

GREAT OAKS SMALL SCHOOL

SAFEGUARDING COMMUNITIES EMBRACING DIFFERENCE UNLOCKING POTENTIAL

COMPLAINTS POLICY

2017 - 2018

HEAD TEACHER: JULIE KELLY

CHAIR OF TRUSTEES: PENNY JACKSON

Date Agreed: MARCH 2017

Date of Next Review: MARCH 2018

Complaints Policy

Complaints Policy and Procedure

Policy for unreasonable complainants

Notice concerning the need to Bar Parents/Carers from the School

Premises under certain circumstances

School Complaints Policy and Procedure

Great Oaks Small School is committed to providing the very best education for our children and young people and want our students to be safe, embrace differences and reach their potential; socially, emotionally and academically. We recognise the importance of establishing, and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following document sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

School Trustees are required under Section 29 of the Education Act 2002 to have in place a policy and procedure for dealing with complaints relating to the school. This complaints procedure and policy document does NOT cover any concerns or complaints that fall under policies as these are covered by other guidance or pieces of legislation. These include:

- Admissions Policy
- The Curriculum
- Dignity and Respect Policy
- Special Educational Needs and Disability Policy
- Discipline and Conduct Policy
- Safeguarding Policy
- Whistle Blowing Policy

It is expected that all complaints will be referred to the school in the first instance and that all stages will be pursued before considering a referral to the Secretary of State for Education (DfE Complaints Unit) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

The difference between a concern and a complaint

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A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. (DfE, 2016)

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Key principles of this policy are:

- **Accessibility** – the policy is available on the school's website in addition to a hard copy being requested from the school office. It is in a useable format, free from jargon and assumes no specialist knowledge
- **Good communication** – the school is happy to explain the process for dealing with concerns and complaints
- **Timescales** - there are clear timescales set out in the complaints procedure which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality**- appropriate confidentiality will be maintained by all those involved.

The governing body will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

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- That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

The Stages of the Complaints Procedure

(flowchart of process at appendix 2)

Stage 1 – Informal Complaint

Please start by telling the Head Teacher's Personal Assistant/School Secretary (PA) about your concern. This will enable your complaint to be dealt with in the most efficient way. Your complaint will be shared with the Head Teacher who may feel it more appropriate to refer you to a member of the Senior Leaders Team (SLT) or class teacher who will try to resolve the concern informally. If however, it is deemed by the Head Teacher, that the most efficient way forward is for you to meet with them personally, an appointment will be made.

- In either case, it is recommended that you speak to the Head Teacher's PA/School Secretary whereupon an appointment to speak to the most appropriate staff member will be made for you, as soon as possible, as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and despite our best efforts, the school may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- It is good practice for the school to make a brief written record of the concerns raised and any actions agreed

If you feel dissatisfied with the outcome of discussions with the member of SLT/class teacher, you should then contact the Head Teacher's PA/School Secretary to arrange a (further) appointment with the Head Teacher.

Head Teacher will review the records of the previous discussions following

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the same process as taken by the SLT/class teacher, establishing the nature of the complaint and keeping a brief written record. The Head Teacher will then discuss it with the complainant and suggest a solution.

If you feel dissatisfied with the outcome of discussions with the Head Teacher you can put your complaint in writing.

Stage 2 – Formal Written Complaint

Please Use the form attached as appendix 1 to do this. It is helpful if you can set out what resolution you are seeking.

- The Head Teacher will consider the complaint and in doing so will:
 - Establish what has happened so far, and who has been involved;
 - Meet or contact you if they need further information;
 - Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
 - Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
 - Conduct any interviews with an open mind;
 - Keep notes of any interview for the record

- The Head Teacher will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology
 - an explanation
 - an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
 - 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 undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Head Teacher will discuss the outcome of their consideration of your complaint with you and should send a detailed response within a

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maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision the Head Teacher has made about your complaint, this does not become a complaint about the Head Teacher. However, if your complaint is about the conduct of the Head Teacher and you feel that it has not been resolved at the informal stage, then you should move directly to **Stage 3** of the procedure and write to the Chair of Trustees.

Stage 3 – Trustee Investigation

If you are not satisfied with the response of the Head Teacher, or you have a concern or complaint that is specifically about the Head Teacher which has not been resolved informally, then you can put your complaint in writing. Please, again, use the form attached as appendix 1 to do this. It is helpful if you can set out what resolution you are seeking.

