



# SCHOOL COMPLAINTS AND PROCEDURES POLICY

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**The purpose of the plan is to:**

- 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
- Ensure 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; and consider how the complaint can feed into school improvement evaluation processes.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values.

While this current policy document may be referred to elsewhere in Yarrow Heights School documentation, including particulars of employment, it is non-contractual.

Yarrow Heights School is owned and operated by Cavendish Education.

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### **1. Introduction**

Yarrow Heights School is owned and operated by Cavendish Education.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Yarrow Heights School about any provision of the facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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 use the formal stages of the complaints procedure. Yarrow Heights School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please contact the Head Teacher. This policy is in accordance with Section 29(1) of the Education Act 2002.

## **2. Aims**

Yarrow Heights 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.
- ✓ ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate.
- ✓ keep complainants informed of the progress of the complaints process; and
- ✓ 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 ensure 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.

## **3. Legislation & 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 31 of the schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015, 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 DfE.

## **4. Definitions & Scope**

Yarrow Heights School is owned and operated by Cavendish Education.

## 4.1. 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”. The school will resolve concerns through day-to-day communication as far as possible.
- ✓ A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

## 4.2. 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.
- ✓ Exclusion.
- ✓ Whistleblowing.
- ✓ Staff grievances; or
- ✓ Staff discipline.

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the Head of Education; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents 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.

## **5. Roles and Responsibilities**

### **5.1. 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.
- ✓ treat all those involved with respect; and
- ✓ do not publish details about the complaint on social media.

### **5.2. The Investigator**

Yarrow Heights School is owned and operated by Cavendish Education.

The Head Teacher will appoint an individual to investigate the complaint and establish the facts. They will:

- ✓ interview all relevant parties, keeping notes.
- ✓ consider records and any written evidence and keep these securely; and
- ✓ prepare a comprehensive report to the Headteacher which includes the facts and potential solutions.

### **5.3. Appointed Person**

An appointed person will:

- ✓ be the contact point for the complainant, including circulating the relevant papers and evidence.
- ✓ arrange the complaints hearing, if one is needed.
- ✓ record and circulate the minutes and outcome of a hearing.
- ✓ chair the meeting, ensuring that everyone is treated with respect throughout; and
- ✓ make sure all parties see the relevant information, understand the role of the appointed person, and can present their case.

### **6. Principles for Investigation and Timescales**

When investigating a complaint, we will try to clarify:

- ✓ what has happened.
- ✓ who was involved; and
- ✓ what the complainant feels would put things right.

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 period 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 are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- ✓ set new time limits with the complainant; and
- ✓ send the complainant details of the new deadline and explain the delay

### **7. Stages of Complaint**

#### **STAGE 1 – Informal Resolution**

It is hoped that most complaints will be resolved quickly and informally.

**Initiating a Stage 1 complaint:** If parents have a complaint, they should normally contact the relevant member of staff. In most cases the matter will be resolved at this point to the parents' satisfaction.

Parents may make the complaint through a telephone call, email, in person or by letter.

Complaints made initially to the Headteacher or other senior staff will usually be referred back to the relevant member of staff in the first instance.

The Stage 1 process will normally be concluded within **10 working days** within term time. Stage 1 complaints are unlikely to be processed during the school holidays.

The relevant member of staff will make notes of all complaints and the dates on which they were received and concluded at Stage 1.

All identified Stage 1 complaints are logged centrally by the School.

In the event that the relevant member of staff and the parent do not reach a satisfactory Stage 1 resolution within the time frame above, then the parents will be advised to proceed to Stage 2 below.

A Stage 1 complaint which has not been progressed to Stage 2 **within six school weeks** of its completion will normally be regarded as fully concluded.

## **STAGE 2 – Internal Resolution**

A complaint will usually progress to the internal stage (Stage 2) only after first being considered at the preliminary stage (Stage 1) and only then if the complainant explicitly intends to escalate a matter to the formal stage.

**Initiating a Stage 2 complaint:** If the complaint cannot be resolved on an informal basis at Stage 1, then the parents should put their complaint in writing to the Headteacher giving details of their complaint (such as dates / times of events, relevant documentation etc).

The Headteacher will acknowledge receipt of the complaint **within 3 working school days** (or as soon as reasonably practicable during school holidays).

The Headteacher will decide, after due consideration, the appropriate course of action to take. In most cases they or a member of the Senior Leadership Team will meet with the parents concerned **within 5 working school days** of receiving the complaint, to discuss the matter.

