



<b>Title</b>	A8b Complaints Procedure
<b>Purpose</b>	To ensure that parents, carers or others are empowered to make a complaint in an effective manner.  To enable school staff to respond appropriately to parental concerns
<b>Relevant to</b>	Parents, All staff, Local Governors, Trustees
<b>Responsible Officer</b>	Headteacher
<b>Introduced</b>	9/2009
<b>Modification History</b>	7/2016, 1/2017, 1/2019
<b>Related Policies</b>	
<b>Date Due for Review</b>	1/2022
<b>Relevant committee for review</b>	Local Governing Body
<b>Agreed at full meeting of LGB on</b>	28/2/2019
<b>Filed as</b>	A8b Complaints Procedure Vs7 0119.docx

## COMPLAINTS PROCEDURE

### PURPOSE

Oak Lodge School is a Special Academy managed by Barnet Special Education Trust. All academies are required to have a complaints procedure that meets the standards set out in the Education (Independent School Standards) (England) Regulations 2014.

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), 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 Department for Education (DfE).

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 policy complies with our funding agreement and articles of association.

### Definitions and scope

Parents, carers and their children sometimes have worries about aspects of school life. These concerns may be to do with behaviour, aspects of teaching and learning, or the way the school is organised. We work hard to maintain the highest standards in all we provide, welcome comments from parents, and are always happy to receive concerns or complaints directly and in person.

We are also conscious that on rare occasions, our service might raise a concern with someone who is not the parent/carer of a student at the school. We will take seriously all concerns or complaints that are raised, as we intend this procedure will help the school be regarded as an outstanding provision by the whole community

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".

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

Whistle-blowing

Staff grievances

Staff discipline

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

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.

### **Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

### **General Principles:**

- This procedure is intended to allow a parent or other affected party raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

- All concerns or complaints raised will be treated in confidence except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible.
- All parties to the complaints process are expected to act reasonably. We expect all parties to behave in a calm and positive manner. If it is considered that a complainant has acted in an unacceptable manner, the procedure may need to be suspended for a period of time.
- Staff, governors or trustees who are likely to be involved in handling a complaint, should have the opportunity for suitable training.

## **Raising a concern or complaint**

### **Stage One; Informal Stage**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It will be helpful if the school knows of a concern or complaint at the earliest opportunity. The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email.

It may be the case that the provision or clarification of information will resolve the issue. In the first instance it is usually the class teacher who can best deal with the problem although there may be situations where a senior member of staff or Headteacher would need to discuss the matter (or the Chair of the Local Governing Body, if the complaint is about the Headteacher).

Experience shows that nearly all concerns raised by parents can be dealt with quickly and efficiently through informal discussion. If your complaint is about the Chair of local governors, you should refer your complaint to the Chair of Barnet Special Education Trust. If you are uncertain about who you should contact, please seek advice from the school office.

The school will acknowledge informal complaints within 3 days, and investigate and provide a response within 10 days. If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **Stage Two; Formal Stage**

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Head Teacher, your complaint should be passed to the Clerk to the Local Governing Body, for the attention of the Chair.

A Complaint Form is provided to assist you.

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Headteacher, or to the Chair of the Local Governing Body, as appropriate.

The Headteacher (or Chair of Local Governors) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, a friend or someone to help you explain your concerns may accompany you. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

It is possible that your complaint will be resolved through a meeting with the Headteacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. Such an investigation should aim to clarify what has happened, who was involved, and how the matter can be put right.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Headteacher or the Chair of Governors in writing within 5 days.

### **Stage Three; Panel Hearing**

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint, at a panel hearing. Any such request must be made in writing to the Clerk to the Local Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

A Review Panel Hearing Request form is provided for your convenience.

A panel of at least three members will conduct the review. This panel will usually take place within 10 school days of receipt of your request and is required to make findings and recommendations.

Panel members may be drawn from the Local Governing Body or Barnet Special Education Trust. At least one member of the panel must also be appointed who is independent of the management and running of the school. It is the school's responsibility to make a suitable appointment for this role.

The complainant may attend the panel hearing and be accompanied if they wish. The school will give reasonable notice of the panel hearing date.

The findings and recommendations of the panel hearing will be communicated in writing to the complainant and where relevant, the person complained about, within 10 school days of the hearing. A copy of the findings and recommendations should also be made available to the Headteacher and the Trust.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

OR

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (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 we 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:

- We have 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 and Correspondence**

A written record will be held of all formal complaints, including:

- Whether they were resolved at Stage Two or progressed to a Stage 3 Panel Hearing
- What action was taken by the School as a result of the complaint (whether or not it was upheld)

Specimen letters for correspondence related to this procedure are available as an appendix to this document.

## **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State (or someone acting on their behalf), or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access.

The school will only provide information to third parties, such as a constituency Member of Parliament, with the written permission of the complainant.

## **Monitoring and Review**

The outcomes of complaints and reviews may be confidentially monitored to assist the school to continue its outstanding service provision.

This policy will be regularly reviewed in line with the general procedures of Barnet Special Education Trust, subject to prevailing statutory regulation.





## Formal Complaint Form

Please complete this form and return to the school office or to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Student's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			



## Complaint Review Panel Hearing Request Form

Please complete this form and return it to Headteacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir/Madam

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I attach copies of my formal complaint and the response(s) from the school. (YES/NO)

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

## **Appendix:**

### **Model Letters**

#### **Response to spurious or persistent complainant**

Dear [Name of complainant]

Thank you for submitting your concern in the letter received on the [insert date]. After careful consideration, unfortunately, I am unable to deal with this matter under the Governing Body's Complaints Procedure. This is because:

*[we suggest that you include one of the following statements]*

- The substance of your complaint has been addressed under the complaints procedure already.
- The concerns that you raise do not fall within the scope of this procedure *[suggest alternative for example: admissions policy, exclusion policy, behaviour policy, grievance procedure etc]*

If you wish my decision to be reviewed then you can follow the school's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher

Or Chair of Governing Body

**Acknowledgement of receipt of formal complaint and invitation to meet**

Dear [Name of Complainant]

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. *Please telephone..... in order to arrange an appointment. **OR** I can offer you an appointment at .... on ,..... Please let me know if this is convenient.*

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head Teacher

Or Chair of Governing Body

**Acknowledgement of receipt of formal complaint referred by a third party [e.g. LA, Diocese, MP]**

Dear [Name of Complainant]

I have received a copy of the documentation that you sent in to ..... setting out a complaint about ..... . This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint seriously. Therefore I would like to meet with you, so that I may understand the details of your concerns more clearly. Please telephone ....., in order to arrange an appointment. **OR** I can offer you an appointment at ..... on ..... Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head Teacher

Or Chair of Governing Body



**Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure**

Dear .....

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome **must** remain confidential to the school and the member of staff concerned.

**OR**

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher

Or Chair of Governing Body

## **NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that .....

**OR**

The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

**OR**

In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its ..... policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter and we can look to the future working together for the benefit of your child's and the school.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

**REVIEW OUTCOME NOTIFICATION**

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons .....

Therefore, we now consider the matter closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Head Teacher

Chair of Governors