

20/09/2021

Blossom Lower School and Upper House



COMPLAINTS POLICY

Foundation Stage, Primary, Secondary, Post 16

**Reviewed September 2021
Next review due September 2022**

POLICY FOR DEALING WITH COMPLAINTS

INTRODUCTION

1. The school welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint the school will endeavour at all times to deal with the issue responsively and reasonably and if necessary put things right as quickly as possible. The school may ask the complainant at the earliest stage what they think might resolve the issue.
2. The school understands that there is a difference between a 'concern' and a 'complaint'. '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'*.
3. The school takes informal concerns seriously and makes every effort to resolve such matters as quickly as possible, as doing this will reduce the numbers that develop into formal complaints. For example, the Principal has an 'open door' policy for parents; an annual questionnaire is sent to parents and the school tries to respond promptly to any concerns raised. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures.
4. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined below.
5. Blossom House School has the primary responsibility in law for dealing with all other complaints received. The School's Panel is free to set its own procedures but it is important for the Panel to draw up clear procedures for handling complaints thoroughly, quickly and fairly and to ensure that parents are aware of them. The school's Complaints Policy is sent to every parent when their child joins the school, it is on the school website and is available in the main office.
6. Complaints about Blossom House School by parents or members of the public should be taken up with the school itself. All complaints about the school received by the local education authority will therefore normally be passed on to the school immediately without further intervention by the LA. The LA would only become involved in the process in exceptional

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circumstances and then not until the school's own procedures had been exhausted.

7. All school staff and the Panel (an independent body, set up to assist if needed) are made aware of the complaints procedure and the various stages involved. The Panel has an important role to play in considering complaints and it is therefore important that individual Panel members do not act unilaterally by investigating complaints outside the procedure adopted by the Panel.
8. Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures. The complaints procedure is distinct from formal disciplinary proceedings for staff and this is made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If so, the complainant should be informed of this, while any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures. If another procedure is more appropriate than the complaints procedure for a given situation then the complaints procedure should not be used.
9. The Complaints procedure may be used by anyone who has a complaint about the school. In the main this means the parents and carers of the school's pupils, but may include pupils, neighbours of the school, representatives of local businesses or members of the local community.
10. An effective complaints procedure is designed to:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and well-publicised;
 - be simple and easy to use;
 - ensure that complaints are dealt with quickly, fully and fairly, within clearly defined time limits;
 - provide effective response and appropriate redress;
 - confirm good working relationships between all people involved with the school;
11. The proper recording and communication of complaints and actions is a vital part of the process. The aim is not to create a bureaucratic record of complaints but to deal with the genuine concerns of the complainant at the lowest level of formality that is appropriate. A written record of complaints and

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the actions that result from their resolution is an important management tool. Blossom House School and, if necessary, the Panel, will keep accurate written records to ensure that they can demonstrate that their decisions have been arrived at properly and impartially; these records will show at which stage the complaint was resolved, and the actions taken by the school as a result of the complaint (whether or not the complaint was upheld).

12. All correspondence, statements and records of complaints are kept completely confidential, at all stages of the process, except where the Secretary of State or a body conducting an inspection under section 10 of the 2008 Act requests to access to them. These records are held centrally by the Principal. The school is aware that complainants have a right to see these records under the Freedom of Information and Data Protection Acts.

STAGE 1: Dealing with complaints informally

- i) As stated above, it is preferable to resolve concerns and complaints informally if possible. The vast majority of complaints can be resolved informally, through the group leader, Head of Faculty or Head of Curriculum or Therapy, school office, Deputy Head or Principal, depending on whom the parent first approached, without the need to resort to a formal complaints procedure.
- ii) Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the concern or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.
- iii) The person who raised the issue should be informed of the action to be taken to resolve the issue within 5 school days. It may be helpful to confirm undertakings given about future action or monitoring in writing, also within 5 school days of the issue being raised.
- iv) If the person is dissatisfied with the response they have been given, they should be provided with a copy of the school's Complaints Policy and informed about how to take their complaint to Stage 2, by referring it to the Principal, usually in writing within 5 school days.

STAGE 2: Referral to the Principal

- i) The issue is referred to the Principal for investigation, by the complainant in writing. It is generally at this or the previous stage that it will become clear whether it is appropriate for the complaint to be dealt with under this procedure or whether other processes may be more appropriate. If the latter is the case, the

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Principal will need to inform the complainant of this and the way in which the complaint will be handled.

- ii) At this stage it has become clear that the concern is a definite complaint. Any complaint received by the Principal under this process, whether orally or in writing, should be acknowledged within 5 school days with a full written response within 15 school days. Complainants should also be given the opportunity to meet the Principal, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Principal.
- iii) In the letter conveying the outcome, the complainant should be informed of the process for referral to the Panel if they wish to take their complaint further. Any such referral should be made by the complainant within 10 school days after receipt of the Principal's letter.