You should write to the Chair of Trustees name, at the school address, marking any envelope “urgent, private and confidential”. The school will provide you with the Chair of Trustees name and school address, or you can find it on the school’s website. The Chair of Trustees may delegate responsibility to another board member.

- The Clerk to the Board of Trustees/School Secretary will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant the name of the trustee investigating the complaint. The investigating trustee will respond with their findings, in writing, within 14 school days of the receipt of the complaint.

In the event of you not being satisfied with the response of the Chair of Trustees/trustee with delegated responsibility, or you have a concern or complaint that is specifically about the Chair of Trustee/ trustee with delegated responsibility then you can put your complaint in writing to the Board of Trustees. Please, again, use the form attached as appendix 1 to do this. It is helpful if you can set out what resolution you are seeking.

You should write to the Board of Trustee, at the school address, marking any envelope “urgent, private and confidential”. The school will provide you with the school address, or you can find it on the school’s website.

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Your concerns/complaint will be reviewed by the Trustee Review Panel.

Stage 4 Trustee Review Panel

Great Oaks Small School will arrange a formal panel of 3 people, including 2 trustees (with no involvement with the complaint) and one independent person appointed by the trustees with no connection to the school and with the approval of the parent/carer

- The complaint will be heard by the Trustee Review Panel. The hearing will take place within 20 school working days of receiving the complaint. A letter will invite the complainant to attend and also explain that the complainant has the right to submit any further documentation relevant to the complaint up to 10 school working days of complaint being received by the Trustees.
- The complainant may bring a friend or someone else for support.
- A meeting of the Trustees Review Panel will be convened. No Trustees with prior involvement in the issues complained about will be included on the panel. It may be necessary to use reserves (previously agreed by the Board of Trustees) to ensure the Panel can meet within the set time. The Independent Person will chair the panel meeting. The clerk of the complaints panel will contact the complainant with the arrangements.
- Once the panel has been held, the complainant and the school will be informed of their decision within 15 school working days. If it is not possible to meet these timescales then the Chair of the Panel will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3.

Stage 5 – Escalation to Secretary of State for Education

If the complainant remains unsatisfied by the outcome of the Trustee Panel, they will be advised to contact the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will **only** intervene where the Board of Trustees has acted unlawfully or unreasonably.

Great Oaks Small School is an independent school, and as such follow the web link for further information on how to escalate your concern to the Secretary of State for Education:

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

Policy for unreasonable complainants

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints' and needs.*

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

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- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- If the complaint is raised 3 months after the incident or event

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head Teacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for students, staff and other members of their community. If a parent's or carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent / carer may wish to make. Schools should always give the parent / carer the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent/ carer, and either confirmed or lifted. If the decision is confirmed the parent / carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Trustees. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Board of Trustee Approval

Ratified by the Full Board of Trustees on 7th March 2017

To be reviewed after three years or as changes in legislation / policy dictates

To be displayed on the School Web Site? Yes ~~No~~

Complaints Policy

Complaints Form

Appendix 1

Please complete and return to who will acknowledge receipt and explain what action will be taken	
Your Name	
Student's Name	
Your relationship to the Student	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the	

