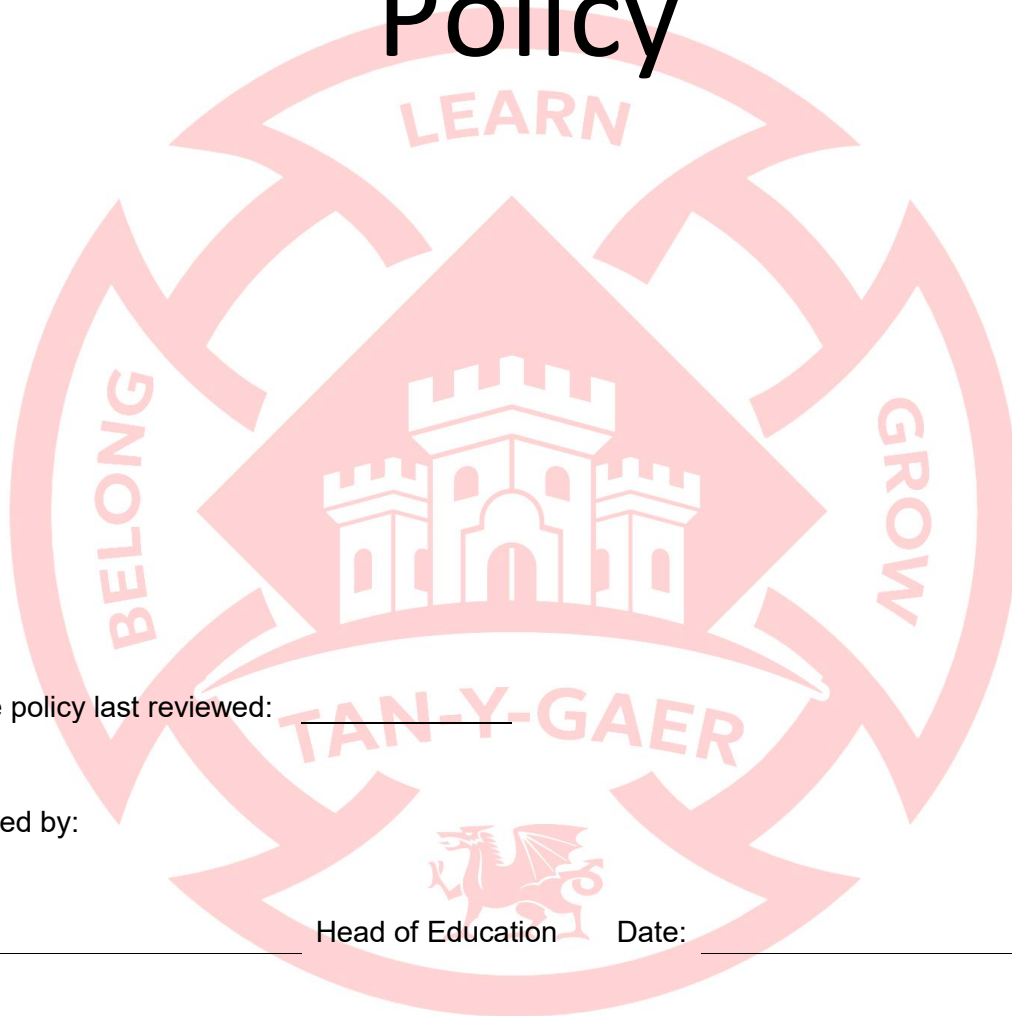


Complaints Procedures

Policy



Date policy last reviewed: _____

Signed by:

Head of Education Date: _____

Care Services
Director Date: _____

Last updated:

Statement of intent

Our school aims to meet its statutory obligations when responding to complaints.

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
- Make sure 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 make sure 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.

Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

Definitions and scope

Definitions

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”

A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

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 needs (ALN)
- Safeguarding matters
- Suspension and permanent 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.

Roles and responsibilities

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

Ask for assistance as needed

Treat all those involved with respect

Do not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

Interview all relevant parties, keeping notes

Consider records and any written evidence and keep these securely

Prepare a comprehensive report to the head of education or complaints committee, which includes the facts and potential solutions

The complaints co-ordinator

The complaints co-ordinator can be:

The head of education or director of care services

Any other staff member providing administrative support

The complaints co-ordinator will:

Keep the complainant up to date at each stage in the procedure

Make sure the process runs smoothly by liaising with staff members, the head of education and director of care services.

Be aware of issues relating to:

- o Sharing third-party information
- o Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person

Keep records

The school admin team will:

Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings

Arrange the complaints hearing

Record and circulate the minutes and outcome of the hearing

Committee chair

The committee 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 committee, and are allowed to present their case

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

Timescales

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 timeframe 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 first school day after the holiday period.

If at any point we cannot meet the timescales 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

Stages of complaint (not complaints against the head of education)

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 head of education, 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 main office [telephone 01978 760034].

The school will acknowledge informal complaints within 10 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the head of education.

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

Stage 2: formal

The formal stage involves the complainant putting the complaint to the head of education and/or the subject of the complaint:

In a letter or email

Over the phone

In person

Through a third party acting on their behalf

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

If complainants need assistance raising a formal complaint, they can contact the school office on 01978 760034.

The head of education will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

The head of education (or other person appointed by the head of education 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 is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the school in writing within 10 school days.

Stage 3: review panel

Convening the 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 management committee 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.

The complainant must have reasonable notice of the date of the review panel. The school will aim to find a date within 10 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the school will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual 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 head of education.

The outcome

The committee can:

Uphold the complaint, in whole or in part

Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

Decide the appropriate action to resolve the complaint

Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within [number] school days.

Complaints against the head of education, member of the management committee or director of care services

Stage 1: informal

Complaints made against the head of education or any member of the governing board should be directed to the school admin team.

If the complaint is about the head of education or 1 member of the management committee a suitably skilled and impartial member of the care leadership team will carry out the steps at stage 1 above.

Stage 2: formal

If the complaint is:

Jointly about members of the management committee

The entire management committee

The majority of the management committee

An independent investigator will carry out the steps in stage 2 (set out above). They will be appointed by the director of care services, and will write a formal response at the end of their investigation.

Stage 3: review panel

If the complaint is:

Jointly about members of the management committee

The entire management committee

The majority of the management committee

A committee of independent people will hear the complaint. They will be sourced from local schools and the local authority and will carry out the steps at stage 3 (set out above).

Persistent complaints

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's already been resolved by following the school's complaints procedure

Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive

Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason

Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out

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 complainant's 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 of 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

Where 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.

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 that the local process is complete

If there are new aspects, we will follow this procedure again.

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.

Record keeping and confidentiality

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 stored securely, 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 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, our privacy notices and [records management policy/record retention schedule].

Learning lessons

The management committee will review any underlying issues raised by complaints with the head of education 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 school will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The management committee will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the HR team.

This policy will be reviewed by the Head of Education every 2 years.

At each review, the policy will be approved by the management committee .

Links with other policies

Policies dealing with other forms of complaints include:

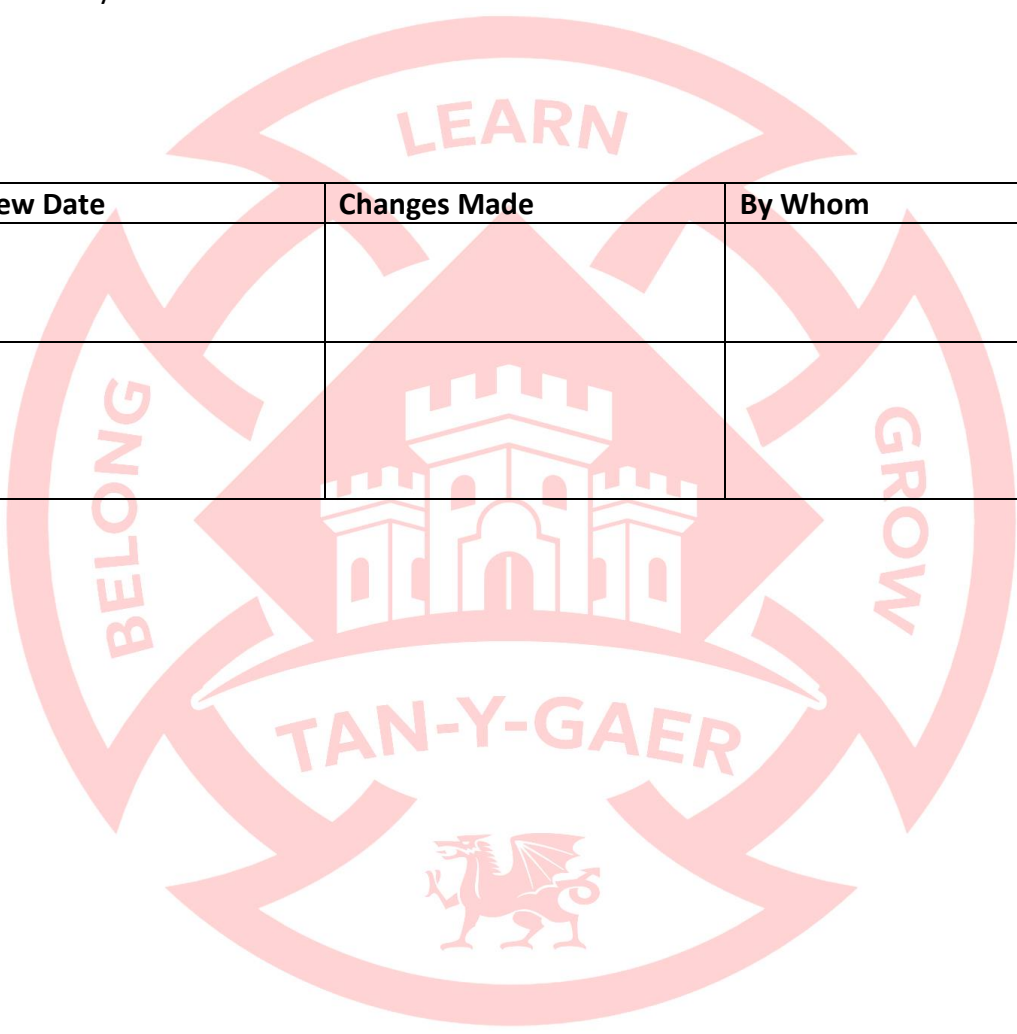
Child protection and safeguarding policy and procedures

Staff grievance procedures

Staff disciplinary procedures

Additional Learning needs policy and information report

Privacy notices

A large, faint, pink watermark of the Tan-y-Gaer School logo is centered on the page. The logo is circular with a castle illustration in the center. The words 'LEARN', 'BELONG', 'GROW', and 'TAN-Y-GAER' are written in a circular path around the castle. A dragon is depicted at the bottom of the logo.

Review Date	Changes Made	By Whom