

Concerns and Complaints Procedure

Policy owner	RSSKL – Principal
Policy lead	Principal
Audience	All staff and volunteers, pupils and parents of pupils
Legal Context	The Education (Independent School Standards) Regulations 2014 Early Years Foundation Stage Statutory Framework April 2017
Formally endorsed by	Council of Trustees
Endorsement date	6.11.2017
Next review	September 2018

Aims and objectives of the policy

RSSKL aims to provide quality teaching and pastoral care to its pupils and to work with co-operation and respect with our parents/carers. This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

Legal context

The Education (Independent School Standards) Regulations 2014 require that the Trustee Council draw up and effectively implement a complaints procedure which deals with the handling of complaints from parents of pupils.

What is a complaint?

A complaint is any matter which a parent of a pupil is unhappy about and seeks action by the school.

Who is this policy for?

This policy is for parents or carers of the school's pupils who have a concern or complaint about any aspect of the school. Consideration will also be given to complaints made by parents of pupils who no longer attend the school. A reasonable delay between the child ceasing attendance at the school and the complaint will be allowed and the action taken will be dependent on the nature and seriousness of the complaint. Complaints from others may also be dealt with in accordance with this policy, at the discretion of the Principal, or in appropriate cases the Chair of the Trustee Council. Every effort will be made to resolve all complaints received.

A child protection issue will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them.

Publication and communication

There is a legal requirement for schools to make their complaints procedures available to parents of pupils. This policy will be included on the school's website or available through the school office. Schools may make reference to the complaints policy in other school documentation.

Links with other policies and procedures

Safeguarding and Child Protection policy; Admissions policy; Exclusions policy; SEND policy; Staff Code of Conduct; Staff grievance procedures; Staff disciplinary procedures.

Introduction

There are 3 stages outlined in the complaints procedure:

- Stage 1: Informal concern
- Stage 2: Formal Complaint to the Principal
- Stage 3. Review by Trustee Council complaints panel

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative procedures. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being escalated to any of the following formal stages.

In some cases it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Principal directly (i.e. begin at Stage 2). Complainants may choose to contact the Principal directly of their own accord. In these cases it will be at the discretion of the Principal as to whether or not it is appropriate for the complainant to discuss the matter informally before invoking the formal complaints procedure at Stage 2. In all cases where the complaint concerns the school's Principal directly, the complaint should be submitted to the Chair of Trustees who will conduct Stage 2 (see below).

Monitoring complaints

At all formal stages of the complaints procedure, the detail of the complaint will be recorded. The school may choose to appoint a member of staff as a 'Complaints Co-ordinator'. When this is the case, this individual will have the responsibility for the administration of the school complaints policy and will be responsible for tracking complaints. Records should be retained within school for at least 20 years from the date of resolution and can then be destroyed.

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken. It may be appropriate to offer one or more of the following:
 - An apology;
 - An explanation;
 - An admission that the situation could have been handled differently or better;
 - An assurance that the event complained of will not recur;
 - An explanation of the steps that have been taken to ensure so far as possible that it will not happen again;
 - An undertaking to review school policies in light of the complaint.

Or:

2. That the complaint is not upheld and reasons for this are clearly given.

The complainant may either choose to take no further action or will be advised of how to take the complaint to the next relevant stage of the complaints policy.

Confidentiality

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and Trustees on a 'need to know' basis. Confidentiality will be maintained within the Trustee Council to ensure sufficient Trustees have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at Stage 3.

Accompaniment

Parents/guardians attending a complaints panel hearing may be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

Expectation of respect

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. This includes the complainant's right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Time between stages

Parents should confirm to the Complaints Co-ordinator if they wish to proceed to the next stage of the procedure within 15 school days of receipt of the response. However, if further time is required to consider the response, this should be requested.

Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to by the school. However, in certain circumstances it may be inappropriate or impractical, for example, if an investigation cannot be conducted due to school holidays or illness, or for complex cases. Similarly, if a complaint leads to criminal proceedings it is likely this will cause a delay in the school being able to investigate. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

Circumstances under which this procedure should not be used

Certain issues related to child protection, criminal investigations and employee grievances must all be dealt with separately from this policy. Appeals against exclusions should follow the procedure set out in the School's Exclusions Policy.

Procedures for handling complaints

Stage 1. Informal concern stage

The vast majority of concerns can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. If parents have a concern they should normally contact that child's class teacher, senior teacher, or a member of the school's administrative staff, as appropriate in the first instance. If the teacher cannot resolve the matter alone, it may be necessary for him/her to consult with other staff within the school.

