

33: COMPLAINT PROCEDURE

Date Reviewed: August 2022

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Revision number: 13

Reviewed by: BS

This policy takes account of the following documents and guidance:

- The Education (Independent School Standards) Regulations 2019
- The Independent School Standards Commentary on the Regulatory Requirements September 2019
- DfE Guidance
- The Department for Children, Schools and Families Guidance
- OFSTED Guidance on Complaints
- Education and Skills Act 2008

This policy is to be read in conjunction with all other school policies. Please particularly cross refer to the following policies:

- Admissions
- Anti-Bullying (including Cyber and Homophobic Bullying)
- Behaviour and Discipline
- Child Protection and Safeguarding Children
- Children Learning English as an Additional Language
- Children with Special Educational Needs, Learning Difficulties or Disabilities and Inclusion
- Code of Conduct
- Curriculum
- EYFS
- First Aid and Administering Medicines
- Health and Safety including Out of School Activities and Visits
- Missing Child
- PSHEE
- Sex and Relationship Education
- Spiritual, Moral, Social and Cultural (SMSC)

1. INTRODUCTION

At Cameron Vale School, we aim to provide a secure yet welcoming environment in which parents and staff can work in partnership in educating the children. For the purpose of this document a 'complaint' is to be interpreted as 'the expression of concern over any subject connected with the education and /or welfare of any pupil at the school'. Complaints of any nature must be made to the Headteacher or in her absence any member of the Senior Leadership Team. Any problems relating to the welfare and wellbeing of any child at Cameron Vale School will be addressed immediately and absolute priority will be given to any matters causing concern to any parent.

This policy document assumes the following principles:

- That a person making a complaint has a right to state his/her point of view.
- That the person against whom a complaint is made has a right to know immediately or as soon as possible thereafter, that a complaint has been made or that a concern has been expressed.

2. AIMS

1. To ensure openness in regard to the procedures for dealing with any complaint.
2. To inspire the trust and confidence of parents and carers in the procedures adopted by the Headteacher and Senior Leadership Team.
3. To protect the rights and professional integrity of staff members and other employees of the school.

Any complaints received will be investigated according to the Independent School Standards Regulations by the Headteacher or a delegated member of the Senior Leadership Team appropriate to the nature of the complaint.

A written record will be kept of all complaints, including details of at which stage the complaint is resolved and action taken by the school as a result of these complaints (regardless of whether they are upheld).

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 2008 Act requests access to them.

3. THE COMPLAINTS PROCEDURE

Cameron Vale School prides itself on the quality of the teaching and pastoral care provided for its pupils. However, if parents do have a complaint they can expect it to be treated by the school in accordance with the following procedure. (Summary of time scale see Annex A).

STAGE 1 - INFORMAL COMPLAINT (RESOLUTION NORMALLY WITHIN 5 SCHOOL WORKING DAYS)

All complaints may be made on an informal basis initially; verbally or in writing. Sections A-D deal with any informal complaints. In many instances, issues will be dealt with straight away. Where further information is required every effort will be made to make an initial response within 24 hours of the issue being raised.

N.B. it is hoped that most complaints and concerns will be resolved quickly and INFORMALLY

A COMPLAINTS BY PARENTS ABOUT A MEMBER OF STAFF

- i. Direct discussion with parents and Headteacher
- ii. Direct discussion with member of staff followed by conversation between member of staff and parents and aggrieved parties
- iii. Action on points raised agreed
- iv. Review situation
- v. If the complaint is about the Headteacher, the complaint should be made to the Chair of Governors at Forfar Education.

B COMPLAINTS BY PARENTS ABOUT ANOTHER CHILD.

- i. Class teacher involved immediately.
- ii. If necessary, playground supervisors involved and class teacher to observe in the playground.
- iii. All teachers are informed at staff meetings for classroom awareness.
- iv. "Complaining" parents telephoned; procedures explained; offered opportunity to talk further and asked to telephone immediately with any further/future concerns.
- v. Conflict noted on children's profiles and SMT ensure where possible that class teacher/tutor mitigates conflicts.
- vi. In instances of bullying the procedure is outlined in our anti-bullying policy
- vii. Where necessary steps will be taken in accordance in the school Behaviour and Exclusions

C COMPLAINTS BY A CHILD ABOUT A CHILD.

- i. All parties are separately seen by staff, as a fact collecting exercise.

- ii. Staff are informed in staff meetings.
- iii. Parents are informed
- iv. In instances of bullying the procedure is outlined in our anti-bullying policy
- v. Where necessary, steps will be taken in accordance with the school Behaviour and Exclusions policies

D COMPLAINT BY A MEMBER OF STAFF ABOUT A COLLEAGUE.

This is usually made to the Headteacher either informally or in appraisal.

- i. Informally: The Headteacher discusses matter with member of staff and offers to intervene tactfully. Usually the member of staff chooses to speak to the other staff member him/herself. SLT ensure that situations likely to cause friction/ aggravation between staff concerned are avoided.
- ii. In appraisal; Procedures as above, though the complaint is noted. In order to maintain a happy community, all staff are asked by the Headteacher in appraisal, if they have any concerns.
- iii. If the complaint is about the Headteacher, the complaint should be made to the Chair of Governors at Forfar Education who can be contacted by email on jf@forfareducation.co.uk or by telephone on 07780 816294.

STAGE 2 - FORMAL COMPLAINT (RESOLUTION NORMALLY WITHIN 10 SCHOOL WORKING DAYS)

Where the complainant is not satisfied with the response of the school, through the procedures outlined above, they may register a formal complaint. This should be done in writing to the Head, including,

- The nature of the complaint
- The reasons for their dissatisfaction with the school's response

The date of the receipt of the letter will be taken as the start of this stage of the process.

The Head will meet with the complainant as soon as is practical, to discuss the matter and, if possible, to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival. It may be necessary to carry out further investigations. The Head will keep written records of all complaints, and of meetings held in relation to them.

Once the Head is satisfied that all the relevant facts have been established, a response to the complaint will be made and the complainant will be informed in writing, within ten school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the school intends to take or a decision. A complainant who is not satisfied should proceed to the next stage.

In the event the complaint is against the Head, this will be addressed directly by the Chair of Governors at Forfar Education, with all correspondence addressed to the clerk at the address provided on the school's website.

A complainant who is not satisfied should proceed to the next stage.

STAGE 3 - INDEPENDENT RESOLUTION - PANEL HEARING (RESOLUTION NORMALLY WITHIN 21 SCHOOL WORKING DAYS)

If complainants seek to proceed with Stage 3 following a failure to reach an earlier resolution they should make a request to the Headteacher in writing to convene a hearing of the Complaints Panel. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal. The appeal will then be referred to the Complaints Panel for consideration.

The panel will consist of at least three persons not directly involved in the details of the complaint. The governing body will appoint the Panel members, one of whom will be independent of the management and running of the school. The Chairman of Governors, on behalf of the school, will then acknowledge the complaint (normally within 5 standard working days) and

schedule a hearing to take place as soon as is practicable for the Panel to be convened. Normally, this will be within 21 standard working days.

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 or further investigation be carried out. Copies of such material will be supplied to all parties not later than 5 standard working days prior to the hearing. Complainants may be accompanied to the hearing by one other person. The Head shall also be entitled to be accompanied to the hearing by one other person if they wish. Legal representation is not normally necessary. The Panel will decide whether it would be helpful for witnesses to attend.

If possible, the Panel will resolve the issue immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all relevant facts the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and accordingly decide whether to: dismiss the complaint(s) in whole or in part; Uphold the complaint(s) in whole or in part; and may make recommendations.

The Panel will write to the complainant(s) informing them of its decision and the reasons for it within 21 standard working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the panel's findings with regard to the complaint and, if any, recommendations, will be sent in writing to the complainant(s), Head, Chairman of Governors and where relevant, the person of whom the complaint was initially raised.

The copies of the findings and recommendations should be available for inspection on the school premises by the Proprietor (Governing Body) and Head.

OFSTED North Regional Centre
Piccadilly Gate
Store Street
Manchester
M1 2WD
OFSTED general helpline telephone number
0300 123 1231
www.ofsted.gov.uk

Independent Schools Inspectorate
Ground Floor
CAP House
9-12 Long Lane
London EC1A 9HA
Tel: 020 7600 0100
Fax: 020 7776 8849

Number of formal complaints received to date is available on request in accordance with ISI Guidance.

4. RECORDS

A record of all complaints and their outcome which do not have safeguarding implications will be kept by the school for not less than seven years, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld). Where there is a safeguarding angle 'Records concerning allegations of abuse must be preserved Reviewed September 2020 6 for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer. (DfE September 2020)

At the school's discretion, additional records may be kept which may contain the following information.

- Date and time when the issue was raised
- Name of the complainant
- Name of pupil
- Description of the issue
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails, records of phone conversations and minute of any meetings)
- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint)

5. CLOSURE OF COMPLAINTS

Very occasionally, the School will feel that it needs to close a complaint where the complainant is still dissatisfied. Despite the School's attempts to resolve a complaint, it is sometimes not possible to meet all of the complainant's wishes and there must be an agreement to disagree.

