

Alex Park Democratic School



Complaints procedure

Introduction

Our school believes that parents are entitled to expect courtesy and prompt, careful attention to their individual needs and wishes. We hope that at all times you will be happy with the service provided and that you might like to voice your appreciation to staff concerned.

The School's Complaints Procedure for Parents is drafted in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014. This policy is published on the School's website and is available in hard copy on request. The number of formal complaints received in the preceding academic year is published at the end of this policy and on the School's website.

This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where the parent seeks action by the School.

This policy applies to complaints from parents of current pupils and to parents of former pupils if the complaint was initially raised when the pupil was registered at the School.

All parents should be aware that it is not within the powers of those involved in the complaints process to make any financial award, nor to impose sanctions on staff, pupils or parents. Complaints which seek these outcomes are therefore considered to fall beyond the scope of this policy.

Attention is drawn to the information included in the Appendix which is drawn from the Department for Education's Best Practice Advice for School Complaints Procedures 2016 and guidance issued by the Information Commissioner's Office.

Timescales

When we refer to working days in this policy, we mean Monday to Friday, when School is open during term time. The dates of terms are published on the School's website.

Complaints may be submitted during school holidays; timescales may vary but School will agree a timescale with parents as soon as possible during holiday periods.

Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs.

- It is expected that the management of every complaint will progress in a timely manner.
- The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible.
- Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the School will notify the parents and inform them of the new timescales as soon as possible.

Stage 1 – Informal Resolution

It is hoped that most complaints will be resolved quickly and informally.

- If parents have a complaint they should normally contact their child's teacher. In many cases, the matter will be resolved quickly by this means to the parents' satisfaction. If the teacher cannot resolve the matter alone, it may be necessary for her/him to consult the Head Teacher.
- An informal complaint will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and/or a meeting with the parent.
- Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.
- The person dealing with the complaint will make a written record of all complaints and the date on which they were received.
- The parent will receive a response to the complaint within 15 working days.
- If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this Procedure.

Complaints about the Headteacher

The procedure for dealing with an informal complaint about the Headteacher is as follows:

- Parents may choose to raise complaints directly with the Headteacher if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing - if in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Headteacher will endeavour to resolve the complaint informally under Stage 1.

- The Headteacher will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint.
- If the parent is dissatisfied with the Headteacher's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure.

Alternatively, parents may choose to make their complaint about the Headteacher in writing to the Director at effie.delphinus@alexandraparkclc.co.uk. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure.

Stage 2 – Formal Resolution

- Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.
- A formal complaint must be in writing addressed to the Headteacher and should include a copy of all relevant documents, full contact details and details of all the grounds of the complaint and the outcome desired.
- The complaint will be acknowledged by telephone, email or letter within three working days, indicating the action that is being taken and the likely timescales. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Headteacher will meet with the parents concerned, normally within seven working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for further investigations to be carried out and the Headteacher may ask a senior member of staff to act as investigator and / or may involve a Director. The investigator may request additional information from the parents and will probably wish to speak to them personally and/or others with relevant knowledge of the circumstances. Where the investigation has been delegated to a senior member of staff, the investigator will prepare a report on the investigation which will be considered by the Headteacher.
- Written records will be kept of all meetings and interviews held in relation to the complaint. Personal data may be redacted and names anonymised or cyphered in line with data protection principles
- 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 will be informed of this decision in writing. The Headteacher will also give reasons for her decision. The Headteacher will notify the parents with her decision within 20 working days of receipt of the formal complaint.

- If parents are dissatisfied with the Headteacher's decision, they should request that the complaint be referred to a Complaints Panel under Stage 3 of this Procedure.

Complaints about the Headteacher

The procedure for dealing with an informal complaint about the Headteacher is as follows:

- The complaint should be put in writing to the Director, Effie Delphinus, via email: effie.delphinus@alexandraparkclc.co.uk. The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
- The Director will acknowledge the complaint by telephone, email or letter within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will receive a response to the complaint within 20 working days.
- If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a Complaints Panel under Stage 3 of this procedure.

Stage 3 – Panel Hearing

- If a parent is dissatisfied with the Stage 2 response, the parent can request a Complaints Panel Hearing. A Complaints Panel Hearing (Hearing) is a Hearing to consider those elements of the Stage 2 response to the parent's complaint with which the parent remains dissatisfied.

How to request a Hearing

- A request for a Hearing must be put in writing to the Directors. It is expected that the complaints procedure will progress in a timely manner and parents should make the request within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed and the Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- The written request should include copies of all relevant documents and full contact details, details of all the grounds of the complaint and the desired outcome and a list of the documents which the parents believe to be in the School's possession and wish the Panel to see.
- The Director will acknowledge the request for a Hearing within three working days of receipt and will convene the Panel. Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request.

- Parents may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

Planning the Hearing

- The Directors will send written notification to each party of the date, time and place of the Hearing at least 10 working days before the date of the Hearing.
- Copies of additional documents that the parent wishes the Panel to consider should be sent to the Directors to be received at least 7 working days prior to the Hearing.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the Hearing. The Directors will circulate a copy of the bundle of documents to be considered by the Panel to all parties not later than three working days prior to the Hearing.
- The parent may be accompanied to the Hearing by a relative or friend. The Hearing is an internal proceeding, not legal proceedings, and so legal representation is not necessary. The Directors must be given five working days' notice if the friend or relation is legally qualified. The parent should note that the Panel will wish to speak to him/her directly. The legally qualified person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Panel.
- A person will be appointed to take a minute of the Hearing.

Composition of the Complaints Panel

- The Complaints Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one Panel member who is independent of the management and running of the School.
- The parent may ask the Directors to inform them who has been appointed to sit on the Complaints Panel ahead of the Hearing.
- The Panel members will choose one of themselves to be the Chair of the Panel.

Role of the Complaints Panel

- The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
 - o the documents provided by both parties and
 - o any representations made by the partiesand to reach a decision, on the balance of probabilities, as to whether or not to uphold each complaint.

The Hearing

- The Hearing should proceed notwithstanding that the parent may decide not to attend. In these circumstances, the Complaints Panel should consider the parent's complaint in his/her absence and issue findings on the substance of the complaint.
- The Hearing will be conducted in an informal manner. The parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not legal proceedings and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- All statements made at the Hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.
- All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- The Chair may, at his / her discretion, adjourn the hearing if he/she considers it appropriate to do so. This may include an adjournment for further investigation of any relevant issue, which may include an adjournment for the parties to take legal advice on a specific issue arising.
- Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he/she will conclude the Hearing.

Decision

- The Complaints Panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Directors.
- The Panel's findings and any recommendations will be provided in writing to the parents and, where relevant, the person complained about, within seven working days of the Hearing. A copy will also be made available for inspection on the School premises by the Headteacher.

The completion of Stage 3 represents the conclusion of the School's complaints procedure.

Record keeping and confidentiality

A written record will be kept of all formal complaints and of whether they have been resolved at the Stage 2 or have proceeded to a Panel Hearing including the action taken by the School as a result of the complaints (regardless of whether they are upheld).

Parents can be assured that all complaints will be treated seriously and confidentially. 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 Education and Skills Act 2008, requests access to them or where disclosure is required under other legal authority or court order.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

Date: November 2018

Signed Headteacher:

Review date: November 2019

Signed Director:

Appendix

Unreasonable complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We adopt the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints. We have also taken guidance from the Information Commissioner's Office published note on section 14 of the Freedom of Information Act 2000 and on subject access requests in determining when a complaint might be considered unreasonable.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

1 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;

- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

2 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

3 A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;

- unexplained delay in raising a complaint or issue;
- if the complainant is seeking an outcome which is unavailable via the complaints policy, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Head will normally only do so after consultation with the Chair of Governors.

[It is open to a complainant to request that a Complaints Panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.]