

COMPLAINTS POLICY

RATIONALE

This policy is intended to set out how the school will deal with complaints about the school or education.

All young people, members of the school community, members of the local community and any external agencies should feel able to express their views in the full knowledge that they will be dealt with fairly.

We welcome suggestions for improving our work.

All concerns or complaints are important to us and will be investigated with due urgency and thoroughness. We do however need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Our primary concern is the quality education and welfare of each child. Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to try to prevent a reoccurrence of the problem. The school will not investigate anonymous complaints or allegations.

This document is guidance for dealing with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

AIMS

- To provide an accessible and easily understood procedure for complaints.
- To encourage parents and social workers from the placing authority and members of the school community to express their views at the earliest opportunity, through the appropriate channels.
- To increase mutual understanding between all parties.
- To create an ethos where all are committed to working together for the benefit of each child.
- To create a process that is impartial to both parties.

CONFIDENTIALITY

Whether a complaint is made informally or formally, all parties involved should ensure that every effort is made to respect confidentiality and ensure that all documentation etc remains confidential to those parties directly involved in the complaint other than by request from the Secretary of State.

All parties should be assured that making a complaint would not adversely affect the child.

INVESTIGATING COMPLAINTS

At each stage, the person dealing with the complaint must:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant if more information is needed.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

RESOLVING COMPLAINTS

Our school must always keep in mind ways of resolving the issue. Ideas may be:

- An apology.
- An explanation.
- An admission that the situation could have been handled better.
- Reassurance that it will not happen again.
- An explanation of what has been put in place to prevent it from happening again.
- Review of the school policy in light of the complaint.

WRITTEN RECORDS

The Teacher (or designate) or Head of Education will keep written records of meetings, telephone conversations and other documentation at all stages of the procedure including a written record as to whether the complaint was resolved at the preliminary stage or proceeded to a panel hearing. The Beeches School will keep a written record of the action taken by the school regardless of whether the complaint is upheld. Once all the relevant facts have been established, the Teacher (or designate) or Head of Education should then produce a written response to the complainant, who may prefer to meet with them to discuss/resolve the matter directly. The Head of Education will provide a written statement on the decision as to whether the complaint has been resolved at the informal stage or is proceeding to the formal stage and a written record will be kept.

MEETING

All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive; the Chair of the Panel should prepare a thorough summary for sending out to panel members. The Chair / Vice-Chair will write and inform the complainant, designate, any relevant witnesses, and members of the Panel meeting at least five working days in advance of the date, time and place of the meeting. The notification to the complainant

should also inform them of their right to be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf.

They should also be asked if they have any special requirements the school needs to be aware of, signing, language support etc. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

Extra care needs to be taken when the complainant is a young person. Careful consideration of the atmosphere and proceedings will ensure that the young person is not intimidated. The panel needs to be aware of the views of the young person and give them equal consideration to those of adults.

The meeting will allow for: -

- The complainant to explain their complaint;
- The designate to explain the school's response;
- The designate to question the complainant about the complaint;
- The complainant to question the designate and/or other members of staff about the school's response;
- Panel member to have the opportunity to question both the complainant and the designate;
- Any party to have the right to call witnesses (subject to the approval of the Chair of the Panel);
- All parties having the right to question the witnesses;
- Final statement by both the complainant and the designate;
- The Chair of the Panel to explain to the complainant and the designate that the panel will next consider its decision and a written decision will be sent to all parties within twenty working days.
- The panel will then consider the complaint and all the evidence presented, reach a majority decision on the complaint and decide upon the appropriate action to be taken to resolve the complaint, including outlining the findings and recommendations.
- Where appropriate the Head of Education will recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- A written statement outlining the findings and recommendations of the Panel must be sent to the complainant, proprietor, Head of Education and the person complained about. The letter to the complainant should explain whether a further appeal could be made.

DEALING WITH COMPLAINTS INFORMALLY

The school needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In the majority of concerns, the class teacher will receive the first approach, hoping to resolve the concerns immediately.

HOW WE MANAGE CONCERNS AND COMPLAINTS

STAGE ONE – Informal Complaint

There are many occasions where concerns are resolved straight away through direct contact with the teacher, however it would always depend on the nature of the concern or complaint.

We aim to resolve any informal complaint within one working day. If the person first contacted cannot deal with the matter immediately, they will refer to the Head of Education.

The person dealing with the complaint will continue to follow the matter through until it has been fully addressed and the matter is resolved either at a face-to-face meeting or by telephone. On certain issues, the teacher may decide to deal with concerns directly at this stage.

If the concern relates to the teacher, the person is advised to contact their immediate line manager.

Where no satisfactory solution has been found, complainants are asked if they wish their concern to be considered further. If so, they are given clear information about how to make a formal complaint.