If a complainant persists in making representations to the School, then it can be extremely time-consuming and detract from our responsibility to look after all the children in our care. For this reason the school is entitled to close correspondence (including personal approaches, telephone calls, letters or emails) on a complaint where the School feels it has taken all reasonable action to resolve the complaint and the complaint has exhausted our official process.

Stage 3 is the final stage of the complaints procedure.

Where a complainant has been through the school's internal complaints procedure and is still unhappy with the outcome or decision, then they may contact the Independent Schools Inspectorate. Email: concerns@isi.net or call 020 7600 0100.

ISI cannot investigate an individual concern, but, as a minimum, all concerns will be logged and shared with the Reporting Inspector before the next inspection of the school. Where the concern suggests that a school is not meeting a regulatory requirement it will also be referred to the Department for Education (DfE).

6. UNREASONABLE COMPLAINTS, AND SERIAL AND PERSISTENT COMPLAINANTS

The School is 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 the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behavior, including that which is abusive, offensive or threatening.

The School defines serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other peoples' complaints'*. Repeated attempts made by a parent to raise the same complaint after it has been considered at all three stages, will also be regarded as vexatious and outside the scope of this policy.

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 cooperate 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 the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- 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.

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 about the school on social media websites/in newspapers or any other format

Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached. Whenever possible the Head or Proprietor will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. If the behavior continues, the Head will write to the complainant explaining that his/her behavior is unreasonable and asking him/her to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School or removing a pupil from the school roll.

7. CONFIDENTIALITY

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required by Paragraph 33(k) of Part 7 of 'The Education (Independent School Standards) Regulations' 2014 where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

The School's complaints procedure is included in information given to new parents and is published on the School's website. A copy of this procedure is also available to view at the School during the school day, in the school.

APPENDIX 1

Number of complaints registered under the formal procedure during the year 2021-2022

Schools are required to publish the number of complaints registered under the formal procedure during the preceding school year.

The number of complaints dealt with at this stage in 2021-2022 was: 0

APPENDIX 2

Summary of Time Scale for the Management of a Complaint

Stage 1

Same day or within 5 school days.

Stage 2

Acknowledgment of complaint in writing within 5 school days. Response to complaint within 10 school days.

Stage 3

The complaint will be heard by the panel within at least 14 school days after receiving written request. The complainant will be informed of the outcome of a full investigation within 28 days.

EYFS

Written complaints about the fulfilment of the EYFS requirements will be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

APPENDIX 3

In line with the Statutory framework for the Early Years Foundation Stage 2017, sections 3.74 and 3.75 state that there should be a written procedure for dealing with concerns and complaints from parents and carers. The procedure for making a complaint is as follows:

The parent

The key person

The manager/deputy manager

Ofsted

Investigation

The complaint will be investigated by the manager who will speak to each person involved. The manager will resolve the situation in a fair, unbiased way. If the situation cannot be resolved to the parent's satisfaction then the parent will be advised to contact the governing body Ofsted, who will then take further action if deemed necessary. Parents will also be informed that they may contact Ofsted directly; the relevant contact details are below.

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD

Ofsted helpline 03001234666

www.ofsted.gov.uk/contact-us/how-complain

<http://live.ofsted.gov.uk/onlinecomplaints/>

Complaints are to be recorded on the EYFS complaints form, this contains the child's details, the nature of the complaint, who was involved, and the areas of the EYFS it relates to. The outcome will also be recorded on the complaints form. All records of complaints are to be kept for at least 3 years after the child has left the EYFS with details being shared with the child's parent/carer or Ofsted, on request.

All complaints will be received and dealt with in confidence with only the relevant people being informed. The manager will inform the parent/carer of the outcome of the investigation within 28 days of having received the complaint, as detailed in section 3.74 of the Statutory framework for the Early Years Foundation Stage 2017.

Concerns regarding child protection will be dealt with in accordance with our safeguarding policy/procedures with the relevant authorities being informed.

The legislation which we work to regarding this policy is as follows:

The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2020

Statutory framework for the Early Years Foundation Stage 2017

The Equalities Act 2010

Data Protection Act 2018

The Human Rights Act 2000

Every Child Matters – change for children 2004

Disability Discrimination Act 1995

Convention on the rights of the child –UNICEF 1989

Race Relations Act 1976 Sex Discrimination Act 1975 and 1986