



# **SCHOOL COMPLAINTS AND PROCEDURES POLICY**

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<b>Policy Author:</b>	Head Teacher
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**The purpose of the plan is to:**

- Facilitate a full and fair investigation by an independent person or panel, where necessary
- 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; and consider how the complaint can feed into school improvement evaluation processes.

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### **EQUALITY AND DIVERSITY STATEMENT**

*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 employee or applicant and it helps to promote equality at this school.*

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## Table of Contents

Section	Content	Page
1	Introduction	3
2	Aims	3
3	Legislation & Guidance	4
4	Definitions & Scope	4
5	Roles & Responsibilities	5
6	Principles for Investigation and Timescales	5
7	Stages of Complaint	6
8	Complaints against the Headteacher or Members of the Board of Directors	8
9	Referring Complaints on Completion of the School's Procedure	8
10	Persistent Complaints	8
11	Record Keeping	9
12	Confidentiality	9

## **1. Introduction**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Yarrow Heights School about any provision of the facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. Yarrow Heights School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please contact the Head Teacher. This policy is in accordance with Section 29(1) of the Education Act 2002.

## **2. Aims**

Yarrow Heights School aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others. When responding to complaints, we aim to:

- ✓ be impartial and non-adversarial.
- ✓ facilitate a full and fair investigation by an independent person or panel, where necessary.
- ✓ 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; and
- ✓ 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.

### **3. Legislation & 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 parents 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).

This document meets the requirements of section 31 of the schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015, which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school. It also refers to good practice guidance on setting up complaints' procedures from the DfE.

### **4. Definitions & Scope**

#### **4.1. 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”.

#### **4.2. 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:

- ✓ Admissions.
- ✓ Statutory assessments of special educational needs (SEN).
- ✓ Safeguarding matters.
- ✓ Exclusion.
- ✓ Whistleblowing.
- ✓ Staff grievances; or
- ✓ Staff discipline.

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the Head of Education; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## **5.Roles and Responsibilities**

### **5.1. 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; and
- ✓ do not publish details about the complaint on social media.

### **5.2. The Investigator**

The Head Teacher will appoint an individual 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; and
- ✓ prepare a comprehensive report to the Headteacher which includes the facts and potential solutions.

### **5.3. Appointed Person**

An appointed person will:

- ✓ be the contact point for the complainant, including circulating the relevant papers and evidence.
- ✓ arrange the complaints hearing.
- ✓ record and circulate the minutes and outcome of the hearing.
- ✓ chair the meeting, ensuring that everyone is treated with respect throughout; and
- ✓ make sure all parties see the relevant information, understand the role of the appointed person, and can present their case.

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## **6. Principles for Investigation and Timescales**

When investigating a complaint, we will try to clarify:

- ✓ what has happened.
- ✓ who was involved; and
- ✓ what the complainant feels would put things right.

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this period in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved. When complaints are made out of 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; and
- ✓ send the complainant details of the new deadline and explain the delay

## **7. Stages of Complaint**

Please see section 7 for complaints against the Headteacher or a member of the Board of Directors.

### **7.1 Stage 1: Informal**

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 Headteacher, 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. The school will acknowledge informal complaints within 5 school days, investigate and provide a response within 20 school days.

The informal stage will involve a meeting between the complainant and the Headteacher and/or the subject of the complaint, if appropriate.

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

### **7.2. Stage 2: Formal**

Formal complaints can be raised:

- ✓ by letter or email.
- ✓ over the phone;
- ✓ in person; or
- ✓ by a third party acting on behalf of the complainant.

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The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If the complainant needs assistance raising a formal complaint, they can contact the school office.

The Head Teacher (or other person appointed by the Headteacher for this purpose) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting

- for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head Teacher (or other person appointed by the Head Teacher 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 complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of the Board of Directors within 5 school days.

### **How to Escalate a Complaint**

Complaints can be escalated by contacting the Chair of the Board of Directors:

- ✓ by letter or email
- ✓ over the phone
- ✓ in person; or
- ✓ through a third party acting on behalf of the complainant.

The Chair (or other person appointed by the Chair for this purpose) will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 10 school days. If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of the Board of Directors in writing within 5 school days. Requests received outside of this period will be considered in exceptional circumstances.

The Chair will acknowledge receipt of the request within 5 school days.

### **7.3. Stage 3: Review Panel**

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

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of the Board of Directors, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, everyone will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The school will inform those involved of the decision in writing within 10 school days.

## **8. Complaints against the Head Teacher or Members of the Board of Directors**

### **8.1. Stage 1: informal**

Complaints made against the Head Teacher, or any member of the Board should be directed to the Chair of the Board of Directors in the first instance.

If the complaint is about the Headteacher or one member of the Board of Directors (including the chair or vice-chair), a suitably skilled and impartial trustee will be appointed to carry out the steps at stage 1 (set out in section 8 above).

### **8.2. Stage 2: formal**

If the complaint is jointly about the chair and vice-chair, the entire Board, an independent investigator will carry out the steps in stage 2 (set out in section 8 above).



They will be appointed by the Board of Directors and will write a formal response at the end of their investigation.

### **8.3. Stage 3: Review Panel**

If the complaint is jointly about the chair and vice-chair, or the majority of the Board, a committee of independent directors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 8 above).

## **9. Referring Complaints on Completion of the School's Procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- ✓ whether there was undue delay, or the school did not comply with its own complaint's procedure
- ✓ whether the school was in breach of its funding agreement with the Secretary of State; and
- ✓ whether the school has failed to comply with any other legal obligation.
- ✓ If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

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

We will include this information in the outcome letter to complainants.

## **10. 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.

## **11. Record Keeping**

A written record will be kept of all formal complaints that are made to the school, including:

- ✓ whether they are resolved following formal procedure or proceed to a panel hearing; and
- ✓ action taken by the school as a result of those complaints (regardless of whether they are upheld).

## **12. Confidentiality**

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or another body lawfully conducting an inspection requests access to them.