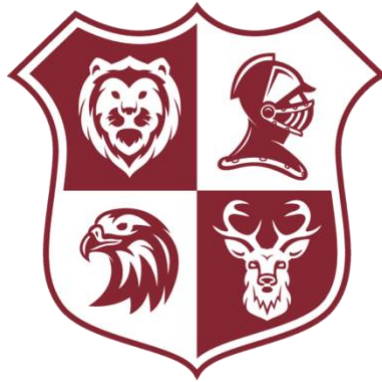


Concerns and Complaints Policy



STATUTORY / NON-STATUTORY	STATUTORY
MEMBER OF STAFF RESPONSIBLE	Headteacher
DATE APPROVED BY Head/SLT	June 2019
GOVERNING BODY OR COMMITTEE RESPONSIBLE	FGB
DATE OF FULL GOVERNING BODY APPROVAL	July 2019
REVISION DUE DATE	July 2021

1 Introduction

- 1.1 **Circulation:** This policy is addressed to the Senior Leadership Team; to all members of the teaching and pastoral staff and, on request, to parents.
- 1.2 This policy can be made available in large print or other more accessible format, if required. If you require assistance with making a complaint, for example because of a disability, please contact the school office who will be happy to make appropriate arrangements.
- 1.3 **Policy status:** The policy has been approved by the Principal / Head and the Governing Body of Noadswood School. It provides guidelines for handling concerns and complaints. It takes account of paragraph 25 of schedule 1 to the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997). The policy takes account of the school's public sector equality duty set out in section 149 of the Equality Act 2010.
- 1.4 The policy applies to all sections of the school. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.
- 1.5 **Application:** Separate procedures apply in the event of a child protection issue, or in relation to admissions or exclusions.
- 1.6 **Parent(s) / You:** Includes a current parent or legal guardian or education guardian, and may at our discretion include a parent whose child has recently left the school.
- 1.7 **Four stages:** This policy describes a four stage procedure:
- Stage 1:** informal raising of a concern or difficulty notified orally or in writing to a member of staff
 - Stage 2:** a formal complaint in writing to the Head / Principal
 - Stage 3:** a renewed complaint in writing to the Chair of the Governing Body
 - Stage 4:** a reference to the Complaints Panel
- 1.8 **Timescales:** We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to **Working Days**, we mean Monday to Friday, when school is open during term time. The dates of terms are published on the school's website.
- 1.9 **A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action and should be confirmed in writing to the Head.**

2 Policy aim and statement

- 2.1 **Aim:** The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

- 2.2 **Policy statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents and pupils should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a pupil or his / her opportunities at this school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

3 Management of complaints

- 3.1 **Complaints Co-ordinator:** The Head / Principal has appointed a senior member of staff (Complaints Co-ordinator) to be responsible for the co-ordination and administration of the Complaints Procedure. If the Complaints Co-ordinator is unavailable or is the subject of the complaint, his / her duties will be carried out by the Head or another senior member of staff. The main responsibilities of the Complaints Co-ordinator are to:

be the first point of contact while the matter remains unresolved and keep records

co-ordinate the complaints procedures across the school

arrange assistance for parents who require this, for example, because of a disability

maintain an on-going training programme for all school employees in relation to complaints

monitor the keeping, confidentiality and storage of records in relation to complaints

report regularly to the Head / Principal with respect to complaints.

4 Stage 1: concerns and difficulties

- 4.1 **Concerns:** We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include a dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the school's systems or equipment. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at **Stage 2** without action at **Stage 1**.
- 4.2 **Notification:** If appropriate, please raise the concern initially with the subject teacher or Class Tutor.
- 4.3 **Acknowledgement:** We will acknowledge a written notification by telephone, fax, e-mail or letter within two Working Days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but a note will be kept by the appropriate member of staff.
- 4.4 **Unresolved concerns:** A concern which has not been resolved by informal means within fifteen Working Days should be notified in writing as a formal complaint which will be dealt with in accordance with **Stage 2** below.

5 Stage 2: formal complaint

- 5.1 **Notification:** An unresolved concern under **Stage 1**, or a complaint which needs investigation, or a dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details to the Headteacher's PA, Mrs Anna Bendell, Headteacher's PA and

Complaints Co-ordinator. There is a form at the end of this policy you may wish to use for this purpose. Your complaint will be acknowledged by telephone, e-mail or letter within two Working Days during term time, indicating the action that is underway and the likely time scale.

- 5.2 **Investigation:** The Head / Principal may ask a senior member of staff to act as **Investigator** and / or may involve one or more Governors. The outcome of the investigation will be reported to the Head / Principal who will then notify you by telephone, fax, e-mail or letter of his decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint.
- 5.3 **Outcome:** The Head's aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 Working Days from the receipt of the complaint. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.