Time scales and Response

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible. Where appropriate, the individual who raised the issue should be informed of any action to be taken to resolve the issue.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their concerns further, they should be referred to the school's formal complaints procedure (set out below).

Stage 2. Formal Complaint to the Principal

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document. When a complaint is made directly against the school's Principal, this should be referred to the Chair of Trustees who will undertake (or nominate a Trustee to undertake) the steps outlined below for Stage 2 in place of the Principal.

Submitting a formal complaint

Parents are encouraged to submit their complaint by completing the Complaint Form at Annex A and sending it to the Principal.

Acknowledgement

The Principal should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation. The Principal may also request a meeting with the complainant at this stage.

The investigation

The Principal will need to investigate the complaint and review any relevant documentation and information. If necessary, the Principal will take statements from those involved.

Response

The Principal will normally provide the complainant with a full written response within 10 school days of acknowledging it. In complex cases the Principal may inform the complainant of a longer timeline where necessary, where additional time shall not exceed 15 school days. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move to the next stage if the complainant is not satisfied.

Complaints made against the Principal or Chair of Trustees

For formal complaints made against the Principal, the Stage 2 steps above will be carried out by the Chair of Trustees or his/her nominee, with the same procedures and timelines.

Formal complaints made against the Chair of Trustees should be sent to the Vice-Chair of Trustees, who will determine the appropriate next steps and whether Stage 2 can be undertaken.

EYFS

The School will investigate written complaints relating to our fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of receipt of the complaint. The record of such complaints will be available to Ofsted and the Schools Inspection Service (SIS) on request. The School will ensure parents are informed if it becomes aware that it is to be inspected by Ofsted or SIS, and will provide a copy of such report to parents/carers on a regular basis.

Complaints to Ofsted re EYFS

Parents may also complaint directly to Ofsted if they wish. Ofsted may be contacted on 0300 123 1231 or by email: enquiries@ofsted.gov.uk. Further information regarding their complaints process can be found at: <https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>.

Stage 3: Review by Trustee Council Complaints Panel

If the complainant remains dissatisfied following conclusion of the previous stage, they can ask for their complaint to be referred to a Trustee Complaints Panel. Such request should be made in writing, and sent to the Chair of the Trustee Council. The complaints panel will be clerked by a member of the school staff, the clerk to the Trustee Council or another Trustee.

The Panel

The Panel will be appointed by or on behalf of the Chair of Trustees (as the proprietor) and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. The Panel will generally consist of two Trustees who have not previously been involved with dealing with the complaint, and 1 independent member not involved in the management and running of the school. The Panel should elect its own chair.

Acknowledgement and time scales

The Chair of Trustees should acknowledge receipt of the complainant's letter within 3 school days. This letter will inform them that their complaint will be heard by a complaints Panel, which will normally be convened within 15 school days.

Trustee Complaints Panel Arrangements

The Chair of Trustees will contact the clerk and ask them to begin making preparatory arrangements. The clerk should then formally write to the complainant, the Principal and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing; 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.
- How it will be conducted;
- Of their request for any supporting documentation by either the complainant or the school

which must ordinarily be returned to the Clerk to the Panel no later than 5 school days before the hearing takes place; this should include any request from supporting witnesses or representatives to attend with either party.

- Of the rights of accompaniment as outlined in this document.

Each party will have an opportunity to set out written submissions prior to the meeting. Wherever reasonably possible, the Clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing to allow individuals to familiarise themselves with them.

Trustees Complaints Panel Meeting

The Chair should allow each party involved to explain their understanding or interpretation of events and for the Panel to question them for further clarification. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses may be called, as appropriate, to present their evidence. Complainants do not have to attend the Panel meeting if they would prefer not to, and all written evidence will be considered. Ultimately, the Panel (via its Chair) has control over its proceedings, and can determine how the meeting will be conducted.

After the Panel meeting

The Panel will then consider the complaint and all the evidence presented and:

- Reach a majority decision, on the complaint;
- Decide or recommend upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

Within 5 days of reaching a decision the Panel will provide a copy of their findings and recommendations in writing to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Principal.

Options for complainant

The Panel's determination on the complaint(s) raised is final. This is the end of the school's complaints process. If parents remain dissatisfied they can contact the Secretary of State or Ofsted. The Secretary of State has the power to consider complaints that the Trustee Council has acted unreasonably in the discharge of any of its statutory duties. The Chief Inspector (Ofsted) has the power to investigate complaints about the school as a whole. (Standards of education, welfare of pupils and school management). Ofsted will not normally investigate cases to do with individual pupils. Parents may seek advice from the Department for Education at www.gov.uk.