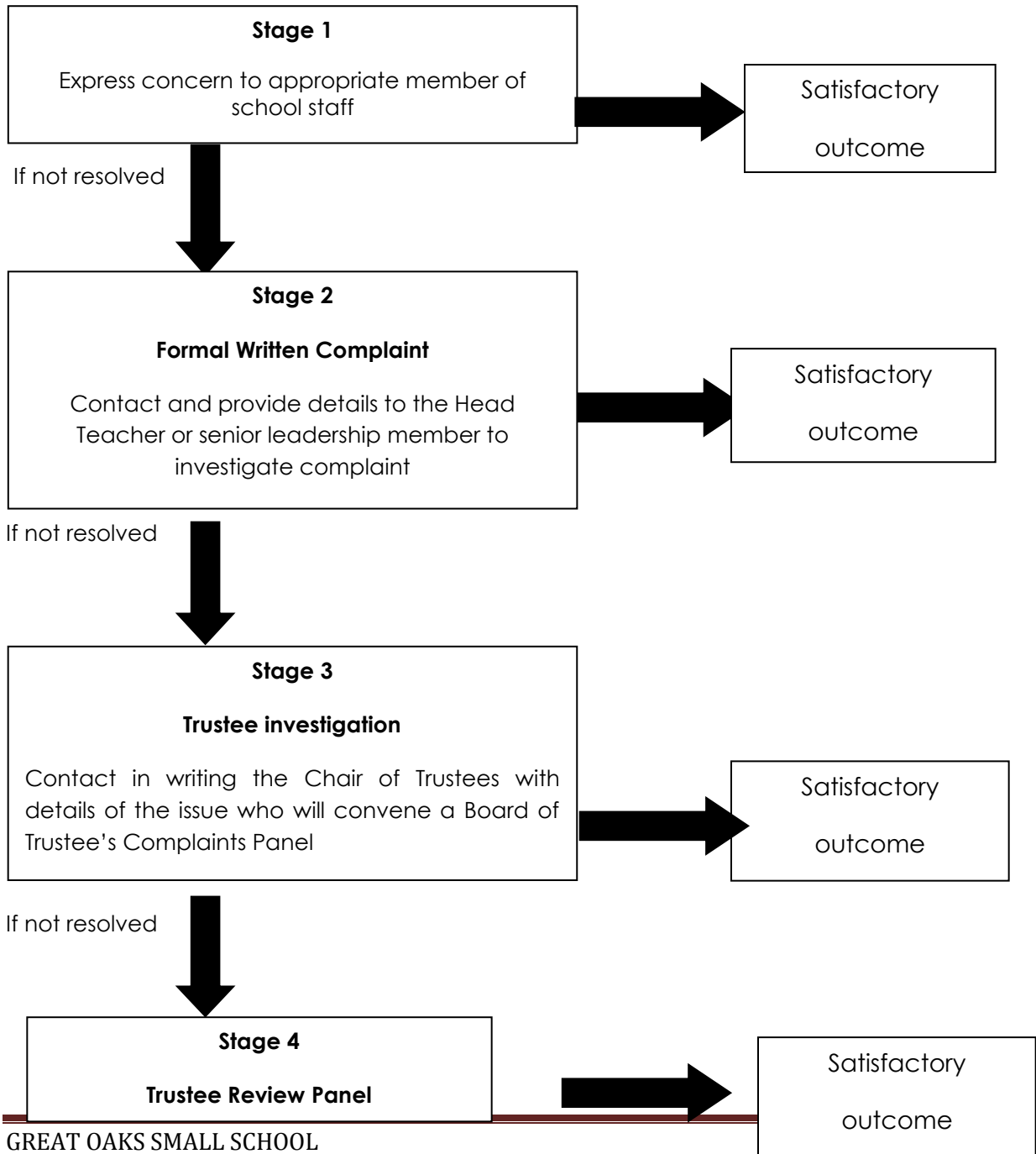
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problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

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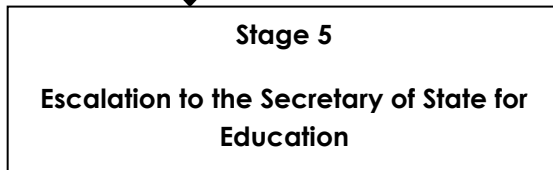
Model Complaints Procedure Flowchart

Appendix 2



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If not resolved



Board of Trustees Review Panel procedure

Appendix 3

The panel consists of 2 trustees, the independent person and the P.A. Those present Head teacher, Complainant, and support for both the Head Teacher and Complainant if requested.

- At the panel hearing:
 - The complainant will have the opportunity to present their complaint.
 - The Head Teacher will explain the school's position.
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the Head Teacher.
 - The Head Teacher will be given the opportunity to make a final statement to the panel.
 - The complainant will be given the opportunity to make a final statement to the panel.
 - The chair will ask the complainant if he or she feels they have had a fair hearing.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Head Teacher that the Panel will consider its decision and that a written decision will be sent to both parties within 20 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and:
 - Then decide upon the appropriate action to be taken to resolve the Agree a decision on the complaint, or arrange a meeting for further discussions.

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- Then decide complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
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- A written statement clearly setting out the decision of the Panel must be sent to the complainant and Head Teacher. The letter to the complainant should also advise how to take the complaint further.
 - The school should ensure that a copy of all correspondence and notes are kept in a confidential file within a locked cabinet in addition to being kept separate from the student's personal records.