



# COMPLAINTS POLICY

(To include Early Years Foundation Stage)



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<b>Next review</b>	September 2022	

## COMPLAINTS POLICY

### Scope of document

This policy applies to all pupils in school, including Early Years Foundation Stage and out of school care and clubs. This policy takes account of the following documents and guidance: -

- The Education (Independent School Standards) Regulations 2014
- The Independent School Standards Commentary on the Regulatory Requirements September 2021
- DfE Guidance - The Department for Children, Schools and Families Guidance
- OFSTED Guidance on Complaints
- Education and Skills Act 2008

This policy is to be read in conjunction with all other school policies. Please particularly cross refer to the following policies: -

- Admissions
- Anti-Bullying (including Cyber and Homophobic Bullying)
- Asthma
- Behaviour and Discipline
- Child Protection and Safeguarding Children
- Children Learning English as an Additional Language
- Children with Special Educational Needs, Learning Difficulties or Disabilities and Inclusion
- Code of Conduct
- Curriculum
- Drug Education and Alcohol
- Equal Opportunities
- First Aid & Administering Medicines
- Health & Safety including Out of School Activities and Visits
- Missing Child
- PSHRE
- Sex and Relationship Education

### Introduction

At Brackenfield School, we aim to provide a secure yet welcoming environment in which parents and staff can work in partnership in educating the children. For the purpose of this document a 'complaint' is to be interpreted as 'the expression of concern over any subject connected with the education and /or welfare of any pupil at the school'. Complaints of any nature must be made to the Headteacher or in his absence any member of the Senior Leadership Team. Any problems relating to the welfare and wellbeing of any child at

Brackenfield School will be addressed immediately and absolute priority will be given to any matters causing concern to any parent.

This policy document assumes the following principles:

- That a person making a complaint has a right to state his/her point of view.
- That the person against whom a complaint is made has a right to know immediately or as soon as possible thereafter, that a complaint has been made or that a concern has been expressed.

### Aims

1. To ensure openness regarding the procedures for dealing with any complaint.
2. To inspire the trust and confidence of parents and carers in the procedures adopted by the Headteacher and Senior Leadership Team.
3. To protect the rights and professional integrity of staff members and other employees of the

Any complaints received will be investigated according to the Independent School Standards Regulations by the Headteacher or a delegated member of the Senior Leadership Team appropriate to the nature of the complaint. A written record will be kept of all complaints, including details of at which stage the complaint is resolved and action taken by the school as a result of these complaints (regardless of whether they are upheld).

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

### The Complaints Procedure

Brackenfield School prides itself on the quality of the teaching and pastoral care provided for its pupils. However, if parents do have a complaint they can expect it to be treated by the school in accordance with the following procedure.

#### **Stage 1 – Initial Approach (Informal) Procedure**

- Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking
- If the member of staff contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first person contacted should check to make sure the referral has been successful. Parents will receive a response within 48 hours. If staff are unsure that the parent is

making a formal complaint, the comments should be recorded on iSAMS and the Headteacher alerted to the issue

- The Headteacher will ensure that staff are provided with guidelines about when to refer a matter and who to
- If the concern relates to the Headteacher and the parent feels unable to raise it with her they should be advised to contact any member of the Senior Leadership Team
- The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear
- If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take the complaint further. They should be informed of any advice and support that may be available to them
- N.B. it is hoped that most complaints and concerns will be resolved quickly and informally

## **Stage 2 – Initial approach to the Headteacher or a member of the Senior Leadership Team (SLT) (Formal)**

If a complaint cannot be resolved on an informal basis then the following procedure should be used

- Parents who wish to pursue a complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Headteacher/SLT member. The Headteacher or SLT member should acknowledge the complaint in writing within 5 school days of receipt giving a brief explanation of the complaint's procedures and a target date for providing a response. Ideally this should be within 10 school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded
- The Headteacher/SLT member may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities will be made available if required
- If necessary, the Headteacher/SLT member should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with the parent/carer present. In some circumstances this may not be possible or appropriate and a member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from an outside school source
- The Headteacher/SLT member should keep written records of meetings, telephone conversations and other documentation and whether complaints are resolved following a formal procedure or proceed to a panel hearing
- Once all the relevant facts have been established, the Headteacher or SLT member should either write to the complainant or arrange a meeting to discuss the matter

- This meeting should be followed up with a letter summarising the outcome of the meeting
- EYFS – Additional requirements apply for EYFS settings and written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to ISI on request

**Stage 3** – Formal Complaint to the Complaints Panel (if parents are still not satisfied with the decision the complaint should move to stage 3 of the Procedure)

Procedure upon receipt of a written request from the complainant for the complaint to proceed to Stage 3 the following procedure will be followed. A suitable clerk to the panel should be appointed and a complaints panel formed, comprising of at least 3 members and one of whom is independent of the management and running of the school who were not directly involved in the matters detailed in the complaint.

- The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by the panel as soon as possible but at least within 14 school days of receipt.
- The clerk should convene a meeting of the complaints panel at a time which is convenient for the complainant of the school.
- The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least 5 school days' notice in writing, of the date, time, place of the hearing. A shorter timescale may be arranged if all parties are in full agreement. The letter of notification to the complainant should inform him/her of their right to be accompanied by another adult if they so wish. The Headteacher should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing, and the complainant's right to submit further written evidence to the panel.
- The clerk should invite the Headteacher to submit a written report for the panel in response to the complaint. The panel may also invite any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Headteacher.
- All relevant documents should be received by all parties (including the complainant) at least 5 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- Personnel from an outside source may be invited to attend the meeting to advise the panel.
- One member of the panel should be elected to ensure that proper minutes of the meeting are taken.
- At the conclusion of the representations and questions the panel chair should explain that the panel will consider the issues and write to both parties with their decision or judgement. The complainant will be informed of the outcome of a full investigation within 28 days.

- The panel and any advisers in attendance should then withdraw to enable them to consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
- The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school and kept for three years. The recorded complaint should be kept separate from the pupil's personal records. All records are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 act requests access to them.
- A copy of the panel's findings and recommendations will be provided to the complainant and where relevant the person complained about and will be available for inspection on the school premises.
- The complaints procedure applies to the parents of current pupils on role at the school.
- If parents believe that we are not meeting the EYFS requirements, they are invited to contact the school in the first instance.

Details of how to contact Independent Schools Inspectorate are:

Independent Schools Inspectorate

Ground Floor CAP House

9-12 Long Lane

London EC1A 9HA

Tel: 020 7600 0100

Number of formal complaints received to date is available on request in accordance with ISI Update to Schools Summer 2019.

<b>Name of policy</b> Complaints policy	<b>Policy reviewed/amended date</b> September 2021 (V1)
<b>Original policy date</b> October 2020	<b>Current version</b> V2
<b>Date of new review</b> September 2022	