6 Stage 3: reference to the Chair

- 6.1 **Further steps:** If you are dissatisfied with the Head's / Principal's decision under **Stage 2**, **your** complaint may be renewed in writing to the Chair of the Governing Body.
- 6.2 **Notification:** You should write to the Chair of Governors within five Working Days of receiving the Head's / Principal's decision. Your letter to the Chair of Governors should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged by telephone, fax, e-mail or letter within four Working Days during term time, indicating the action that is being taken and the likely time scale.
- 6.3 **Action by the Chair of Governors:** The Chair of Governors will arrange for your complaint to be investigated following procedures equivalent to those described in **Stage 2** (above). When the Chair is satisfied that he has established all the material facts and relevant policies, so far as is practicable, he / she will notify you in writing of his / her decision and the reasons for it. He / She will aim to provide a response within ten Working Days of receiving your letter. If you are not satisfied with the Chair of Governor's decision, you may ask for the complaint to be referred to the Complaints Panel, by writing to the Clerk to the Governors - clerk@noadswood.hants.sch.uk (see paragraph 7.6 below).

7 Stage 4: reference to the Complaints Panel

- 7.1 A Complaints Panel (**Panel**) Hearing (the **Hearing**) is a review of the decisions taken by the Head and the Chair. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 7.2 **The role of the Panel:** The Panel's task is to establish the facts surrounding the complaints that have been made by considering:
- the documents provided by both parties and
- any representations made by you, the Head / Principal or the Chair.
- 7.3 If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel consider that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

- 7.4 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Head / Principal or to the full body of Governors as appropriate.
- 7.5 **Composition:** We have constituted a Complaints Panel comprising school Governor members and independent members who are independent of the governance, management and running of the school.
- 7.6 **Notification:** To request a Hearing before the Complaints Panel please write to the Clerk of Governors within five Working Days of the decision complained of. Your request will usually only be considered if you have completed the procedures at **Stages 1** and **2** and, where appropriate, **Stage 3**. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk of Governors. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk of Governors a list of the documents which you believe to be in the school's possession and wish the Panel to see. The Clerk of Governors will acknowledge your request in writing within five Working Days. If you require assistance with your request, for example, because of a disability, please contact the Clerk of Governors who will be happy to make appropriate arrangements.
- 7.7 **Convening the Panel:** The Clerk of Governors will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not normally sit during half terms or school holidays. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member. You may ask the Clerk of Governors to tell you who has been appointed to sit on the Panel.
- 7.8 **Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place within ten Working Days of the receipt of your request. As soon as reasonably practical and in any event, at least five Working Days before the Hearing, the Clerk of Governors will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.
- 7.9 **Attendance:** You will be invited to attend the Hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk of Governors at least seven Working Days before the Hearing. Your child aged thirteen and above may attend part or all of the Hearing at the discretion of the Chair of the meeting (Hearing). Copies of additional documents you wish the Panel to consider should be sent to the Clerk of Governors at least three clear Working Days prior to the Hearing.
- 7.10 **Chair:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 7.11 **Hearing:** All statements made at the Hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A handwritten minute of the proceedings will be taken during the Hearing.
- 7.12 **Evidence:** The Chair will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 7.13 **Conduct:** All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of

the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

- 7.14 **Adjournment:** The Chair may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 7.15 **Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the Hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within seven Working Days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be available for inspection on the school premises by the Governing Body and the Head / Principal. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Governing Body, the Head / Principal and, where relevant, any person about whom the complaint has been made.
- 7.16 **Private proceeding:** A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- 7.17 **Confidentiality:** A written record will be kept of all complaints. The number of complaints registered under the formal procedure during the preceding school year is kept on file.
- 7.18 Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI 2010/1997), that is where access is requested by the Secretary of State or where disclosure is required in the course of the school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

If you believe the school did not handle your complaint in accordance with the published complaints procedure or that they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education if you have exhausted the stages in this policy.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

8 Complaint Form: Stage 2 of the policy

Please complete and return to [Mrs Anna Bendell](#), Complaints Co-ordinator and Headteacher's PA. Hand this document into the school for her attention or attach it to an email to:

headteacher@noadswood.hants.sch.uk

She will acknowledge receipt and pass it to the Headteacher.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it previously and your understanding of what has been attempted to date.

Managing Serial or Unreasonable Complaints:

- 9 Noadswood School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The school is extremely committed to promoting positive relationships with all members of the school community regardless of age, gender, culture, faith, viewpoint or ability and we actively welcome the opportunity to resolve issues that arise.
- 10 However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns and complaints. We can not expect our staff to tolerate unacceptable behaviour and will take appropriate action to protect staff from that behaviour, including any that is abusive, offensive or threatening.
- 11 Noadswood School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, or which hinders the day to day running of the school, or which impacts on the wellbeing of colleagues or young people in our community.
- 12 Unreasonable conduct within a complaint may include, if the complainant:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuses to co-operate with the complaints investigation process
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces irrelevant or anecdotal information which they expect to be taken into account and commented on
 - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - changes the basis of the complaint as the investigation proceeds
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
 - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
 - seeks an unrealistic outcome

- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate or uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable, defamatory or confidential information on social media or other public forums.

13 Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached in a timely manner for all parties.

14 If it is felt there is 'unreasonable' conduct within a complaint, whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Noadswood School, the Headteacher or other member of staff, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression, violence or verbal abuse, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Noadswood School.