In the event that the School is unable to resolve a complaint with a parent and the internal procedure has been exhausted, the School will notify parents of a means of alternative dispute resolution (such as via a mediation or arbitration body) which would be competent to deal with any unresolved dispute, should the parties wish to engage in this. However, the School is under no obligation to submit to alternative dispute resolution, and unless the specific circumstances are deemed to warrant it, the school will not enter into an ADR process.

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Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted, the Chair of Trustees (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 circumstance in which it 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.

However, this list is not intended to be exhaustive. The school will be most likely to choose not to respond if:

- It has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent 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 complaint are heard, and that the school acts reasonably.

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all formal stages, the stage at which the complaint was resolved, and the final 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 strictly 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) requests access to records or where such records may be disclosed under the terms of the Data Protection Act (or superseding legislation), or where the material must be made available during a school inspection. Records will be kept for 20 years.

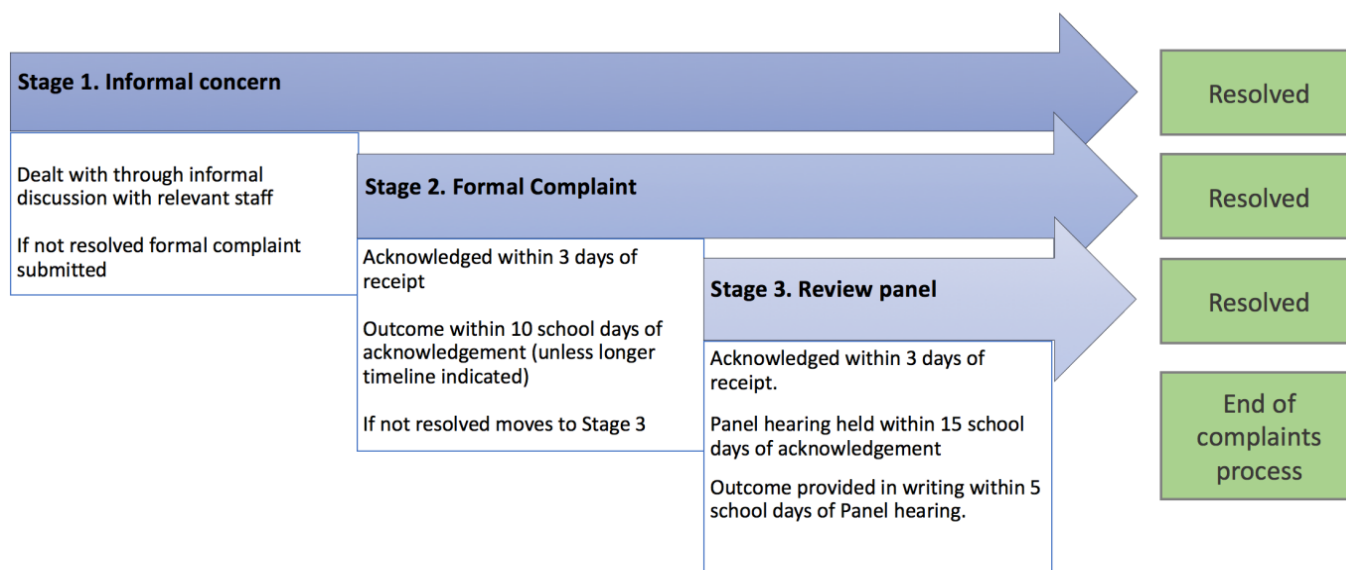
Learning lessons

The Complaints Panel will review any underlying issues raised by complaints with the Principal and SMT, 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.

Monitoring and transparency

The Trustee Council will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trustee Council will track the number and nature of complaints, and review underlying issues, and the SMT will ensure that information on the number of complaints in the preceding school year is provided on the School website. Full complaints records will be logged and managed by the Complaints Administrator/Officer. This policy will be reviewed by the SMT every year. At each review, the policy will be approved by the Trustee Council.

RSSKL Complaints Process



ANNEX A: Complaints Form

Formal Complaint Notification Form (Formal Stage 1 of Complaint Procedure)	
1.	Your name and contact details:
2.	Please set out the issues of your complaint. Please be as specific as possible, giving dates, sequence of events. (Please attach additional sheets if necessary).
3.	Are you attaching paper work? If so, please list it here.
4.	What steps have already taken place to try and resolve your issue?
5.	What do you feel needs to be done to resolve this matter?
6.	Signed: _____ Date: _____