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# Complaints Procedure Policy

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<b>Owner</b>	Craig Seretny

## Document History

Version	Comments/amendments	Name	Date
1.0	2021 issue	Craig Seretny	Sept 2021

This complaints procedure, as required by law in paragraph 33 [Part 7 of the Independent School Standards) and the number of complaints registered under the formal procedure during the preceding school year will be made available on the school's website.

### **The difference between a concern and a complaint**

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'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally (Stage 1), without the need to invoke formal procedures (Stages 2 & 3). We take all concerns seriously and will make every effort to resolve any matter raised, as quickly as possible.

### **Who can make a complaint?**

Any person, including members of the public, may make a complaint about any provision of facilities or services provided, unless separate statutory procedures apply (such as exclusions or admissions).

The complaints procedure does not apply to prospective pupils who have no right of complaint.

### **Complaints from Parents/Carers**

The procedures set out below only relate to complaints from parents of pupils, i.e., persons for whom education is being provided at the school. The process set out below does not cover complaints from parents of pupils who have left (except in cases where the complaints process was started when the pupil was still being educated at the school).

It is expected that complaints are made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint). The procedures below will be followed in the event of a complaint being made by parents or carers against the school (complaints are not limited to parents or carers of children that are registered at the school).

## Informal Complaint (Stage 1)

If parents or carers have a complaint against the school, they may initially wish to contact the school informally either by telephone, in writing or personally after making an appointment. The school will ask the complainant what they think might resolve the issue. The school will consider and resolve as quickly, and efficiently as possible the complaint and will respond with the outcome **within 10 working days** of receiving the complaint. Where further investigations are necessary that may exceed this period, amended time limits will be communicated with an explanation for the delay.

## Formal Complaint (Stage 2)

If parents or carers are not satisfied with the response at Stage 1, they should write formally to the Headteacher of the school (see end of document for contact details)

The Headteacher will investigate the complaint further and respond in writing **within 10 working days** of receiving the formal complaint in writing. Where further investigations are necessary that may exceed this period, amended times will be communicated with an explanation for the delay.

If the complaint is against the Headteacher, the complaint should be addressed to the Chair of Governors, also known as the 'Regional Director'. Their contact details are at the end of the document. The Schools' Chair of Governors will investigate and respond within **20 working days** of receiving the formal written complaint.

## Formal Complaint (Stage 3)

1. If the parents or carers are not satisfied with the response from Stage 2, they should inform the School's Chair of Governors who will arrange a panel to hear the complaint.
2. The panel will comprise three people not directly involved in the matters detailed in the complaint. At least one member of the panel will be independent of the running and management of the school. The member should not only be outside the school's workforce, and not a member of governing body/proprietary body, but also should not be otherwise involved with the management of the school.
3. The date of the panel meeting will consider the availability of the parents or carers as well as the school and will take place **within 30 working days** of receiving formal notification that the complainant is unhappy with the outcome of the stage 2 complaint, and their desire to proceed to stage 3.
4. Parents or carers will be invited to bring with them another person or persons to support them at the panel hearing if they wish. The panel hearing does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing.
5. The panel will hear the complaint and will hear the outcome of the school's investigations and its response to these. The panel will then make findings and recommendations which will be communicated in writing **within 10 working days** of the conclusion of the hearing to the Proprietor, Director of Education, the Headteacher, the parent or carer and, where appropriate, the person complained about.

6. If a parent does not exercise the right to attend a panel hearing, the panel will meet in line with this policy. The school's arrangements for the panel hearing will be reasonable to facilitate the parent(s) exercising the right of attendance.
7. A written record of all complaints and their resolution, whether they proceeded to a panel hearing or not, will be kept on the school premises by the Headteacher (Equality Act 2010) and made available to the Proprietor and Ofsted inspectors on request. The school will record the progress of the complaint and the outcome. These records and any correspondence relating to a complaint will remain confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education Act requests access to the records.
8. The number of complaints registered under the formal procedure during the preceding school year will be published on the school website.

### **Complaints from Pupils**

The procedures below will be followed in the event of a pupil making a complaint against a member of staff, a fellow pupil or any other person or situation either in school or outside.

- Pupils may wish to talk to an adult they trust about a situation relating to school or to a situation outside school.
- Pupils are reminded that, although they may speak to any member of staff, there may be occasions where information will have to be referred to other agencies such as Children's Services.
- Within school, pupils may talk to any member of Education Staff.
- A pupil may merely need a trusted adult to talk a situation through with and may not be making a formal complaint. However, all actual complaints made by pupils will be recorded by the member of staff in the Complaints Log. The school response to the complaint will also be recorded. If the complaint is serious the pupil's parents/carers will be informed of both the complaint and the outcome. Some complaints will be referred to other agencies or to the Local Authority. If necessary, a meeting will be called to discuss the issues further.
- A pupil may ask to speak to an adult from an outside agency. The school will, wherever possible, put the pupil in contact with a representative of the appropriate agency. The referral will be noted in the pupil's file.
- If the complaint is an allegation against a member of staff, then the school's safeguarding policy must be followed in addition to recording the complaint. Failure to follow this process may result in disciplinary action.

## **Unreasonable Complainants**

The 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’.

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 considered 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).
- 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.

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 Headteacher or Regional Director will discuss any concerns with the complainant informally before applying an ‘unreasonable’ evaluation.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable, 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.

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 the school.

<p><b>Contact information for the Headteacher</b></p>	<p>Craig Seretny Smallbrook School Unit 1-4, Sleaford Harmer Hill Shrewsbury SY4 3HE  Email: craig.seretny@brynmelyncare.com</p>
<p><b>Contact information for the Chair of Governors</b></p>	<p>Melissa Johnson Bryn Melyn Care 2, High Street Dawley TF4 2ET  Email: melissa.johnson@brynmelyncare.com</p>