

ACT

FAST



NL Ltd

Helping young people stay on track

Complaints Procedure

Reviewed Yearly
Version 2

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Reviewed By: Peter Sembiante

Signature *Peter Sembiante*

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REVIEW YEARLY

Review Panel

Principal	P Sembiante
SLT	Steve Baxter
Pathway Managers	Phil Bell
Student Council	
External Input	

Change History			
Version	Date	Change Agent	Details of Change/
1.0	07/04/2021	P Sembiante	Changed the three year review to a two year review plan
2.0	07/04/2021	P.Sembiante	Design and build SEMH building
2.0	07/04/2021	P Sembiante	Incorporate Ofsted approval
2.1	31/10/2023	P Sembiante	Added links to internal policies

Contents

1. Aims	2
2. Legislation and guidance	3
3. Definitions and scope	3
4. Roles and responsibilities	3
5. Principles for investigation	4
6. Stages of complaint (not complaints against the headteacher or the Accountability and Standards group) .	5
7. Complaints against the headteacher, a governor or the governing board	6
8. Referring complaints on completion of the school's procedure	
9. Persistent complaints	7
10. Record keeping	8
11. Learning lessons	9
12. Monitoring arrangements	9

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 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.

2. Legislation and guidance

- This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
- It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).
- This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.
- It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

3.1 Definitions

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”

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

3.2 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 special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

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

4. Roles and responsibilities

4.1 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

4.2 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 headteacher or complaints committee, which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The principal
- The complaints officer designated from the accountability and standards group
- 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 principal
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

4.4 Point of contact for the accountability and standards group (ASG) will be the admin clerk

The appointed person 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

4.5 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

5. 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

5.1 Time scales

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 that 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

6. Stages of complaint (not complaints against the principal or ASG)

6.1 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 principal as appropriate, 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 school office 01724 856868

The school will acknowledge informal complaints within 5 school days and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the nominate SLT member and/or the subject of the complaint, as appropriate.

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

6.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 2 members, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk 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 clerk 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 2 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 by a suitable companion 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, everyone 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 will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting 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 subject of the complaint, and make a copy of the findings and recommendations available for inspection by the principal.

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 15 school days.

7. Complaints against the principal, accountability and standards group (ASG)

7.1 Stage 1: informal

Complaints made against the principal should be directed to the accountability and standards group.

7.2 Stage 2: formal

If the complaint is:

- Jointly against the principal and accountability and standards group

An independent investigator will carry out the steps in stage 2

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

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

9. Persistent complaints

9.1 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 complaint's 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 complaint's 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.

9.2 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
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

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

9.3 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 the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. 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 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 held centrally 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.

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 board, who will not unreasonably withhold consent.

11. Learning lessons

The Accountability & Standards Group will review any underlying issues raised by complaints with our Principal, Peter, 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.

12. Monitoring arrangements

The Accountability & Standards Group will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Accountability & Standards Group will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Admin Assistant, Daniella.

This policy will be reviewed by Peter Sembiante and the Accountability & Standards Group yearly.

At each review, the policy will be approved by the Accountability & Standards Group.

13. Links with other policies

Policies dealing with other forms of complaints include:

- o [Child protection and safeguarding policy and procedures](#)
- o [Admissions policy](#)

- o [Suspension and permanent exclusion policy](#)
- o [Staff grievance procedures](#)
- o [Staff disciplinary procedures](#)
- o [SEN policy and information report](#)

The Department for Education (DfE) cannot investigate individual complaints about independent schools. It does have certain powers as a regulator if the school is not meeting standards set by the DfE for:

- Education
- Public welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- Spiritual, moral, social or cultural development of learners

DfE will consider any reports of a major failure to meet the standards. It can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure serious failings are dealt with.

DfE can ask the school inspectorates to take minor complaints into account when the school is next inspected.

Provides that correspondence statements and records relating to individual complaints are to be kept confidential except where the secretary of state or a body conducting and inspection under section 109 of the 2008 Act requests access to them.

You can complain to the DfE by filling in the “School Complaints Form” found at <https://www.gov.uk/complain-about-school/private-schools>

Staff Training

All staff will receive training during induction and then subsequently periodic refreshers exploring a range of issues including what constitutes a complaint, how to respond to a complaint, the procedure for dealing with an informal complaint and how this is recorded, the procedure to follow should a complaint not be dealt with promptly by informal means, including who should be notified and the keeping of records, how to complain to someone outside of the home and how to support young people in making a complaint.

Implementation:

This policy will be reviewed annually.

It will be reviewed earlier if required by legislation or new DfE guidance.

Appendices

Appendix 1: Outline of procedure for a Complaints Panel meeting dealing with a formal complaint

Appendix 2: Timescales Flowchart

Appendix 1:

Suggested procedure for a Complaints Panel meeting dealing with a formal complaint.

Ideally meetings will be open to all participants, but account will be taken, (particularly if the complainant is a child) of the effects of other contributors being present.

This especially applies during items 2 and 3. The Panel may choose to call, and/or examine written contributions from any members of the team, or persons relevant to the complaint.

The Panel will judge the appropriateness of which part of the meeting the various contributors attend.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

1. The Chair opens the meeting explaining that the purpose of the meeting is to listen to the complainant.
2. The Complainant, or their representative, presents his/her case stating the issues clearly. Any witnesses on behalf of the Complainant are heard.
3. Panel members, and any representative of the Placing Authority (if applicable), have an opportunity to ask questions of the Complainant (or any witnesses) seeking clarification.
4. The Principal / Proprietor provides details of how the complaint has been handled and details of any action taken. Any witnesses on behalf of the Principal / Proprietor are heard.
5. The Complainant or their representative, Panel members and any representative of the Placing Authority have an opportunity to ask questions of the Director of Resources or their witnesses.
6. The Panel may at this point request and/or examine contributions from any other party.
7. These contributors may be asked questions by Panel members, and any representative of the Placing Authority (if applicable), the complainant and/or the Principal / Proprietor.
8. The Principal / Proprietor sums up.
9. The complainant or their representative sums up.
10. The Principal / Proprietor, will deliberate the complaint.
11. The Principal will respond in writing/Email the findings and recommendations (usually within 7 calendar days of the meeting).

Timescales flowchart

This timescale flowchart is intended to be representative of the maximum timescales required to process each stage of a complaint, from stage 1 to stage 4. In certain circumstances the timescales may change, however complaints are usually dealt with as quickly as possible.

Timescale's flowchart

Timescales flowchart

