

# Complaints Policy and Procedure

DRAYCOTT MOOR SCHOOL



<b>Reviewed by:</b>	Headteacher	<b>Date:</b> September 2023
<b>Approved by:</b>	MD Education Services	<b>Date:</b> September 2023
<b>Next review due by:</b>	August 2024	
<b>Policy ref:</b> OPED03		
<b>Version:</b> 4		
<b>No. Of complaints in past 12 months</b>	0	

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### 1. Aims

Our 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.
- › 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 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).

## 3. Definitions and scope

### 3.1 Definitions

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

- **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:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

## 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 secure.
  - Prepare a comprehensive report for the headteacher which includes the facts and potential solutions.

### 4.3 Human resources

The HR department will:

- Be the contact point for the complainant, investigator, and potential hearing officer, including circulating the relevant papers and evidence before complaints meetings.
- Arrange the complaints hearing, where applicable

- › Record and circulate the minutes and outcome of the hearing.

#### **4.4 Hearing chair**

The hearing 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 meeting, 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 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 time frame 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.
- › Send the complainant details of the new deadline and explain the delay.

### **6. Stages of complaint (not complaints against the headteacher)**

#### **6.1 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 as appropriate, 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 by phone on **01782 399 849**.

The school will acknowledge informal complaints within 7 school days and investigate and provide a response within 7 school days.

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

If the complaint is not resolved informally, it will be escalated to a formal complaint. Where the parent is not satisfied with the response to the informal complaint, formal procedures will be followed.

#### **6.2 Stage 2: formal**

Formal complaints can be raised:

- › By letter or email
- › Over the phone
- › In person
- › By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events,  
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alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office by phone on **01782 399 849**.

The headteacher 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 could arrange alternative accompaniment.

The headteacher will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 14 school days. In the event that the headteacher cannot respond within this timescale, e.g., if witnesses are not available or if the complaint is particularly complex, the complainant will receive communication explaining this and advising of a revised timescale for response.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the headteacher within 5 school days of being notified of the conclusion.

### **How to escalate a complaint**

Complaints can be escalated by contacting Horizon Care and Education Head Office.

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

Head office 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 28 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform Head Office in writing within 5 school days of receiving the conclusion. Requests received outside of this time frame will be considered in exceptional circumstances.

Head Office will acknowledge receipt of the request within 5 school days.

### **6.3 Stage 3: hearing 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 group 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 board members, 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

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proprietor and headteacher. The hearing panel will inform those involved of the decision in writing within 28 school days.

All correspondence, statements and records relating to complaints are to be kept confidential, except where the secretary or a body conducting an inspection requests them.

## 7. Complaints against the headteacher

Complaints made against the headteacher should be directed to the operations director of education in the first instance.

If the complaint is about the headteacher, a suitably skilled and impartial member of the Horizon Care and Education Group will carry out the steps at stage 1 and 2 (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 parents
- › 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>

## 9. Persistent complaints

### 9.1 Anonymous complaints

If an anonymous complaint is received, or the complainant requests anonymity, then the complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. An anonymous concern or complaint will not be investigated under this policy.

### 9.2 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 complaint's procedure.
- › Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refused to co-operate with this complaint's 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 complainants' 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.

### **Stopping responding**

We may stop responding to the complainant when all 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.

When 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.

## **9.3 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, 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.

## **9.4 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 of 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. Actions taken by the school as a result of a

complaint will also be recorded, regardless of whether or not the complaint was upheld.

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 hearing 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.

## 11. Learning lessons

The managing director of education will review any underlying issues raised by complaints with the headteacher 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 managing director of education will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They 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 the headteacher.

This policy will be reviewed by the managing director of education every 2 years.

At each review, the policy will be approved by the director of quality.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

- › Child protection and safeguarding policy and procedures
- › Admissions policy
- › Exclusion policy
- › Staff grievance procedures › Staff disciplinary procedures › Confidential reporting policy



## Appendix 1 – Request for Meeting Form

School Name:

I wish to meet (insert name of the member of staff) to discuss the following matter:

<b>Brief details of topic to be discussed:</b>
<b>Dates/times when it would be most convenient for a meeting:</b>

Your name:

Relationship with school (e.g., parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed):

Your address:

Telephone number:

Email address:

Signed:

Date

[Please complete this form and return it to the school office]

**School use:**

Date form received:

Date response sent:

Received by:

Response sent by:

## Appendix 2 – Complaint Form

**School Name:**

Please complete this form and return it to the school office or to the headteacher who will acknowledge its receipt and inform you of the next stage of the procedure.

**Relationship with school (e.g., parent of a pupil on the school roll):**

**Pupil's name (if relevant to the matter to be discussed):**

**Your address:**

**Telephone number:**

**Email address:**

Please give concise details of your complaint (including dates, names of witnesses, etc.) to allow the matter to be fully investigated:

You may continue separate paper or attach additional documents if you wish.

What action, if any, have you already taken to try to resolve your complaint? (i.e., who have you spoken with or written to, and what was the outcome?)

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

Signature:

Date:

**School use:**

Date form received:

Date acknowledgement sent:

Received by:

Acknowledgement sent by

### Appendix 3 – Complaints log form

Date Complaint Received	Details of Complainant	Details of Complaint	Agreed Actions	Outcomes (Including referral to panel)	Outcome Notified to Complainant (Yes/No)