

## COMPLAINTS POLICY

<b>Date of last review:</b>	July 2018
<b>Date of next review:</b>	July 2019
<b>Approved by:</b>	Rabia Education Trust

### AIMS

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.

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
- 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.

### 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.

### DEFINITIONS AND SCOPE

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”.

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

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

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

## **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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

## **STAGES OF COMPLAINT**

Stage 1 (Informal): Complaint heard by staff member

Any parent who has a concern regarding their child's education should discuss the matter, in the first instance, with the child's class teacher. In our experience most matters of concern can be resolved positively in this way with apologies where necessary and agreed course of next steps to be taken.

There may be instances where the staff member may feel it appropriate to refer the matter to a member of the Senior Management Team (SMT). In this instance they will inform the parent and

the SMT member will deal with the complaint liaising with the class teacher as necessary and respond to within 5 days. If the response is unsatisfactory then the parent may wish to proceed to stage 2.

#### Stage 2 (Formal): Complaint heard by Headteacher

If a parent feels their concern has not been addressed by the class teacher or member of the SMT, or that their concern is of a more serious nature, then they should make an appointment to see the Headteacher and forward details of the complaint in writing.

Parents will be informed of the outcome in writing within 10 working days of meeting the Headteacher.

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

#### Stage 3 (Formal): Complaint heard by Chair of Governors

If parents are not satisfied with the response from the Headteacher or that the complaint is about the Headteacher then they should write to the Chair of Governors to request that their complaint is considered further. The complaint must be made in writing stating the nature of the complaint and a summary of how the school has handled it so far. This should be addressed to the 'Chair of Governors'. He/she will acknowledge the receipt of the complaint in writing or by phone.

The complaint will be considered by a panel consisting of at least three people who are not directly involved in the matters detailed in the complaint. One member must be independent of the management and running of the school. At this panel hearing the parent may be accompanied if they wish. Parents will be informed of the outcome in writing within 15 days of when the Chair of Governors acknowledges the complaint.

If the complaint is about the Chair of Governors, then parents should write to the Proprietor.

#### Stage 4 (Formal): Complaint heard by the Governing Body Complaints Appeal Panel

If the complainant is still not satisfied after stage 3 then they can escalate the matter to the GB Complaints Appeal Panel who will hear the complaint. The panel will comprise of nominated members of the GB and will be chaired by the Chair of the Governing Body, unless he / she has been involved in previous stages. In this instance the Vice Chair or another nominated governor will chair.

The GB Appeals Panel is the last school based stage of the complaints process and is not convened merely to rubber stamp previous decisions. It is an impartial panel which does not consist of individuals who have had previous involvement in the process. Individual complaints will not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The decision will be communicated within 10 days.

#### Remit of The Governing Body Complaints Appeal Panel

The 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 that problems of a similar nature do not recur,

The Chair of the Panel will notify the complainant of the panel's decision, in writing including the reasons for the decision. A deadline for this will be set at the hearing and communicated to the complainant. The letter will also explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The copy of the decision and all matters relating to complaints will be also made available to the person complained about, if relevant and stored in the Complaints Folder so can be viewed by Head Teacher and Proprietor. In this folder a record of all complaints that are made, whether they are resolved following a formal procedure or proceed to a panel hearing and action taken by the school will be logged because of those complaints. All these findings will be kept confidential and stored in the Head Teacher's office and will be available on request from a regulatory body.

#### General Principles

- No governor will sit on a panel if he/she has had prior involvement;
- We will attempt to ensure that the panel consists of a cross section of the categories of governor and sensitive to the issues of race, gender and religious affiliation;
- At any stage throughout the complaints process the parent may be accompanied or represented by a person of their choosing;
- 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;
- The panel Chair will ensure that the proceedings are as welcoming as possible;
- The panel will equal consideration to the views of the child as they do to an adult;
- It has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

If after the final decision, the complainant is still not satisfied, they can write to the Secretary of State for Education at the Department for Education (DfE):

**DfE:**

Department for Education  
Bishopsgate house  
Feethams  
Darlington  
DL1 5QE

**Summary of the Complaints Process**

**Stage 1** - Complaint heard by staff member

- ✓ Ensure complaints coordinator informed of outcome.

If not resolved, then escalate to **Stage 2** – Complaint heard by Headteacher.

- ✓ Acknowledge receipt of complaint;
- ✓ Write to complainant with outcome of investigation within 10 working days of meeting the Headteacher;
- ✓ Ensure complaints co-ordinator informed of outcome;
- ✓ Offer escalation to Stage 3 if dissatisfied.

If not resolved, then escalate to **Stage 3** - Complaint heard by Chair of Governors.

- ✓ Acknowledge receipt of complaint in writing or by phone;
- ✓ Write to complainant with outcome of investigation within 15 days of when the Chair of Governors acknowledges the complaint;
- ✓ Ensure complaints co-ordinator informed of outcome;
- ✓ Offer escalation to Stage 4 if dissatisfied.

If not resolved, then escalate to **Stage 4** - Governor's complaints panel meeting arranged.

- ✓ Issue letter inviting complainant to meet;
- ✓ Issue letter confirming panel decision as per the agreed timescales;
- ✓ Ensure complaints co-ordinator informed of outcome.

Advise of escalation route to the Secretary of State for Education.

**OFSTED:**

Ofsted Complaints Helpline 0300 123 1231

**DfE:**

Department for Education  
Bishopsgate house  
Feethams  
Darlington  
DL1 5QE  
or telephone the department on **0370 0002288**

or email [registration.enquiries@education.gsi.gov.uk](mailto:registration.enquiries@education.gsi.gov.uk)

**PERSISTENT COMPLAINTS**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs and
- The complainant has been given a clear statement of the school's position and their options (if any) and / or
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Any threats, aggressive behaviour, abuse or disruption to the school may result in the school reporting such behaviour directly to the police.

**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 final 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 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 for 5 years.

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 Body 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.

### **LEARNING LESSONS**

The Governing Body will review any underlying issues raised by complaints with the head teacher, 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.

### **MONITORING ARRANGEMENTS**

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The chair of Governing Body will track the number and nature of complaints and review underlying issues.

The complaints records are logged and managed by the head teacher.

This policy will be reviewed by the head teacher and board of trustees every 2 years.

At each review, the policy will be approved by the board of trustees and head teacher.

### **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