

Policy name: Complaints Policy & Procedure

Date: 25/07/2019 reviewed February 2021, reviewed October 2021

Review Date: as required or as changes occur

Responsible person: Daisy Cockburn

## **Policy Statement**

**Please note that this policy and procedure deals with concerns and complaints. Issues regarding safeguarding should be dealt with through that policy and any immediate safety concerns reported straightaway to the Headteacher or the police on 999.**

We are aware that under section 29 of the Education Act 2002 we must have in place clear procedures to deal with any complaint made against the school or individuals connected with it.

We take any concerns and complaints seriously and we deal with them professionally following set procedures. We believe concerns and complaints need to be resolved as quickly as possible and the safety and welfare of all children, families and staff protected.

In some cases, it needs to be established whether the issue is a concern or a complaint. Also, some issues can be resolved informally without the need to invoke formal procedures. We agree with the definition that a concern is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' While a complaint is best defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. By making this distinction between a concern and a complaint and taking all informal concerns seriously the number of concerns should be reduced before developing into formal complaints.

We are aware that any member of the general public (including families associated with the school) can make a complaint about 'any provision of facilities or services' that we provide at this school and out of school club. We are aware that under the Education Act 1996 parents have the right to complain directly to the local authority about any matter relating to the school's curriculum or any issue relating to the general education that we provide. We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school. We have a duty to publish the complaints policy in the school handbook and on the school website with hard copies available from the school office.

We understand that a complaint may be made by letter or email, by telephone or in person. However, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by any other means available to us or as the situation requires.

We as a school community have a commitment to promote equality. We believe this policy is in line with the Equality Act 2010. We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements connected with this policy.

The school will:

- Deal with any concern or complaint against the school or individual or group associated with it by following the correct procedures;
- Be open, honest and fair when dealing with either party;
- Differentiate between a concern and complaint and proceed accordingly
- Ensure compliance with all relevant legislation
- Work with other schools, the local authority and other necessary bodies should the need arise and in order to ensure good practice.

### **Responsibility**

The parties responsible for upholding this policy are the:

**Headteacher**, who has responsibility to ensure that:

- This policy and procedure is appropriate, thorough, compliant and fit for purpose, and published to all required parties including to parents and the general public via the school website and in the staff handbook.
- This policy and procedure are regularly updated and checked as required.
- All concerns and complaints are logged and procedure is followed correctly.
- All staff are trained and aware of this policy and procedure and how to follow it through.
- Confidentiality is maintained, with complaints NOT shared with all school staff or inappropriate parties.
- Arrangements are made for an independent panel to hear a complaint, and that another senior staff member is organising the panel should the complaint be against the Headteacher.
- There is annual discussion regarding concerns/complaints log with colleagues for self and school improvement
- Take into account any self-evaluation, school, local or national decisions that may change or impact the procedure and make modifications as necessary.
- Making sure the concerns/complaints log is correctly inputted and followed through, with realistic time limits set and followed.

**Senior Teaching/Admin staff** members will ensure that / have responsibility to:

- Adhere to the policy and procedure
- Undertake training as required
- Maintain confidentiality and appropriate behaviour
- Act with neutrality, respect for all parties and with the need for thorough follow through of policy.
- Act as an intermediary to arrange investigation from an independent body if a complaint is against the headteacher / ensure full and fair investigations are undertaken by an independent person where necessary.

- Be aware of relevant independent and neutral bodies with the appropriate knowledge and facilities that may undertake assessment of a complaint or appeal.
- This policy and procedure is published to all required parties including to parents and the general public via the school website and in the staff handbook.
- Correctly inputting the concerns/complaints log and following through administration and organisational tasks to ensure correct follow through.

**The Complainant** will ensure that / have responsibility to:

- They co-operate with the steps of the procedure and the school to find a solution for all parties.
- Provide any required information in a timely manner.
- Respect and maintain confidentiality of those involved.

### **Procedure**

At all stages of the complaints procedure the following information should be recorded by the school:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint – and whether it is being treated as a complaint or a concern
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required

### **Stage 1 (Informal Stage)**

- Complainant has an informal discussion with the Headteacher directly, or with the Office Manager / Administrator if the issue relates to the Headteacher, who will guide the issue through the correct channels and deal with any immediate requirements. It is noted at this point whether the issue is a concern or a complaint. A decision is made at this point as to what response is required from the school (eg, another discussion, a statement of action to be taken, no further action etc).
- If after the discussion the matter is not resolved or if the complainant is not happy with the way that it has been handled, then the process moves to the next stage.

However, every effort should be made to resolve the matter at this stage.

### **Stage 2 (Formal Stage)**

- To escalate a complaint or should a complainant not feel like a satisfactory outcome is reached, a written statement of complaint should be made of the original situation, what has happened so far, and what outcome is desired. The Headteacher or school representative should also make a written statement of what has happened and been discussed so far.
- Once a formal written complaint is received from the complainant then the Headteacher will undertake an investigation and reply in writing to the complainant within 15 days. This must all be logged on the concerns / complaints log.
- If a formal written complaint is received about the Headteacher from the complainant then the complaint must be escalated by the Office Manager / Administrator to the senior leadership team, or a relevant independent party (insurance ombudsman, local safeguarding team, Ofsted etc), with a written reply being sent to the complainant within 15 days. The Office Manager / Administrator's decision on whether to begin with a discussion with the senior leadership team or with an independent body depends on the nature of the complaint and advice from ACAS or the Independent Schools Association may be sought.
- If the senior leadership team are not able to deal with the complaint, or further clarification is required, the Office Manager / Administrator may escalate the complaint directly to an independent party within this stage.

If the complainant is not satisfied with the outcome, then the complainant should move to the next stage.

### **Stage 3 (Formal Stage)**

- The complainant, or the school, writes formally to the previously used independent party outlining the reasons why they are not happy with the outcomes of the investigation, or regarding the response regarding a complaint against the Headteacher. It is requested by either party that an appeals panel reviews the complaint.
- An independent panel is appointed by the headteacher consisting of at least 3 people who are not directly involved in the matters detailed in the complaint, with 1 panel member in particular being independent of the management and running of the school
- The complainant is invited to attend and be accompanied if they wish
- An appeals panel meets within 12 to 20 days after receipt of the complainant's letter.
- A copy of the panels' findings and recommendations must be provided to the complainant and, where relevant, the person complained about
- Documentation is kept for all complaints following correct formal procedures or panel meeting - including resolutions and any follow up actions taken by the school.

- A copy of relevant documents is available for inspection on the school premises by the head teacher and is kept confidentially except where the Secretary of State of a body conducting an inspection under section 109 of the 2008 Acts requests them.
- The decision reached by the appeals panel is final.

#### **Stage 4 (Formal Stage)**

The complainant may request an investigation by the Local Authority if they feel that the review has not been handled fairly or not conducted in accordance with the complaints policy.

The Local Authority complaints officer will only investigate whether the correct procedure has been followed, not the original complaint.

- The officer will write to the complainant with a result that either the school dealt with the complaint correctly and the Local Authority cannot make the school change its decision, or that it was not dealt with correctly in which case it will be referred back to the independent party used previously.
- The complainant may wish to lodge an appeal with the Secretary of State for Education or the with the Local Government Ombudsman.

Complaints regarding the curriculum or general education provision should go to Ofsted – 0300 123 4666 or [www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain](http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain).

All curriculum and general educational provision complaints will be dealt with by the Local Authority in line with their set complaints procedure.

#### **Related Documents**

- Complaints record – located in the school office filing cabinet and on One Drive