DEALING WITH COMPLAINTS FORMALLY

Formal procedures will take place when initial attempts are unsuccessful and the complainant wants to take it further. The Head of Education will be the 'complaints coordinator,' being responsible for the management of the complaint.

STAGE TWO – Formal Complaint

The young person or any persons not working for the school should put the complaint in writing to the Head of Education by filling in the attached complaints form.

When a formal written complaint is made, it will be acknowledged in writing within three working days of receiving the complaint.

The acknowledgement gives a brief explanation of the complaints procedure and a target date for providing a response to the complaint.

We aim to resolve any formal complaints within ten working days; if this proves impossible, a letter is sent explaining the reason for the delay.

The Head of Education will provide an opportunity for the complainant to meet with them to supplement any information provided previously.

It is made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf.

If necessary, the Head of Education (or designate) should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed.

Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said they would prefer that parents or guardians were not involved. In such circumstances, another member of staff with whom the pupil feels comfortable with should be asked to attend.

If a member of staff is complained against, the needs of that person should be borne in mind.

The Head of Education will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head of Education should then produce a written response to the complainant, or may prefer to meet with them to discuss / resolve the matter directly.

A written response includes a full explanation of the decisions and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint.

The complainant is advised that should they wish to appeal they should notify the Headteacher within five weeks of receiving the outcome letter.

STAGE THREE – Formal Complaint to the Director

The complainant makes a written complaint to the Director.

The Director should write to the complainant to acknowledge receipt of the written complaint within three working days of receiving the complaint.

The acknowledgement should inform the complainant that the complaint is to be heard by two senior managers.

The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint.

These documents must be received in time to be sent out to the three senior managers before they meet.

We aim to resolve any formal complaints within twenty working days; if this proves impossible, a letter is sent explaining the reason for the delay.

On receipt of the complaint form the Director will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

At this point the Director will decide whether the complaint should go straight to the complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Head of Education are willing for it to be tried. If mediation is not successful, the complaint will be considered by the complaints panel.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Head of Education another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Head of Education and complainant identify and build on areas of agreement
- It gives Head of Education and complainant a structure within which they can resolve remaining differences. If both complainant and Head of Education emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a complaints panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an acceptance that the complaint needs to go no further
- a commitment to review school policies in light of the complaint.

Complaints Panel

A complaints panel may be arranged if the parent/carer is not satisfied with the response to the complaint. The Complaints Panel comprising at least three people who are not directly involved in the matters detailed in the complaint and one panel member is independent of the management and running of the school.

There are several points which any member of the complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member of the panel may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- c) The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.
- d) The parent/carer will be allowed to attend and can be accompanied at the panel hearing if they wish.

Remit of the panel: the complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated—but cannot overturn the decision itself.
- Consider the thoroughness with which the Head of Education investigated a complaint about a member of staff—but cannot expect the Head of Education to provide details about confidential discussions with that staff member.
- Consider the manner in which a complaint about any decision was addressed ask for the decision to be reviewed—but cannot expect the Head of Education to have changed the decision.
- Consider and, if appropriate, identify limitations in a policy or procedures—but cannot make changes to the policy. (It can, however, recommend that the policy be reviewed by the directors to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy).

Format of a Panel Hearing

1. Complainant and Head of Education will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The Head of Education may question the complainant.
5. The panel will question the complainant.
6. The Head of Education is then invited to explain the school's actions.
7. The complainant may question the Head of Education.
8. The panel will question the Head of Education.
9. The complainant is then invited to sum up their complaint.
10. The Head of Education is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.

12. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify any issues.

The Director will ensure that the Panel hears the complaint within twenty working days of receiving the letter at Stage Three.

Notes

- The hearing should be made as unthreatening as possible to all parties.
- The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.
- The Head of Education must not discuss any issues raised with the Complaints panel with any member of this panel, except when the complainant is present to preserve the principle of neutrality. This means that Head of Education and complainant enter and leave the room where the hearing is held together.
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing —there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.
- All written information including evidence and findings is provided to the complainant.
- All documentation will be available for inspection in the school premises by the proprietor and the Head of Education.

PUBLICISING THE PROCEDURE

There is a legal requirement for the Complaints Procedure to be publicised. This should be included in:

- The school prospectus
- Documents supplied to the local community
- Documents supplied to external agencies
- Company website

RESPONSIBILITY

The Head of Education and Registered Manager will monitor and review this policy annually or as legislation requires.

This Policy was written in October 2012.

Renewal Date- March 2017.

Key Professionals

Directors- Quin Lovis and Michele Lovis.
General Manager – Lyana Sinclair-Russell.
Head of Education- Kathryn Black.

This policy is updated annually and was last reviewed in February 2018

Complaints form.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: