

# Complaints procedure



**Approved by:** Diane Anderson

**Last reviewed on:** March 24th 2022

**Next review due by:** March 20th 2024

## Contents

1. Aims .....	2
2. Legislation and guidance .....	3
3. Definitions and scope .....	3
4. Roles and responsibilities .....	3
4. Principles for investigation .....	4
5. Stages of complaint (not complaints against the headteacher or governors) .....	5
6. Complaints against the headteacher, a governor or the governing Board .....	6
8. Referring complaints on completion of the school's procedure .....	6
9. Persistent complaints .....	7
10. Record keeping .....	8
11. Learning lessons .....	8
12. Monitoring arrangements .....	9
13. Links with other policies .....	10

---

### 1. Aims

Our school aims to meet the school's obligations when responding to complaints from Complainants of pupils at the school, and others.

When responding to complaints, we aim to:

- › Be impartial and non-adversarial
- › Address all the points at issue and provide an effective and prompt response
- › Respect complainants' desire for confidentiality
- › Treat complainants with respect and courtesy
- › Ensure 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 concerns or 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 ensure 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 Complainants of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 3. Definitions and scope

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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

- Safeguarding matters
- Whistleblowing
- Staff grievances
- Staff discipline

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

## 4. Roles and responsibilities

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

## 4.2 The investigator

An individual will be appointed to investigate the complaint and establish the facts. They will:

- › Interview all relevant parties, keeping notes
- › Consider records and any written evidence and keep these securely
- › Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

## 4.3 Admin

The Office manager will:

- › Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

## 4.4 Committee chair

The committee chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and can present their case

## 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 Time scales

The complainant must raise the complaint within 7 days of the incident.

When complaints are made from term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales 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

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

### 6.1 Stage 1: informal

A Complainant may informally raise a complaint directly with the school staff verbally or in writing within 7 days.

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the relevant member of staff or the deputy head, 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 the school office on 0208803 5827

**The school will acknowledge informal complaints within 3 school days and investigate and provide a response within 10 school days.**

Our priority is to try and ensure that any complaints are resolved at the informal stage. However, if this cannot be resolved, a complainant can ask for this to be escalated to a formal complaint.

The informal stage will involve a meeting or telephone call between the complainant and the deputy head (or another member of SLT) and/or the subject of the complaint, if appropriate.

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

### 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the headteacher via the Complaints Form.

This must be done within 5 school days of not being satisfied at the informal stage once a complainant has received formal complaints procedure and form.

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.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complaint has already been passed on for further investigation by the school to the local authority or other agencies at the request of an agency or outside organisation, the school will have no further involvement with the complaint and it must be dealt with the LA according to their procedures the school is in.

The Headteacher will seek what part of the complaint remains unresolved and what outcome the Complainant would like if this is not already clear. The headteacher will also look at past records of the pupil/Complainant to see if the same incident or similar incident has occurred in the past 12 months. The Complainant may be asked for more information recording evidence of escalating to a formal complaint. The response time frame will be put on hold during this time until the additional information has been provided to the school from the complainant. In the absence of such information, the school will close the complaint records after 7 school days from receiving the formal complaint forms.

The Headteacher will decide whether a face to face meeting is the most appropriate way or a formal letter.

In most cases a written response will be provided to the Complainant and this will include full reasons for the conclusions reached by the headteacher.

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 Board in writing within 5 school days from receiving the conclusion of the formal complaint.

If complainants need assistance raising a formal complaint, they can contact the school office on 0208803 5827 ([office@freshstepsindependentschool.org.uk](mailto:office@freshstepsindependentschool.org.uk))

### **6.3 Stage 3: Chair of the Board**

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

The chair of the Board will ask for all documents pertaining to the complaint starting from the informal stage.

A written response will be made within 14 school days starting from the date the formal letter was received by the complainant.

## **7. Complaints against the headteacher, deputy, Senco or a Board member or the Board**

### **7.1 Stage 1: informal**

Complaints made against the headteacher or any member of the governing Board should be directed to the clerk to the governing Board in the first instance.

If the complaint is about the headteacher or one member of the governing Board (including the chair or vice-chair), a suitably skilled and impartial Board member will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is jointly about the chair and vice-chair, the entire governing Board or most of the governing Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing Board and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is jointly about the chair and vice-chair, the entire governing Board or the majority of the governing Board, a committee of an independent governor and a Complainant will hear the complaint alongside the schools (LA) SEN officer and will carry out the steps at stage 3 (set out in section 6 above).

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- › Education
- › Pupil welfare and health and safety
- › School premises
- › Staff suitability
- › Making information available to Complainants
- › The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

The schools (LA) SEN officer may be contacted in relation to an unsatisfied resolution of a complaint to hold an independent review.

## 9. Persistent complaints

### 9.1 Unreasonably persistent complaints

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

- › Has made the same complaint before, and it has already been resolved by following the school's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Knowingly provides false information
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- › Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- › Changes the basis of the complaint as the investigation goes on
- › Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- › Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### Steps we will take

We will take every reasonable step to address the complainant's concerns 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. 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
- › End a pupil's placement if we feel this is harassment of the school causing stress and a breach of the Complainant contract.

#### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns
- › We have provided a clear statement of our position and their options
- › The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

## 9.2 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 associated with the original complainant, 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 the local process is complete
- › Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 9.3 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, the school may respond to these complaints by:

- › Publishing a single response on the school website
- › Sending a template response to all the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 10. Record keeping

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, 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.

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, our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing Board in case a review panel needs to be organised at a later point.

Where the governing Board is aware of the substance of the complaint before the review panel 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 Board and Chair of 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 and Chair will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing Board and Chair 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 Office managers.

This policy will be reviewed by the headteacher, full governing Board, staff and Complainant governor every 2 years – the DfE recommends at least once every 2 years.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Complainant contract