



St. Nicholas School

POLICY & PROCEDURES FOR DEALING WITH COMPLAINTS

MADE AGAINST THE SCHOOL AND STAFF (incl. EYFS)

1.0 Introduction

- 1.1 *The Education Act 2002 and Regulations made under the Act made changes to the statutory requirements for independent schools which came into effect on the 1st September, 2003. These requirements have been amended in 2005, 2007 and 2009. As part of these Regulations, independent schools are required to have a written complaints' procedure. This policy has been produced in order to comply with this statutory requirement, and with subsequent directions from OFSTED and the Independent Schools Inspectorate.*
- 1.2 A complaint is a verbal or written statement of protest or remonstrance. It is more than an expression of unease or a statement of concern, which can be handled within the normal channels for communication. **A complaint is, unmistakably, a statement which requires a formal response.**
- 1.3 An effective complaints policy and procedure can diffuse problems and can also provide the Schools with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaints. Even an unjustified complaint may focus attention upon an area which may benefit from review.
- 1.4 Complaints typically emanate from one of four sources: parents, pupils, members of staff or members of the public. This Policy does not deal with complaints from members of staff about aspects of their work. The relevant sections of their contracts of employment regulate such complaints. Complaints from members of the public will normally be treated in a similar way to complaints from parents, although certain complaints from members of the public are likely to be referred directly to the Proprietor, the relevant Head or a senior member of staff. The Policy therefore deals mainly with the procedures regarding complaints by parents and pupils. Whilst parents will often wish to raise issues on behalf of pupils, there are other issues which pupils may choose to raise on their own behalf, and which are best raised by them. The policy is available for past, present and prospective parents and children, but only applies to current pupils, and not prospective or past pupils, unless the complaint refers to when they were pupils at the School.
- 1.5 It should be recognised that serious issues may be raised in an informal and friendly way, and apparently trivial issues can be raised in an adversarial manner. The manner in which a complaint is made does not determine the level of importance that is attached to a complaint.
- 1.6 DfE has directed that the details of all complaints which go to the formal stage or at the panel stage be recorded by schools in a complaints log, along with an indication of the action which is taken and the outcome.
- 1.7 The policy does not cover the procedure for exclusions, and further details relating to this matter can be found in the School's 'Exclusion, Removal and Review' Policy.

2.0 **Policy Aims**

2.1 The Aims of this Policy are:

- To promote a culture that is open and welcoming.
- To demonstrate to parents and pupils that their opinions are valued.
- To encourage parents and pupils to raise any concerns that they might have.
- To enable parents to feel comfortable in communicating with the school.
- To enable members of staff to feel comfortable when dealing with complaints.
- To establish a means of dealing with complaints

2.2 The aim of this Policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and that it is 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 the School's ability to safeguard and promote standards and welfare. The Headteacher will try to resolve every concern or complaint in a positive way with the aim of resolving matters which may not have been treated entirely appropriately and, where necessary, reviewing their systems and procedures in the light of the circumstances.

3.0 **Lines of Approach**

3.1 All members of staff are encouraged to deal in an appropriate and professional manner with parental or pupil concerns which lie within their area of responsibility. Certain staff may need to be trained to deal with complaints.

3.2 If approached by parents or pupils about a matter which lies outside their remit, a member of staff should refer a complaint to the appropriate person and inform the parents or pupil(s).

3.3 Matters incapable of resolution at a particular level should be referred to the appropriate senior person, and parents or pupils should be kept informed of the action which is being taken. This approach would, for example, be appropriate if a complaint is made to a relatively junior member of staff about a more senior colleague. Senior staff should recognise those occasions when an issue needs to be taken to the Headteacher.

3.4 Some parents and pupils may wish to complain directly to the appropriate Headteacher and there will be occasions when this course is justified. Naturally, the Headteacher may not be able to respond until he/she has consulted the staff that can advise and assist.

3.5 Complaints may on occasions be made directly to the Proprietor, for example if the complaint was about the Headteacher. Alternatively, the Headteacher may consider it appropriate to refer a complaint on a matter to the Proprietor.

3.6 Written responses should always be signed by the person to whom the parent made the complaint, or by a more senior person in the School who has dealt with the issue.

3.7 The School does not accept delegations of complainants. Individuals can make a complaint, even if it is on the same issue and the case as relates to their own child will be dealt with.

3.8 Complaints procedures are confidential. Complainants should not publically broadcast their concerns. The complaints process is an investigative one culminating in a confident response to the individual complainant(s).

4. Procedure

Stage 1 – Informal Resolution

Contact: Teacher or Deputy Head

Timescale: Complaint acknowledged within 24 hours, aiming for a resolution within 10 working days.

- (i) It is hoped that most complaint and concerns will be resolved quickly and informally.
- (ii) If parents have a complaint, they should contact the pupil's form Teacher or the Deputy Head. If he/she is not the appropriate person to deal with it, he/she will pass it to the person who is. If this individual cannot resolve the matter alone, it may be necessary for him/her to consult the Deputy Head or the Headteacher.
- (iii) The aim is to resolve the matter promptly to the parents' satisfaction.
- (iv) Complaints made directly to the Deputy Head or the Headteacher will be referred to the relevant member of staff unless the Deputy Head or the Headteacher deems it appropriate to deal with the matter personally.
- (v) The member of staff in receipt of the complaint/concern will make a written record of it and the date on which it was received. Should the matter not be resolved within ten working days or in the event that the member of staff and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

Stage 2 – Formal Resolution

Contact: Headteacher

Timescale: Headteacher to contact parents within 5 working days

Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 4.0 below.

- (i) If the complaint cannot be resolved at Stage 1 (Informal Resolution), then the parents should put their complaint in writing (letter rather than e-mail) to the Headteacher stating explicitly that, having been through Stage 1 of the procedure, they remain dissatisfied and now wish to make a "formal complaint". The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- (ii) In most cases, the Headteacher will speak to the parents or concerned, usually with another member of the senior team present, within five working days of receiving the complaint. If possible, a resolution will be reached at this stage.
- (iii) It may be necessary for the Headteacher to carry out further investigations.
- (iv) The Headteacher will keep written records of all meetings and interviews held in relation to the complaint.
- (v) Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents informed in writing, detailing the reasons.
- (vi) If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure. The parents should may their request for a Panel Hearing in writing to the school Head and outline the reasons why they remain dissatisfied.

- (vii) If the complaint is about the Headteacher then the Headteacher cannot be expected to investigate himself/herself. The complaint should in this instance be directed to the Proprietor who will follow the steps outlined above or appoint another Headteacher in the group or senior ILG person to investigate.

Stage 3 – Panel Hearing

Contact: School Secretary, who will inform the Proprietor and members of the Senior Management team. The proprietor will ensure that the panel appointed will consist of at least three people who were not directly involved in the matters detailed in the complaint. He will further ensure that one member of the panel is independent of the management and running of the school. It is common ILG practice to include on the panel a Headteacher from another ILG school plus a member of the ILG management team.

Timescale: Hearing to take place within 28 working days, unless the complaint is made during a holiday period, when this may be extended. Any documentation to be provided no later than five days before the hearing. Decision made within five days of hearing.

Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 4.0 below.

- (i) If parents seek to invoke Stage 3 (following a failure to reach resolution at Stages 1 or 2), they will be referred to the School Secretary, who has been appointed by the Proprietor to call a Complaints Hearing Meeting.
- (ii) The matter will then be referred to the Panel for consideration. The School Secretary, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place within 14 working days.
- (iii) If the Panel deems it necessary, further particulars of the complaint or any related matter may be requested to be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 days prior to the hearing.
- (iv) Parents may be accompanied to the panel hearing by one other person. This may be a relative, teacher or friend. Legal representation will not be permitted.
- (v) If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation.
- (vi) Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts the Panel may consider relevant, the Panel will reach a decision and may make recommendations which, unless there are any extenuating circumstances, it shall complete within 5 working days of the Hearing. The Panel will write to the parents informing them of the decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents. A copy of those findings and recommendations will be provided to the complainant and, where relevant, the person complained about. A copy will also be available for inspection on the school premises by the proprietor and the head.

5. Special Provision for Early Years Foundation Stage (EYFS)

5.1 In the case of ILG Nurseries that are registered for the Early Years' Foundation Stage, any parents in the school, not just the EYFS parents can make a complaint to Ofsted and/or the Independent Schools Inspectorate (ISI) if they so wish, although it is expected that complaints will go through the school's complaints procedures first.

- A complaint to OFSTED should be made to Royal Exchange Buildings, St. Ann's Square, Manchester, M2 7LA, telephone number 08456 014772, e-mail: enquiries@ofsted.gov.uk. A complaint to the Independent Schools' Inspectorate should be made to 1st Floor, CAP House, 9-12 Long Lane, London EC1A 9HA.

- There is a requirement to notify a complainant of the outcome of an investigation within 28 days of having received a complaint.
- Records of such complaints are kept for at least three years.
- OFSTED and/or the Independent Schools' Inspectorate, on request, must be provided with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint.

6. Reducing Anxiety

6.1 A parent or pupil who makes a complaint may feel vulnerable and the School should attempt to reduce anxiety by taking the matter seriously and dispelling any uncertainty as to the way in which a complaint will be handled. It will often help if:

- Information about the complaints procedure is clear.
- Complaints are acknowledged immediately or within 5 working days.

6.2 Staff should always inform parents what is happening as a result of their complaint and, if a detailed response is needed, the date by which it is likely to be received.

7. Confidentiality

7.1 Confidentiality is often a crucial issue for parents, pupils and staff. It is essential that any complaint is treated both in a confidential manner and with due respect. If necessary, the policy on maintaining confidentiality may need to be explained to a complainant.

7.2 Complaints made by parents should not rebound unfairly on pupils; similarly, complaints raised by pupils should not rebound unfairly either upon them or upon other pupils.

7.3 It may sometimes be possible to deal with a problem without naming individuals. However, even if names are not provided, the source of the complaint may be clear. Care may need to be exercised in this situation and the balance between dealing effectively with a complaint on the one hand and maintaining confidentiality on the other may need to be weighed particularly carefully.

7.4 Staff members are invariably concerned that they should be informed of complaints, which might be damaging to their reputation. Training may help staff to deal not only with complaints which are made to them, but also with complaints which are made about them. The School should be aware of the need to provide support for members of staff against whom a complaint is made; a colleague who is not otherwise involved could often provide such support.

7.5 If there is a possibility of an issue concerning child safety or protection, or a situation which is likely to involve the police, the appropriate procedures and guidance on confidentiality must be followed particularly carefully.

7.6 The proprietor will ensure that correspondence, statements and records relating to individual complaints are to 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 them.

8. Anonymous Complaints

- 8.1 Anonymous complaints occur where there is no indication as to the name or address of a complainant, or where a complainant indicates that he or she does not wish to be identified.
- 8.2 Complaints from members of the public about the behaviour of a group of pupils could, if appropriate, be dealt with on a general basis, with a reminder about the standards and expectations of a school.
- 8.3 Parents and pupils should always be encouraged to provide their names and should be given a reassurance on the issue of confidentiality. If a complainant is adamant that they wish to remain anonymous, it is at the Head's discretion as to what action, if any, should be taken.
- 8.4 Anonymous complaints must also be recorded in the register of complaints.

9 Training

- 9.1 Given the diverse nature of complaints, the School should ensure through training that all staff, including support staff, know how to carry out their responsibilities. Training should cover:
- The complaints' procedures.
 - Communication skills, such as listening, questioning and calming.

10. Record Keeping and Reporting

- 10.1 Written records are required to be kept of all complaints whether they are resolved following a formal procedure or proceed to a Panel hearing. The record will also include what action was taken as a result of the complaints, regardless of whether they are upheld or not.
- 10.2 Parents can be assured that all concerns and complaints will be treated seriously and confidentially as is required by paragraph 25(k) of the Education (Independent Schools Standards) Regulations 2014. Correspondence, statements and records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 108 of the Education Act 2008 request access to them; or where any other legal obligation prevails.

11. Communication with Parents and Prospective Parents

- 11.1 The policy is available to view on the school's website and a copy is available on request to the school.
- 11.2 The number of formal (stage 2) complaints made against the School in the preceding school year is available on request to parents and prospective parents.

*This policy was reviewed and updated in Autumn 2018.
The next review will take place in Autumn 2019 or in light of relevant regulatory changes.*

Signed: Amit Mehta (Proprietor)