



# Complaints Policy

# Complaints

Date	Review Date	Coordinator	Nominated Governor
01/09/2020	01/09/2021	Kathy Baines	Peter Gaskell

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Local Government Act 1974
- Local Government Act 1988
- Education Act 1996
- Data Protection Act 1998
- School Standards and Framework Act 1998
- Freedom of Information Act 2000
- Education Act 2002
- Education Act 2005
- Education and Skills Act 2008
- Apprenticeship, Skills, Children and Learning Act 2009
- Children, Schools and Families Act 2010
- Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
- Education (Independent Schools Standards) Regulations 2014
- Equality Act 2010
- Education (non-maintained Special Schools) Regulations 2011
- School Admissions ( Appeals Arrangements) (England) Regulations 2012

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
- School Admission Appeals Code ( DfE)

We believe that this school provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

However, 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 complaint seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible but in some cases we need to establish whether the issue brought to our attention is a complaint or an actual concern. In such cases 'many 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 must be aware that besides parents/carers of children who are registered at this school any member of the general public can make a complaint about 'any provision of facilities or services' that we provide at this school.

We are aware that under the Education Act 1996 parents have the right to complain directly about any matter relating to the school's curriculum, 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 in writing, by telephone or in person. However, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods of registering a complaint.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and 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 that is connected with this policy.

## **Aims**

- To deal with any complaint against the school or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.
- To differentiate between a concern and a complaint.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

## Introduction

The School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School in accordance with this Procedure.

## Responsibility for the Policy and Procedure

### Role of the Governing Body

The Governing Body has:

- a duty to have in place a complaints procedure;
- responsibility to ensure that the complaints procedure complies with their obligation under the Equality Act 2010;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility to deal with any complaint made against the Headteacher;
- responsibility not to share complaints with the whole governing body in case an appeals panel has to convene;
- responsibility to arrange for an independent panel to hear a complaint if the whole governing body have been 'contaminated' by having full knowledge of the complaint;
- responsibility of annually discussing the concerns/complaints log with the Headteacher;
- in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures;
- responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- responsibility for ensuring that the complaints procedure is publicised on the school website and in the school handbook, is concise, simple to understand and impartial;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to:
  - visit the school regularly;
  - work closely with the Headteacher and the coordinator;
  - ensure this policy and other linked policies are up to date;
  - ensure that all relevant personnel of the school are aware of this policy;
  - be aware of updates related to this policy;
  - annually review and approve this policy.
- make effective use of relevant research and information to improve this policy;

- responsibility for the effective implementation, monitoring and evaluation of this policy.

## **Role of the Headteacher**

The Headteacher will:

- deal with all complaints impartially and in a non-adversarial manner;
- keep the complainant fully updated at all stages of the complaints procedure;
- keep records;
- not share third party information;
- seek an interpreter if the need arises;
- refer any complaint made against him/her to the Chair of Governors;
- ensure full and fair investigations are undertaken by an independent person where necessary;
- ensure confidentiality at all times;
- ensure all complaints are resolved as quickly as possible within realistic time limits;
- log all complaints received by the school and records how they were resolved;
- discuss the complaints log every year with the Governing Body;
- monitor and review complaints to see how they can contribute to school improvement;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the link governor and coordinator;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- make effective use of relevant research and information to improve this policy;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors;

## **Role of the Complainant**

We ask the complainant to:

- cooperate with school to find a solution to the complaint as quickly as possible;
- provide enough information as possible;
- be respectful to everyone involved in the complaint procedure.

## **Procedure**

### **Stage 1 – Informal Resolution**

- It is hoped that most complaints and concerns will be resolved quickly and informally
- If parents have a complaint they should normally contact their son/daughter's Teacher/Housemaster. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Teacher/Housemaster cannot resolve the matter alone, it may be necessary for him to consult the Head.

- Complaints made directly to the Head will usually be referred to the relevant Teacher/Housemaster unless the Head deems it appropriate for him to deal with the matter personally.
- The Housemaster will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within two weeks or in the event that the Housemaster and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 2 of this Procedure.

## **Stage 2 – Formal Resolution**

- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Head. The Head will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Head will speak to the parents concerned, normally within 5 days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Head to carry out further investigations.
- The Head will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head will also give reasons for his decision.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

## **Stage 3 – Panel Hearing**

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Clerk to the Governors, who has been appointed by the Governors to call hearings of the Complaints Panel.
- The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of *at least 3 persons not directly involved in the matters detailed in the complaint*, one of whom shall be independent of the management and running of the school. Each of the Panel members shall be appointed by the Governing Body. The Clerk to the Governors, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 28 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 3 days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

- If possible, the Panel will resolve the parents' complaint 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 will complete within 14 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 Head, the Governors and, where relevant, the person complained of. Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except insofar as is required of the school by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

## **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## **Monitoring the Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)