1. Legal framework

- 1.1. This policy has due regard to legislation including, but not limited to, the following:
 - Education and Skills Act 2008
 - The Education (Independent School Standards) Regulations 2014
 - Equality Act 2010
 - The General Data Protection Regulation (GDPR)
 - Data Protection Act 2018
 - Freedom of Information Act 2000
- 1.2. This policy also has due regard to related guidance including, but not limited to, the following:
 - DfE (2019) 'The Independent School Standards'
- 1.3. This policy will be implemented in accordance with the following school policies:
 - [OFG Records Management Policy](#)
 - [OFG Child Protection and Safeguarding Policy](#)
 - [OFG Grievance Policy](#)
 - [ADL Exclusion/ Deactivation Policy](#)
 - [OFG Whistleblowing Policy](#)

2. Definitions

- 2.1. For the purpose of this policy, a **“complaint”** can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.
- 2.2. A **“concern”** can be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
- 2.3. **“Complainants”** are those who have raised a concern or a complaint.
- 2.4. A **“grievance”** is an issue raised by a member of staff where they feel ADL has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the [AEC Grievance Policy](#).
- 2.5. For the purpose of this policy, concerns will be classed and addressed as complaints.
- 2.6. For the purpose of this policy, **“days”** relate to [school days](#).

- 2.7. **[Updated]** For the purpose of this policy, “**unreasonable complaints**” include:
- 2.8. Vexatious complaints, which:
- Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- 2.9. **[Updated]** Serial or persistent complaints, which:
- Are duplicated, sent by the same complainant once the initial complaint has been closed.
- 2.10. **[New]** Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
- 2.11. Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.
- 2.12. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent/ carer/ client or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to **ADL’s management committee**.
- 2.13. Any new details provided by a complainant’s spouse, partner, grandparent/ carer/ client or child, will be investigated and dealt with in line with the complaints procedure.

3. Eligibility to make a complaint

- 3.1. Parent/ carer/ clients (including individuals with parent/ carer/ client responsibility) of students currently being educated at ADL are able to make a complaint in line with this policy.
- 3.2. All complaints will be treated seriously and confidentially. Parent/ carer/ clients will be assured that their children will not be penalised if they raise a complaint.
- 3.3. This policy does not cover complaints made by the following:
- Parent/ carer/ clients of students who have left voluntarily or as a result of being excluded (except where the complaints processes started when the student was still being educated at ADL) or who have been discharged by their home school and/or local authority.
 - Students

- Prospective students and their parent/ carer/ clients, and the failure to admit such students

4. Timescales

- 4.1. Complaints are expected to be made as soon as possible after an issue arises to ensure the issue is addressed in an appropriate timescale.
- 4.2. ADL upholds a **three-month** time limit in which a complaint can be lodged following an incident.
- 4.3. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.4. Timescales for managing complaints at specific stages are outlined in the relevant sections of this policy.
- 4.5. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

5. Stage 1 – informal raising of a concern

- 5.1. ADL expects that most concerns can be resolved informally.
- 5.2. Concerns should be raised initially as follows:
 - **Educational issues** – raise the concern with the relevant teacher. The concern will be passed to a more senior member of staff if appropriate.
 - **Pastoral care** – raise the concern with the **head of pastoral and or headteacher**.
 - **Behaviour** – raise the concern with the staff member who imposed the behaviour sanction.
 - **Financial matters** – raise the concern with the **headteacher** who will pass the concern onwards to the chair of the management committee.
 - **Other concerns** – raise the concern with the **headteacher**.
 - **Concerns regarding the headteacher** – raise the concern with the **chair of the proprietorial body/ management committee**.
- 5.3. A complaint may be made in person, by telephone or in writing.
- 5.4. A written record will be kept of all concerns and the date on which they were received.
- 5.5. A concern provided in writing will be acknowledged by telephone or in writing within **5 days** of receipt during term time and as soon as practicable during school holidays.

- 5.6. If the concern is not resolved within **5 days** or, in the event that the complainant is not satisfied with the response to their concern, the complainant will be advised to proceed in accordance with stage 2 of this procedure.

6. Stage 2 – formal complaint

- 6.1. The complainant should submit their complaint in writing to the **headteacher**.
- 6.2. The complaint will be acknowledged by telephone or in writing within **5 days** of receipt during term time and as soon as practicable during school holidays, indicating that action is being taken and the likely timescales.
- 6.3. The **headteacher** will meet with the complainant within **5 days** of acknowledging receipt of the complaint to discuss the matter. If the complaint is about the **headteacher**, the discussion will take place with the **chair of the proprietorial body/ management committee**.
- 6.4. During the meeting, the **headteacher** will attempt to reach a resolution; however, it may be necessary for further investigations to be carried out by the **headteacher** or another designated member of staff. If the complaint is about the **headteacher**, the **chair of the proprietorial body/ management committee** will arrange any necessary investigations.
- 6.5. Written records will be kept of all meetings and other communications held in relation to the complaint.
- 6.6. Once all facts are established, the **headteacher** will inform the complainant of their decision and their reasoning in writing.
- 6.7. If the complaint is about the **headteacher**, the **chair of the proprietorial body/ management committee** will inform the complainant of their decision and their reasoning in writing.
- 6.8. The complainant will be informed of the decision within **20 days** from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- 6.9. If the complainant is not satisfied with the outcome suggested, they will be advised to proceed to stage 3 of this procedure.

7. Stage 3 – panel hearing

[Please note that any panel hearings arranged during the coronavirus (COVID-19) pandemic should be conducted in adherence with infection control and social distancing measures.]

- 7.1. Where a complaint cannot be resolved during stage 2, a hearing before a panel appointed by or on behalf of ADL's proprietor will be arranged.

- 7.2. The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of ADL.
- 7.3. A hearing will be scheduled to take place as soon as practicable and normally within **15 days**.
- 7.4. Reasonable arrangements will be made to ensure the complainant can attend the panel hearing. If the complainant does not exercise the right to attend the panel hearing, the hearing will still be held.
- 7.5. The complainant will be informed that they are able to be accompanied at the hearing if they wish; however, legal representation will not normally be appropriate.
- 7.6. If the panel deems it necessary, it may require that further details of the complaint or any related matters be supplied in advance of the hearing. Copies of such information will be supplied to all parties no later than **5 days** prior to the hearing.
- 7.7. After considering all of the relevant facts, the panel will make findings and recommendations.
- 7.8. The decision, findings and recommendations will be provided to the complainant in writing within **5 days** of the hearing.
- 7.9. A copy of the decision, findings and recommendations will be sent to, where relevant, the person complained about, the **headteacher** and the **chair of the proprietorial body/ management committee**.
- 7.10. The decision of the panel will be final and the completion of stage 3 represents the conclusion of ADL's complaints procedure.
- 7.11. If it is found that ADL has not met its requirements in relation to managing complaints because of the way a particular complaint has been handled, the Secretary of State has no power to compel ADL to alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard, so that future complaints are dealt with properly.

8. Recording complaints

- 8.1. A written record will be kept of any complaint made, detailing:
 - Whether the complaint was resolved following an informal route, formal route or panel hearing.
 - Actions taken by ADL as a result of the complaint (regardless of whether the complaint was upheld).
- 8.2. Additional records may be kept containing the following information:
 - The date the issue was raised

- The name of the complainant and, where relevant, their child
 - A description of the issue
 - Records of all the investigations
 - Witness statements
 - The name of the staff member responsible for handling the issue at each stage
 - Copies of correspondence on the issue
- 8.3. 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 Education and Skills 2008 Act requests to access them.

9. Managing unreasonable requests

- 9.1. ADL 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 ADL; 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.
- 9.2. A complaint may be regarded as unreasonable when the person making the complaint:
- 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
 - Refuses to accept that certain issues are not within the scope of a complaints procedure.
 - Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 ADL's complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 9.3. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, 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.
 - By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.
- 9.4. Complainants should limit the numbers of communications with a school while a 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.
- 9.5. Whenever possible, the headteacher or chair of management committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 9.6. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact ADL causing a significant level of disruption, ADL may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 9.7. A decision to stop responding will only be considered in circumstances where the following statements are true:
- Every reasonable step has been taken to address the complainant's concerns.
 - The complainant has been given a clear statement of ADL's position and their options.
 - The complainant contacts ADL repeatedly, making substantially the same points each time.
- 9.8. If the above criteria are met, in making a decision to stop responding ADL will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if ADL believes their intent is to disrupt or inconvenience ADL.
- 9.9. ADL will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
- 9.10. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from access to ADL servers and software.

10. Complaints campaigns

- 10.1. For the purposes of this policy, “**complaints campaigns**” are where ADL receives large volumes of complaints that are all based on the same subject.
- 10.2. Where ADL becomes the subject of a complaints campaign from complainants who are not connected with ADL, **a standard, single response will be published on ADL’s website**. If ADL receives a large number of complaints about the same subject from complainants who are connected to ADL, e.g. parent/ carer/ clients, each complainant will receive an individual response.
- 10.3. If complainants remain dissatisfied with ADL’s response, they will be directed to Board of Directors at the Outcomes First Group.

11. Monitoring and review

- 11.1. This policy will be reviewed **annually**.
- 11.2. All changes made to this policy will be communicated with all relevant stakeholders.
- 11.3. The next scheduled review date of this policy is **September 2022**.

12. Appendix A - Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the chair of the management committee.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