If possible, a resolution will be reached at this stage. If further investigation is required, the Headteacher will normally delegate that responsibility to a member of the Senior Leadership Team; that person will report back regarding the facts of the case to the Headteacher, without themselves making a judgement on the complaint.

Once the Headteacher is satisfied that so far as practicable all of the relevant facts have been established, they will review all relevant material, form a judgement and then will confirm the outcome of the Stage 2 to the parent(s) in writing, normally **within 15 working school days** for receipt of the Stage 2 complaint. If a longer period is required for the Stage 2 process, they will write to the parent(s) to explain the reasons. The letter will provide guidance to the parent on how to progress the matter to a Stage 3, should they consider this necessary.

The Senior Leadership Team will keep written records of all meetings and interviews held in relation to the complaint.

If the parent(s) are not satisfied with the outcome at the end of the Stage 2 process, they should proceed to the formal Stage 3 by contacting the Directors via [info@cavendisheducation.com](mailto:info@cavendisheducation.com) **within 5 working school days** of their receipt of the formal completion of the Stage 2 process.

A Stage 2 complaint which has not been progressed to Stage 3 **within six school weeks** of its completion will normally be regarded as fully concluded.

## **STAGE 3 – Formal Resolution**

If parents seek to invoke Stage 3 and are not satisfied with the Stage 2 outcome, they are referred to a Director who will nominate a Chair of a Panel (which may be themselves) to make arrangements to hear the complaint.

The Panel shall be appointed by the Chair and will consist of at least three people not directly involved in the matters detailed in the complaint. At least one member of the Panel shall be independent of the management and running of the school, which means that they will not only be outside the school's workforce and not a member of the governance body, but also will not be otherwise involved with the management of the school.

Once appointed, the Chair of the Panel will then acknowledge the Stage 3 complaint and schedule a Hearing to take place as soon as practicable and normally **within 15 working school days** of receipt of the complaint. Reasonable notice will be given so that all parties can attend.

At the Panel Hearing, a parent may be accompanied, for example by a family member or friend, but legal or other representation will not normally be appropriate and there will be no entitlement to have a legal representative to make representations on their behalf at the Hearing.

The Panel Hearing will be conducted in accordance with the guidance outlined in **Annex A** below.

In the event of a parent stating their intention to initiate or their having initiated legal proceedings with regard to the complaint, the Panel Hearing will usually still go ahead in accordance with this Policy.

If a parent does not exercise the right to attend a Panel Hearing, the School will nevertheless hold the Hearing in conformity with this Policy. The School will use all reasonable endeavours to facilitate a parent exercising the right of attendance.

The Panel will confirm the outcome of the Hearing in writing to the parent(s) **within 5 working school days**.

In all cases of a complaint reaching Stage 3, the school will take the opportunity, outside of the Complaints Procedure, formally to look beyond the immediate complaint to ensure that it does not represent a deeper problem that needs to be remediated.

### **What a parent should do if dissatisfied with the Stage 3 outcome**

The conclusion of a Stage 3 complaint is the final step in the School's procedures.

If parents remain dissatisfied with the school's response at Stage 3 or feel that intervention at a higher level is appropriate, they may lodge a complaint to external agencies as follows.

If the school place is funded by a local authority, the parent may choose to share their concerns with the relevant Local Authority Officer / Department overseeing this place.

If the school place is funded by a parent, the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 invite a school to provide parents, on conclusion of Stage 3 of the school's Complaints Procedure and in the event of their still being dissatisfied, with the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institute as competent to resolve consumer disputes. The school recommends CEDR whose contact details can be found at [www.cedr.com](http://www.cedr.com). Please note that the school is not obliged to enter into alternative dispute resolution and reserves the right not to do so.

For Schools regulated by Ofsted, they should register their complaint through the Ofsted contact form on the website <http://live.ofsted.gov.uk/onlinecomplaints/> (or email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)).

## **9. 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 has already been resolved by following the school's complaints procedure.

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## 10. Record Keeping

A written record will be kept of all formal complaints that are made to the school, including:

- ✓ whether they are resolved following formal procedure or proceed to a panel hearing; and
- ✓ action taken by the school as a result of those complaints (regardless of whether they are upheld).

## 11. Confidentiality

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or another body lawfully conducting an inspection requests access to them.

## 12. Compliments and Complaints log – To date

	2021/2022	2022/2023	2023/2024
<b>Written Compliments</b>	41	57	
<b>Formal Complaints</b>	5	2	

## 13. Review of implementation

The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

The school may submit to Cavendish Education proposals for amendments to this Policy.