STAGE 3: Review by a Panel consisting of an independent body, set up to assist if needed, and an independent panel member with no connection to the School. To clarify: The panel will consist of three people who were not directly involved in the matter detailed in the complaint. One panel member will be independent of the management and running of the school.

- i) The complainant requests a review of their complaint by writing to the Panel care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints received by the Panel should be acknowledged immediately. If a hearing is necessary, this should take place within 15 school days after receipt of the complaint. The Panel may need to hold interviews with the Principal and possibly other members of staff and a written record should be kept of those meetings. The Panel may also wish to take advice on particular issues from a relevant officer of the LA. A substantive response must be made to the complainant within 5 days of the hearing.
- ii) The complainant may attend the hearing and may be accompanied by a friend or relative or another person if they wish (see below for procedure).
- iii) A copy of the Panel's findings and recommendations should be provided to the complainant and should be available for inspection on the school premises by the Principal. Where relevant, a copy should also be provided to the person complained about.
- iv) The letter conveying the Panel's findings should include details of the next stage of the procedure.

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- v) This stage should also serve as the first point at which complaints should be considered which are specifically about the Principal, the actions of the Panel or an individual member.
- vi) In acknowledging any complaint, the Panel may need to explain their powers in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of the Panel to change a decision, it may make a recommendation for the Principal to consider.
- vii) The school appreciates that the monitoring and review of complaints can be a useful tool in evaluating performance.

FURTHER RECOURSE

If the complainant is dissatisfied with the Panel's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

Local Authority

- i) If, having been given the Panel's decision, a complainant believes that a complaint was not handled fairly according to the school's complaints procedure, they can write to the education department's complaints officer.
- ii) The complainant should explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The department's complaints officer will acknowledge the complainant's letter within 10 working days and inform the Panel that a complaint has been received. If the evidence supports it, the complaints officer will investigate whether the school had dealt with the complaint properly according to its procedure.
- iii) The LA is not able to re-investigate the original complaint nor can it seek to substitute the LA's judgement for that of the Panel if the Panel has followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there had been a breach of procedure the matter will be referred back to the Panel, with a copy to the Principal, and the complainant will be informed of the outcome of the investigation. The Panel should then re-investigate the original complaint.

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To the Secretary of State for Education

- i) Complainants have a right of appeal to the Secretary of State for Education and Skills under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DFE has the power to require the LA to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.
- ii) The Secretary of State would not take action until the school and LA procedures have been completed.

To the Local Government Ombudsman

- i) If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with by the LA, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- ii) The Ombudsman would not take action until the school and LA procedures have been exhausted.

Early Years Foundation Stage Parents

Early Years Foundation Stage parents reserve the right to complain directly to Ofsted. They can call **0300 123 4666** or visit the website www.ofsted.gov.uk .

OUTLINE OF PROCEDURES FOR PANEL HEARINGS

Before the hearing

1. The complainant and the Principal should be provided with details of the way in which the hearing will be conducted.
2. All people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
3. If necessary support for the complainant should be arranged, for example, translation of any of the papers provided by the school, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability (see 2. above)

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4. The members of the Panel should elect one of their number to act as Chairman for the hearing.

The hearing

5. The complainant and the Principal should simultaneously be invited into the room where the hearing is being held. At this point the Chairman may wish to reiterate the scope of the Panel's powers and clarify the aims of the hearing, i.e. to resolve the complaint, reconcile differences between the complainant and the school and to help identify the way forward.
6. The Chairman should introduce all those present and ensure that all parties have been advised of the way in which the hearing will be conducted.
7. The complainant should begin by explaining the basis of their complaint and the Principal to respond by stating the reasons for the school's response.
8. The Principal should ask the complainant any questions regarding their complaint and the complainant should raise questions with the Principal about the school's response.
9. Members of the Panel should have the opportunity to ask questions of either the complainant or the Principal.
10. The complainant and the Principal should be given the opportunity to make any final statement.
11. The Chairman should confirm that a decision will be issued within 5 school days.
12. The complainant and the Principal should then leave the hearing.

The decision making process

13. The Panel should then consider a decision based on the information and evidence presented to them. It should decide whether or not to uphold the complaint, suggest any actions which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in the light of issues raised in the course of the complaint. The Panel should reach a unanimous or majority decision on the complaint.

Communicating the decision

14. The findings of the Panel should be notified to the complainant, the Principal and, where appropriate, the person being complained about in writing within 5 school days of the hearing.

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DfE resources

- How to complain about a school - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools