

# Complaints Procedure

## ISP School Battle



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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of children at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of schedule 2 of [The Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

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 document meets the requirements of section 35 of the schedule of 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).

### 3. Definitions and scope

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”. **A complaint is defined as,** ‘an expression of dissatisfaction however made, about actions taken or lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. ISP School, Battle takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular adult, we will respect your views. In these cases Caroline Belchem, Head Teacher will refer you to another staff member. This does not need to be a more senior member of staff, the ability to consider the concern objectively and impartially is more important.

This policy covers all complaints about any provision of community facilities or services by ISP School, Battle, other than complaints that are dealt with under statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory Assessment of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Director of Education and/or East Sussex iSEND
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) - <a href="https://new.eastsussex.gov.uk/children-families/professional-resources/allegations/referrals/form-lado-referral">https://new.eastsussex.gov.uk/children-families/professional-resources/allegations/referrals/form-lado-referral</a>
Suspension of children from school	Further information about raising concerns about Suspension can be found at: <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a>

	<p>Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p> <p>Behaviour Policy - <a href="https://ispschools.org.uk/media/sfkdn3cd/behaviour-policy-and-statement-of-behaviour-principles.pdf">https://ispschools.org.uk/media/sfkdn3cd/behaviour-policy-and-statement-of-behaviour-principles.pdf</a></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer adults who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the nature of your complaint.</p>
Staff grievances	<p>Complaints from adults will be dealt with under the school's internal grievance procedure.</p>
Staff conduct	<p>Complaints about our school adults will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use school premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about the service. Please contact them direct.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until these public bodies have completed their investigations.

If a complainant commences legal action against ISP School, Battle in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

#### **4. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 2 of the procedure.

Complaints against school adults (except the Head Teacher) should be made in the first instance, to Caroline Belchem (Head Teacher) via main reception. Please mark this as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the governing body should be addressed to Sarah Page (Clerk to the Governing Body) via main reception. Please mark these as Private and Confidential.

For ease of use, a template complaint form is included at the end of this policy/procedure. If you require assistance in completing the form, please contact main reception. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### **5. Anonymous Complaints**

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### **6. Timescales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last three incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **7. Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **8. Resolving Complaints**

At each stage in the procedure, ISP School, Battle, wants to resolve the complaint, if appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

## **9. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **10. 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.

## **11. Stages of complaint**

**(not complaints against the Head Teacher or Governing Body)**

**Stage 1: Informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 5 days and investigate and provide a response within 10 days. The informal stage will involve a meeting between the complainant and the Head Teacher, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 2: Formal**

The Head Teacher should be informed in writing unless this is an escalation of an informal complaint. This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head Teacher (or designated member of the senior leadership team) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance.

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.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 5 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 days. This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently. An investigation will then be undertaken by the Director of Education and HR.

A written record of a formal complaint will be kept whether they are resolved following a formal procedure or proceed to panel hearing. A record of action taken by the school as a result of those complaints (regardless of whether they are upheld) will be kept and all correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting and inspecting under section 109 of the 2008 Act requests access to them.



### **Stage 3: Submit the complaint to hearing before a panel**

Complaints will be escalated to a hearing before a panel if the complainant is not satisfied with the response to the complaint at the second, formal stage.

A panel is appointed by or on behalf of the proprietor and consists of at least three people who were not directly involved in the matters detailed in the complaint and at least one panel member is independent of the management and running of the school. This person must not, at any time, have been a member of the school leadership team, or a member of staff or supply staff at the school, and must not have been the parent of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

The panel will have access to the existing record of the complaint's progress and will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

A parent may attend and may be accompanied to the panel hearing if they so wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The panel will inform those involved of their decision in writing within 5 days. The complainant, proprietor and Head Teacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

A written record of a complaint that resulted in a hearing before a panel will be kept. A record of action taken by the school as a result of those complaints (regardless of whether they are upheld) will be kept and all 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 109 of the 2008 Act requests access to them.

### **12. Complaints against the Head Teacher or a Governor**

Complaints made against the Head Teacher should be directed to the Chair of Governors or The Director of Education. Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the clerk to the local Governing Body in the first instance.

Complaints against governors can be categorised:

- those from other governors on the local governing body;
- from members of the public which includes parents;
- members of the school staff.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chairperson to manage.

Where the complaint is made against the Chairperson then:

- it could be passed to the Vice-chairperson; or
- by agreement of the Governing Body, passed to the Chairperson of another school Governing Body to investigate.

The Governing Body need to consider to what extent the internal investigation of a complaint against a governor by another governor generates a conflict of interest or prejudice. No member of the school staff, including the Head Teacher, should be involved in the investigation of a complaint against a governor other than as a witness.

### **13. Referring complaints on completion of the school's procedure**

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

- 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>.

### **14. 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.

Where unreasonably persistent complaints are received the school will write to the individual and outline why it is deemed as such and will deal with the matter as a persistent complaint.

## **15. Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and conversations.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 10 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

## **16. Learning lessons**

The Governing Body will review any underlying issues raised by complaints with the Head Teacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **17. Monitoring arrangements**

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by school administrator.

This policy will be reviewed by the Governing Body every year. At each review, the policy will be approved the Governing Body.

## **18. Links with other policies**

Policies dealing with other forms of complaints include:

- Accessibility Policy
- Child protection and safeguarding policy and procedures
- Staff grievance procedures
- Staff disciplinary procedures