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COMPLAINTS POLICY & PROCEDURE

REVIEW INFORMATION

Policy Reviewed: **May 2013**
 Reviewed by: Linda Morris & Sarah Thomas
 Changes made: Complete revision

Policy Reviewed: **May 2015**
 Reviewed by: Linda Morris & Sarah Thomas
 Changes made: See below

Policy Area	Amendments made
2 What Constitutes a complaint	Clarified difference between concern and complaint. Headteacher named as Complaints Co-ordinator
3 Timeframe	'Will' changed to 'should' to account for legal advice from DfE
5 Stage 1	Added: If the complainant or teacher feels uncomfortable discussing the issue
6 Investigating Complaints	New Section Added (from DfE guidance 2014)
7 Resolving Complaints	New Section Added (from DfE guidance 2014)
8 Complaints to DfE	New contact details added – Ofsted are unable to receive complaints from Independent Schools
10 Informing policy	DfE School Complaints Toolkit August 2014 added (NB Guidance is for state maintained schools, not adopted in its entirety)
11 Monitoring & review	Monitoring by FGB, previously Governance Committee.
12 Complaints in previous year	New section added. Update annually.
Appendix: Complaints form	Added (DfE template)

Policy Reviewed: **May 2016**
 Reviewed by: Sarah Thomas
 Changes made: Recommendations published by DfE: *Best Practice Advice for School Complaints Procedures, January 2016* see below:

Policy Area	Amendments made
1 Underlying Principles	Added partnership with "wider community" – made clear policy not just for parents
2 What constitutes a complaint	Added: Any person, including members of the general public, may make a complaint about any provision of facilities or services that our school provides.
2.1 New section: Complaints not in the scope of this procedure	Staff grievance and disciplinary matters will invoke the school's internal Grievance and Disciplinary Procedures. Complainants will not be informed of the outcome of any investigation. The school has an internal <i>Whistleblowing Procedure</i> for use by all staff and volunteers. Complaints about services provided by other providers who use school premises should be addressed to the provider directly. The school is not able to consider complaints regarding the admission or exclusion of children at the school.

4 recording complaints	A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept by the school.
5 Stages of complaint	'Parent' amended to 'complainant' where relevant
7 Resolving Complaints	Added DfE approved definition of 'vexatious' as footnote
9 Informing the policy	DfE: <i>Best Practice Advice for School Complaints Procedures, January 2016</i>
10 Monitoring & Review	Review every two years – in accordance with DfE guidance 2016.

Policy Reviewed: **March 2017**
Reviewed by: Sarah Thomas
Changes made:

Policy Area	Amendments made
5 Complaints Panel	Section updated to meet statutory requirements
8 Complaints pertaining to EYFS	Section added to meet statutory requirements

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COMPLAINTS POLICY & PROCEDURE

1 UNDERLYING PRINCIPLES

Our school offers a child-centred approach where children can feel safe and be themselves and where relationships throughout the school community are valued and nurtured in a culture of mutual respect. The school believes it is the responsibility of all members of the community, including children, teachers and parents, to uphold this culture, and to work towards implementing our shared vision for the school.

Our intention is to work in true partnership with parents and the wider community. Parents are welcome in all aspects of school life and we value and foster close relationships between family and school. We work hard to build a positive and supportive community where each individual voice can be heard and is encouraged to express concerns as they arise.

However, if parents, or others, do have a complaint, they can expect it to be treated by the school with care and in accordance with this procedure.

2 WHAT CONSTITUTES A COMPLAINT?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that our school provides.

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the school as a whole, about a specific aspect of the school or about an individual member of staff. A complaint is likely to arise if a person believes that the school has done something wrong, failed to do something that it should have done, or acted unfairly.

The school recognises that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

All concerns and complaints should be treated seriously and confidentially, and individuals will not be penalised for a complaint raised in good faith.

In the event of a formal complaint the **Head Teacher** will act as **Complaints Co-ordinator**.

2.1 Complaints not in the scope of this procedure

Staff grievance and disciplinary matters will invoke the school's internal *Grievance and Disciplinary Procedures*. Complainants will not be informed of the outcome of any investigation.

The school has an internal *Whistleblowing Procedure* for use by all staff and volunteers.

Complaints about services provided by other providers who use school premises should be addressed to the provider directly.

The school is not able to consider complaints regarding the admission or exclusion of children at the school.

3 TIMEFRAME FOR DEALING WITH COMPLAINTS

All complaints should be handled seriously and sensitively. They should be acknowledged within five working days if received during term time and as soon as practicable during holiday periods. It is in everyone's interest to resolve a complaint as speedily as possible: the school's target is to complete the first two stages of the procedure within 28 days if the complaint is lodged during term-time, and as soon as practicable during holiday periods.

Stage 3, the Appeal Panel Hearing should be completed within a further 28 days if the appeal is lodged during term-time, and as soon as practicable during holiday periods.

4 RECORDING COMPLAINTS

A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept by the school.

Following resolution of a complaint, the school will keep a written record of all complaints and whether they are resolved at the preliminary stage or proceed to a panel hearing. At the school's discretion, additional records may be kept which may contain the following information:

1. Date when the issue was raised
2. Name of complainant
3. Name of child (if the complainant is a parent)
4. Description of the issue
5. Records of all the investigations (if appropriate)
6. Witness statements (if appropriate)
7. Name of member(s) of staff handling the issue at each stage
8. Copies of all correspondence on the issue (including emails and records of phone conversations)

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by the *Education (Independent Schools Standards) (England) Regulations 2014*, or under other legal authority.

5 THE STAGES OF THE COMPLAINT

STAGE 1 - INFORMAL RESOLUTION (complaint heard by staff member)

1. It is hoped that most complaints and concerns will be resolved quickly and informally.
2. If parents have a complaint they should normally contact their child's class teacher.
3. If the class teacher cannot resolve the matter alone, or if either the complainant or the teacher feels uncomfortable discussing the matter, it may be necessary for him/her to consult the Head Teacher.
4. The class teacher or Head Teacher will make a written record of all concerns and complaints and the date on which they were received.
5. Should the matter not be resolved within two working weeks, or in the event that the class teacher and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with stage 2

of this Procedure.

6. If, however, the complaint is against the Head Teacher, the complainant should make their complaint directly to the Chair of Governors.

STAGE 2 - FORMAL RESOLUTION (complaint heard by Head Teacher)

1. If the complaint cannot be resolved on an informal basis, then the complainant should put their complaint in writing to the Head Teacher who will decide, after considering the complaint, the appropriate course of action to take.
2. In most cases, the Head Teacher will meet or speak to the complainant, normally within two days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
3. It may be necessary for the Head Teacher to carry out further investigations. The Head Teacher will keep written records of all meetings and interviews held in relation to the complaint. Once the Head Teacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Head Teacher will also give reasons for his/her decision.
4. At this stage, an external mediator, who is acceptable to both parties, may be invited to listen to both sides and offer advice. A mediator has no legal powers but can help to clarify the situation and suggest further ways in which it might be resolved. The mediator will keep all discussion confidential.
5. In the event of the complainant being unable to resolve a complaint satisfactorily with the Head Teacher, or if the complaint is about the Head Teacher the complainant should ask for their complaint to be referred up to the Chair of Governors, before recourse to Stage 3.
6. When such a referral is made, the complaint procedure will run in accordance with Stage 2.
7. If the complaint is against the Head Teacher, the Chair of Governors will speak to or meet with the complainant to discuss the matter further. They may also request information or written reports from teachers or other relevant parties. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the complainant will be informed of the decision in writing. The Chair will give reasons for his/her decision.
8. If the complainant is still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

STAGE 3 - PANEL HEARING

1. If the complainant seeks to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Clerk to the Governors, who has been appointed by the Governors to call hearings of the Complaints Panel.
2. The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of three people who were not directly involved in the matters detailed in the complaint. Each of the Panel members shall be appointed by the Trustees. The Clerk to the Governors, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within ten days.
3. If the Panel deems it necessary, it may require that further details of the complaint or any related matter be supplied in advance of the hearing. Copies of such details shall be supplied to all parties not later than 7 days prior to the hearing.
4. The complainant may attend the hearing and be accompanied by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
5. If possible, the Panel will resolve the complaint without the need for further

investigation. Where further investigation is required, the Panel will decide how it would be carried out.

6. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations.
7. The Panel will write to the complainant informing them of its decision, and the reasons for it, normally within 7 days of the hearing. The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise to the complainant, the Head Teacher, the Governors and Trustees, where relevant, the person complained about. The Panel's findings and recommendations will also be made available on the school premises for inspection by the Trustees and the Headteacher.

6 INVESTIGATING COMPLAINTS

At each stage, the school will endeavour to:

- 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 or contact them (if unsure or further information is necessary);
- 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 or arrange for an independent note taker to record minutes of the meeting.

7 RESOLVING COMPLAINTS

At each stage in the procedure the school will consider ways in which the complaint can be resolved. The school acknowledges that a complaint may be valid in whole or in part.

Where appropriate, the school may offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of should not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

The school will seek to clarify any misunderstandings and create a positive atmosphere in which any outstanding issues may be discussed. When deemed appropriate, the complainant may be encouraged to state what actions they feel might resolve the problem at any stage.

In the unlikely event that (despite all stages of the procedure having been followed) the complainant remains dissatisfied, the Chair of Governors may inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes

again on the same issue, then the correspondence may be recognised as ‘vexatious’¹ or unreasonable and there will be no obligation on the part of the school to respond.

8 COMPLAINTS PERTAINING TO EARLY YEARS FOUNDATION STAGE

The school maintains written records of all complaints relating to Early Years Foundation Stage, and their outcome.

All written complaints relating to the school’s fulfilment of the EYFS requirements are investigated and complainants are noted of the outcome of the investigation within 28 days of receiving the complaint. The record of complaints is made available to Ofsted on request.

The school also makes available to parents and/or carers details about how to contact Ofsted, if they believe the school is not meeting the EYFS requirements.

9 COMPLAINTS TO SECRETARY OF STATE FOR EDUCATION

If a complainant has exhausted school procedures they can write to:

Independent and Boarding Team
Department for Education
Mowden Hall
Staindrop Road
Darlington DL3 9BG

The department will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out and examine policies to determine if they adhere to education legislation. The department will not re-investigate the substance of the complaint.

10 INFORMING OUR POLICY

Paragraph 25 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010

Section 162A(1) of the Education Act 2002 (as subsequently amended)

Department For Education School Complaints Toolkit, August 2014

DfE: Best Practice Advice for School Complaints Procedures, January 2016

11 MONITORING THE EFFECTIVENESS OF THE POLICY

The Head Teacher will consider complaints by parents and determine whether the strategies used were appropriate and whether they can be improved.

A report of the effectiveness of policy and practice will be reviewed by the Governing Body on a termly basis

This policy will be reviewed and updated **every two years**.

12 PUBLICISING OUR POLICIES & PROCEDURES

Lewes New School makes its policies and procedures available to all parents of children and of prospective children on the school's website and in the school office.

On completion or review, all policies and procedures are communicated to all staff (teaching and support staff) and are linked to the induction of all new staff.

13 FORMAL COMPLAINTS RECEIVED IN THE PREVIOUS YEAR

The school will provide the Department for Education, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint.

The record of any such complaints will be kept for at least three years.

Number of Formal Complaints Received by the school 2015-16: None

APPENDIX A: COMPLAINT FORM

Please complete and return to(complaints coordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Child's name (if relevant):

Your relationship to the child (if relevant):

Address:

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:

For school use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: