



**The
Haven
School**
Wolston

'A place to belong'

Complaints Procedure

Control Sheet

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1. Introduction

The Haven School Wolston is committed to ensuring that all children and young people are supported in line with our vision of '*enhancing young lives for a brighter future*' and to working in a productive and positive partnership with all parents, carers and other members of the public.

However, if a parent/carer or member of the public feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any complaint made will be taken seriously and dealt with in a timely and professional manner. All parents/carers and members of the public will be made aware of this Procedure and the procedures to follow if they wish to make a complaint.

2. Principles

This Procedure applies to all employees of the school. The school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible, dependent upon the complexity of the issues raised.

This Procedure relates to complaints about the school and typically applies to those made by parents and carers of children and young people; however, it also applies to members of the public. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g., service/supply contracts entered into with the school or where separate statutory procedures apply.

3. Statutory obligations

The Complaints Procedure must consist of at least three stages, informal (usually a meeting with the complainant); formal (the complaint is put in writing) and a panel hearing; complainants must be aware that there is a Complaints Procedure. A copy of this procedure is on the school website and will also be available on request.

If the complaint progresses to a hearing with a panel of members of the School Board, the complainant must be allowed to attend and be accompanied if they wish.

4. Implementation of the Procedure

The Nominated Officer with responsibility for ensuring that this Procedure is implemented in the school is the Headteacher. Complainants should be aware that in exceptional circumstances, where they consider the matter is one of such a nature that it should be investigated independently of the School, the Headteacher may refer complaints received directly to the Chair of the School Board.

5. Dealing with complaints

An Investigating Officer will be appointed who will at each stage ensure that they:

- Clarify the nature of the complaint and unresolved issues.
- Clarify what the complainant feels would resolve the complaint.
- Interview, meet or contact those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied at meetings as appropriate.
- Keep appropriate records of any telephone discussions, meetings or interview(s).

6. Resolving Complaints

The Investigating Officer will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or that the situation could have been handled differently or better (this is not the same as an

admission of negligence).

- An apology.
- An explanation.
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to recommend a review of School procedures in light of the complaint.
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The complaint was not substantiated by the evidence.

Complainants will be encouraged to state what actions they feel might resolve the problem at every stage of the procedure.

7. Records

All complaints will be recorded by the school, including informal complaints. The Headteacher is responsible for ensuring all complaints and their outcome are recorded accordingly.

Records relating to individual complaints are confidential, except where the Secretary of State or any statutory body conducting an inspection requests access to them. The School Board will monitor the level and the subject matter of complaints and review the outcomes of them annually.

8. Dealing with complaints – Initial Concerns (Informal Stage)

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number of them that develop into formal complaints.

This Procedure deals with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the appropriate member of staff delivering the relevant service will receive the first approach on an informal basis. Staff should try to work with the complainant and attempt to resolve issues as soon as practicably possible; they also have the right to pass any complaint on to the relevant member of School staff (for example, their line manager or a senior member of staff) should they deem this to be appropriate. Should the complainant not be satisfied with the outcome at the informal stage they can escalate their complaint to Stage 1 of the formal procedure by putting their complaint in writing using Appendix 1.

9. Dealing with complaints about SEND provision

Any concerns or complaints from parents or carers relate specifically to any aspect of SEND provision they should be initially raised informally, whether by e-mail, letter or a telephone call with the Headteacher; they will serve as the Investigating Officer in the first instance and report back to them within five school working days.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by putting their complaint in writing using Appendix 1.

10. Dealing with complaints – Formal Procedures

The formal procedures will need to be invoked when informal attempts to resolve the complaint are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

11. Framework of principles

This Complaints Procedure is intended to:

- encourage the resolution of problems by informal means wherever possible;
- be easily accessible and clearly publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow the swift handling of a complaint within the prescribed time-limits for action and the keeping of those involved informed of progress;
- ensure a full and fair investigation;
- respect people's desire for confidentiality, where this is appropriate to nature of the complaint;
- address all the points raised in the complaint, provide an effective response and an appropriate redress, where necessary;
- provide information to the School's senior leadership team and/or the School Board, so that services can be improved where necessary.
- remedy any matter which may have gone wrong;
- inform a review of systems and procedures where necessary.

Please note:

- Complaints brought by staff should be investigated using the Grievance Procedure and not this Procedure;
- Only complaints received in writing (preferably using the Complaints form at **Appendix 1**) will be considered at the formal stage (unless under the Equalities Act 2010 there is a legitimate reason why the complainant is unable to comply with this);
- Anonymous complaints will not normally be considered (the Whistleblowing Policy will be more appropriate);
- Complaints must be made within three months of the event/concern coming to light. Complaints after this period will not be considered, except in extenuating circumstances;
- Nominated managers will be appropriately appointed as investigating officers.

12. Investigating complaints

At each stage, the Investigating Officer will ensure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contacts them (if, for example, further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied if they wish.
- Conduct all interviews with an open mind and are prepared to interrogate the complaint.
- Keep notes of the interview.
- Record interviews using the template at **Appendix 3** and ensure they are agreed, signed and dated by the interviewee as soon as they have been typed up.

13. Serial and persistent complaints

This procedure aims to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair

of the School Board is able under this Procedure to inform them in writing that the procedure has been exhausted and that the matter is now closed.

14. Time-limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this Procedure. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The school will publicise the Complaints Procedure on the School website.

See Complaints Procedure Flow Chart at **Appendix 2**.

15. Stage One: Investigation

- It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end, staff will periodically be made aware of the Procedure so that they know what to do when they receive a complaint.
- Parents and carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss, reflect adversely on the student or their opportunities at the school. The school will investigate and try to resolve every complaint in a transparent manner and treat every complaint as an opportunity to improve the service offered, where appropriate.
- The school will try to respect the views of a complainant where they indicate that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to an appropriate Nominated Manager to serve as Investigating Officer; alternatively, this may not be deemed necessary. Where the complaint concerns the Headteacher, the complaint will be referred initially to the Chair of the School Board, who will then decide the most appropriate person to serve as Investigating Officer, should this be deemed to be appropriate.
- Similarly, if any member of staff or member of the School Board feels too compromised to deal with a complaint, the Headteacher or the Chair of the School Board may consider referring the complainant to another appropriate member of staff or member of the Board. The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a member of the School Board, the next step would be to refer the complainant to the appropriate Nominated Manager. Members of the School Board should not act unilaterally on an individual complaint outside of this Procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the Procedure.
- The Headteacher will ensure that a written acknowledgement is provided to the complainant within 5 working days of receiving a complaint; this will include the name of the Nominated Manager appointed to serve as the Investigating Officer. The acknowledgement will explain the School's Complaints Procedure and a target date for providing a response to the complaint, which should normally be within 10 working days. If the target date cannot be met a letter should be written within the initial 10 working day period explaining the reason for the delay and providing a revised target date for providing a response.
- The Investigating Officer will seek to meet or speak with all the appropriate people to establish the facts relating to the complaint, if the information provided necessitates this. This may include the complainant, staff, and any other appropriate person.

- Once they have completed their investigation, the Investigating Officer will then produce a written response to the complainant or may wish to meet with them to discuss/resolve the matter directly, but will still follow up any such meeting with a written response in the form of a letter or report. Any member of staff concerned will also be informed in writing of the outcome.

The letter or report will include, as appropriate:

- An outline of the complaint and a summary of the response to it; including the decision reached and the reasons for it. This may be that:
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The complaint was not substantiated by the evidence;
- The complaint was substantiated in part or in full. Some details may then be given regarding any action the school may be proposing to take to review procedures etc. but details of the investigation or of any disciplinary procedures relating to staff will not be released; or
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed);

The letter will also include as appropriate:

- Details of any actions the school will take to resolve the complaint and to prevent it recurring in the future, should any be necessary.

In addition to any of the above:

- This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should they wish the complaint to progress to the second stage of this Procedure, then they should send a written request stating this to the Headteacher within 10 working days of receiving the response.
- If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved and the process should end.

16. Stage Two: Review

If the complainant is dissatisfied with the outcome at Stage One, they may go to Stage Two and request that the complaint is reviewed. The Headteacher will delegate this to a member of the school senior leadership team; a review may also be undertaken by a member of the School Board if it is about the Headteacher.

The same timings and process as in Stage One will apply. If the complainant is not satisfied with the response at Stage Two, they can escalate their complaint to Stage Three.

17. Stage Three: School Board Appeal Panel

- The complainant needs to write to the Headteacher, giving details of the complaint and the reasons for their dissatisfaction with the outcome of Stage Two.
- The Headteacher should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This must be within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it and any witnesses that the school wishes to be present.
- The letter should explain that the complainant has the right to submit any further documents relevant to the complaint and the names of any witnesses they wish to be present. Pupils may not appear at the meeting but may be asked to submit a written statement. These must be received within 10 working days of the date of the hearing to

allow adequate time for the documents to be circulated.

- No person involved at this stage should have had previous involvement in the complaint.
- The School Board Appeal Panel is the last School-based stage of the complaints process.
- The Panel will be comprised of three members who will have delegated powers of the School Board to hear complaints.
- Its terms of reference will include making recommendations on policy as a result of complaints
- The Chair of the School Board will typically chair the Appeal Panel, but in their absence the Chair can be drawn from the nominated members and the Panel may choose their own Chair. The Panel must consist of two School Board members and one member who is independent of the management and running of the school.

18. The remit of the School Board Appeal Panel

The Panel will inform the complainant of the outcome of the appeal in the form of a report or letter as outlined in section 15.

There are three key points which anyone sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so.
- b) The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to make recommendations which will satisfy them that their complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair will ensure that the proceedings are as welcoming as possible.

The school will write and inform the complainant, and any witnesses that either side wish to be present, of the date and location of the meeting no later than 5 working days in advance. The notification to the complainant should also inform them of their right to be accompanied to the meeting by a friend/supporter and/or interpreter. The letter should explain how the meeting will be conducted. The Panel may be accompanied/supported by an appropriate individual, for example a relevant HR professional or educational professional, but who is not an employee of the school.

Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these timescales. Any such variation will be notified to the complainant. The school will write and inform the complainant, and any witnesses that either side wish to be present, of the date and location of the meeting no later than 5 working days in advance. The notification to the complainant should also inform them of their right to be accompanied to the meeting by a friend/supporter and/or interpreter. The letter should explain how the meeting will be conducted. The Panel may be accompanied/supported by an appropriate individual, for example a relevant HR professional or educational professional, but who is not an employee of the school.

19. Hearing the complaint

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant.

In the interests of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

A Clerk will be present to take minutes and to also make the necessary arrangements for any witnesses to join and to leave the meeting at the appropriate points.

The recommended format for the conduct of the meeting is as follows:

- a) The Chair will welcome the complainant, their friend/supporter introduce the Panel members, any other individuals present and explain the procedure to be followed at the meeting.
- b) The Chair will invite the complainant to explain the complaint.
- c) The Chair will invite the Stage 2 Reviewer to make a statement in response to the complaint.
- d) The Panel may question the complainant and the Stage 2 Reviewer.
- e) The complainant may question the Panel and the Stage 2 Reviewer.
- f) Any party has the right to call witnesses, in accordance with section 17 above.
- g) The Panel and the complainant have the right to question any such witnesses, who will be called into the meeting separately.
- h) The Stage 2 Reviewer will be invited by the Chair to make a final statement.
- i) The complainant will be invited by the Chair to make a final statement.
- j) The Chair will explain to the complainant that the decision of the panel will now be considered, and a written decision will be sent within 15 school working days. The Chair will then ask all parties to leave, except for members of the Panel.
- k) The Panel will then consider all the evidence presented and reach a decision on the complaint and their reasons for it.
- l) The Panel will also decide upon any appropriate actions to be taken to resolve the complaint and to prevent it recurring in the future, should any be necessary.

If the complainant remains unsatisfied, they may then take their complaint to the DfE at <https://www.gov.uk/complain-about-school/private-schools> or at Bishopsgate House, Feethams, Darlington DL1 5QE.

20. Roles and responsibilities

The Role of the Headteacher

The person in charge of coordinating the complaints procedure at the School is the Headteacher. Overall responsibility is retained by The School Board. The role of the School Board arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Headteacher is the contact point for the complainant at Stage 3 and is required to:

- a) Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b) Collate any written material and send it to the parties in advance of the hearing;
- c) Meet and welcome the parties as they arrive at the hearing;
- d) Make arrangements for a note taker to be present;
- e) Notify all parties of the panel's decision.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- a) The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- b) The issues are addressed;
- c) Any key findings of fact are made;
- d) Parents and others who may not be used to speaking at such a hearing are put at ease;
- e) The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- f) The Panel is open minded and acting independently;
- g) No member of the Panel has any involvement in an earlier stage of the procedure;
- h) Each side is given the opportunity to state their case and ask questions;
- i) Written material is seen by all parties.

21. Procedure review

The school will monitor and review the implementation and impact of this Procedure annually. This may occur earlier should there be a change in legislation, statutory guidance or an event or incident in the school which makes this necessary

What action, if any, have you already taken to resolve your complaint?

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

Are you attaching any paperwork? (If so, please give details)

Signature:

Name (please print clearly):

Date:

OFFICIAL USE

Date acknowledgement

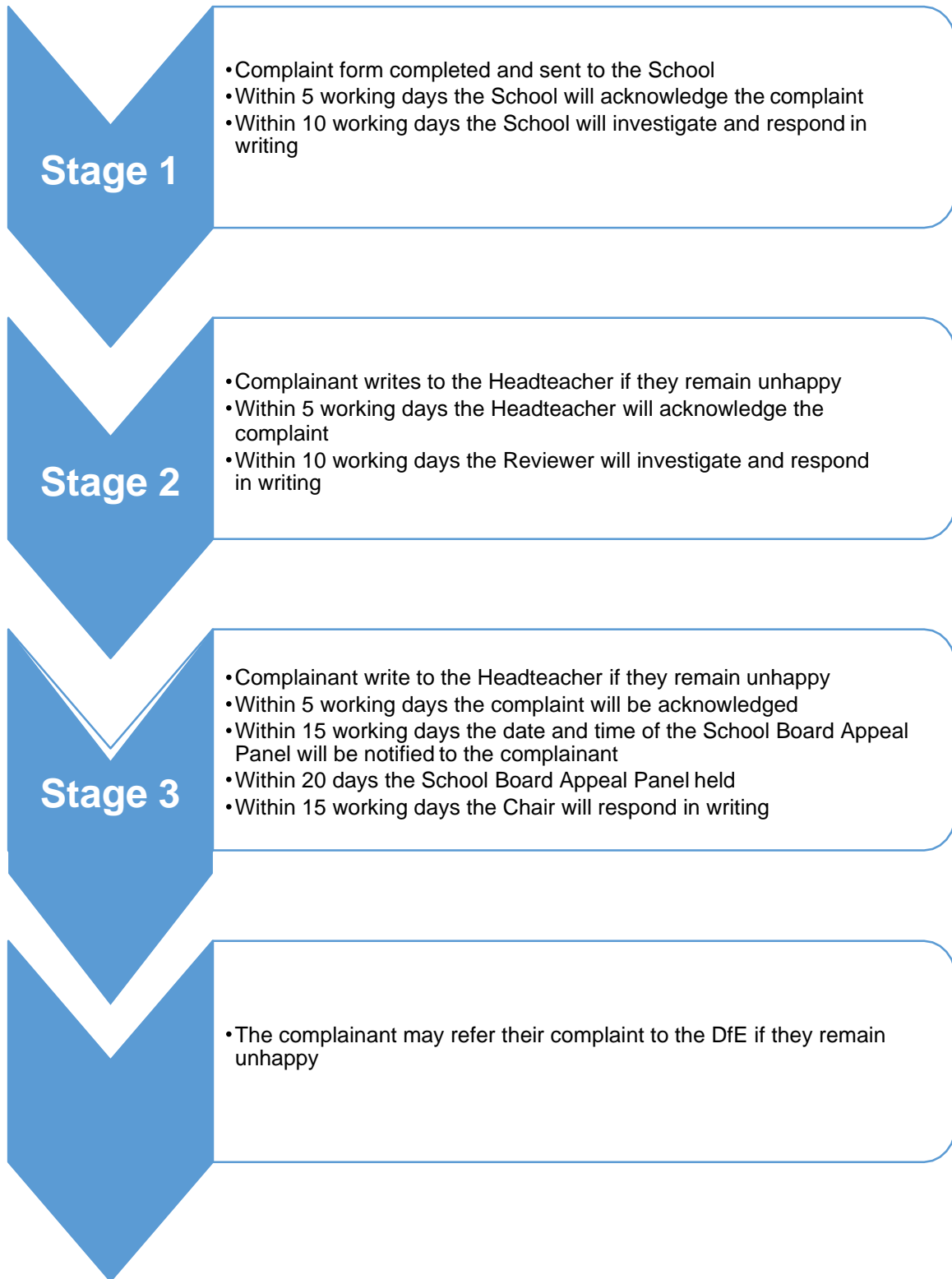
sent: By who:

Complaint referred to:

Date:

23. APPENDIX 2

Complaints Procedure Flowchart



24. APPENDIX 3

Complaint Interview Record Form (Inc. Telephone/Virtual Interviews)

| |
|--|
| Date, time and location of interview: |
| Name of interviewer: |
| Name of Interviewee: |
| Name of supporter/companion of interviewee (if applicable): |
| Name of any other individual present (if applicable): |
| Summary of key points covered/discussed at the meeting (continue on additional sheets if necessary): |

I confirm that this is a true and accurate of the meeting:

Interviewee signature:

Date of signature:

Interviewer signature:

Date of signature: