

# Horton Lodge Community Special School

'Working Together – Achieving Potential'



## Complaints Policy and Procedure

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## 1. Aims

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

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 development processes
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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.

## 2. 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).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. 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 communications 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 complaints formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints relating to:

- Admissions
- Statutory assessment of special educational needs and disabilities (SEND)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents/carers of children with SEND about the school's support are within the scope of this policy. Such complains should first be made to the headteacher who will then refer the parents/carers to the complaints policy. Our SEND policy and information report includes information about the rights of parents/carers of pupils with disabilities who believe that our school has discriminated against their child.

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

## **4. 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.

### **Complains about our fulfilment of Early Years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see Section 9) and make this available to Ofsted on request.

Parents/carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements by calling 0300 123 4234/0300 123 4666 or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents/carers if we become aware that the school is being inspected by Ofsted. We will also make available copied of the inspection report to all parents/carers.

## **5. Stage of complaint (not complaints against the headteacher or a governor)**

### **Stage 1: Informal**

The school will take informal complaints 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 headteacher as appropriate, either in person, by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 7 days and investigate and provide a response in the next following 7 days.

The informal stage may involve a meeting between the headteacher and complainant as appropriate.

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

### **Stage 2: Formal**

Inform the headteacher in writing



This letter 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.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school the identity of their companion in advance.

In certain circumstances, the school may need to refuse the request for a particular individual to attend any such meeting, for example, if there is a conflict of interest. If this is the case the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written investigation will be sent to the complainant within 10 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 7 days.

#### Inform the chair of governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint and how they feel the previous stage of the complaint has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 7 days.

### **Stage 3: Submit the complaint to the review panel**

The review panel consists of members of the governing body. These individuals will have access to the existing record of the complaint's progress (see Section 9).

The complainant must have reasonable notice of the date of the review panel; however the review panel reserves the right to convene at their convenience rather than that of the complainant. 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 by a suitable companion if they wish.



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, complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and the school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and where relevant, the subject of the complaint. They will also make a copy available for inspection by the headteacher.

The school will inform those involved of the decision in writing within 3 days.

## **6. Complaints against the headteacher or a governor**

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing body, it should be made in writing to the clerk to the governing body in the first instance.

This letter 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.

A meeting will be called to clarify the concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school the identity of their companion in advance.

In certain circumstances, the school may need to refuse the request for a particular individual to attend any such meeting, for example, if there is a conflict of interest. If this is the case the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

An investigation will then be conducted. The written conclusion of this investigation will be sent to the complainant within 10 days.

## **7. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unity (SCU) which investigates complaints relating to maintained schools on behalf of the secretary of state.



The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear that the school has acted unlawfully or unreasonably.

For more information please visit <https://www.gov.uk/complain-about-school>

## **8. Persistent complaints**

Where a complainant tried 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 governors (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 circumstances 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;
- The complainant is contacting the school repeatedly but making substantially the same points each time.

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
- The individual's letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistence 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 complaints are heard and that the school acts reasonably.



## **9. 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 record 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. They will only be viewed 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 as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including names of individuals involved, will not be shared with the while governing body in case a review panel needs to 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 reasonable practicable, arrange for an independent panel member 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 body, who will not unreasonably withhold consent.

## **10. Learning Lessons**

The governing body will review any underlying issues raised by complaints with the headteacher where appropriate and respecting confidentiality to determine whether there are any improvements that the school can make to its procedures or practice to prevent similar events in the future.

## **11. Monitoring Arrangements**

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints and review underlying issues as stated in Section 10.

The complaints records are logged and managed by the headteacher.



The policy will be reviewed by the headteacher in conjunction with the governing body every 2 years.

## **12. Links with other policies**

Policies dealing with other forms of complaints include;

- Child Protection and Safeguarding
- Admission Arrangements
- Behaviour policy (including exclusions)
- Staff grievance
- Staff discipline
- SEND policy