Doucecroft School Services

Complaints Procedure

**Last Reviewed by:**
Education Leadership Team

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Doucecroft School Services
Complaints Procedure

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Ethos:

We welcome individuality and provide a safe and positive learning environment, to enable our students to thrive and meet their full potential preparing them for their future.

Our Mission:

At Doucecroft School Services our mission is that our students:

Developing – Independence and life skills
Opportunity – to experience and learn new things
Understanding – to be understood and valued as an individual
Creativity – to express myself as an individual
Encouraged – to try new things and realise my potential
Confidence – to achieve and develop my self esteem
Respect – to feel accepted and accept others
Openness – to share experience and feelings with others
Fairness – to be recognised for achievement
Tolerance – accept that everybody is different

1. Introduction

Doucecroft School services aims to meet its statutory obligations when responding to complaints from parents of pupils 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
• Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
• 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.
A copy of the complaint’s procedure is made available to students and students in an accessible format. Students will be supported by staff if necessary to make a complaint. Symbolised guidance is available to students wishing to make a complaint.

2. Legislation

This document meets the requirements set out in part 7 of the schedule to 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).

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”. The school will resolve concerns through day-to-day communication as far as possible.

A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. 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.

5. The Complaint Procedure

Any complaints from students, parents/carers, staff, visitors and members of the public will be managed in line with the following procedure.

Dealing with Complaints – Initial concerns

If you have a concern about anything which occurs within the school setting the issue may be able to be resolved informally by discussing it with the student’s teacher or senior residential worker. If you have a concern and raise it with a member of staff, they will refer you to the appropriate senior staff with which to discuss the matter. You may raise your concern in writing addressed to the appropriate person.

Students can raise concerns about any aspect of their education with a member of staff who will support them through the procedure. (Visual advice for students is displayed in all residential settings and classrooms) Staff must be aware that a student may not “complain” as such but comment on an aspect of their education, staff should ensure they listen carefully to these comments and ensure disclosures are recorded appropriately. A symbolised version of the form is available. Students can also raise concerns through house meetings, the school council and the “Thought Boxes”.

Concerns may also be raised with a member of the senior management team in writing, in person – by appointment or by telephone.

All concerns will be taken seriously and handled confidentially if appropriate and not prejudicial to the concern being resolved.

If you feel that you wish to make a more formal complaint or are unhappy with how your concern was handled, then your complaint should be made in writing and sent to the Head Teacher. If the Head Teacher is the subject of the complaint, then the complaint should be made in writing to the Chair of the Trustees. (Appendix c)

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

Three school-based stages are likely to be sufficient for most schools:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by The Head Teacher
- Stage three: complaint heard by the complaints appeal panel.

Complaints will be considered objectively, and impartiality is crucial. The complaints procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be publicised and easily accessible
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action
- keeps people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people’s desire for confidentiality;
- address all the points at issue
- provides an effective response and appropriate redress, where necessary;
- provide information to the school’s senior management team so that services can be improved.

Investigating Complaints

The person investigating the complaint will aim to:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- clarify areas of agreement and any misunderstandings.
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.
3.5 **Resolving Complaints**

The person investigating the complaint will aim to establish with the complainant how the complaint may be resolved. This may be via:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

6. **Complaints against the headteacher, a governor or the governing board**

Complaints made against the headteacher should be directed to the chair of governors. Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance.

4. **The Formal Complaints Procedure**

4.1 **Stage 1**

*Complaint heard by staff member*

Complaints and concerns at this stage may be heard by a member of staff as at the informal stage of concern or be addressed to a member of the senior management team. Complainants should at this stage, if possible, record their complaint on the formal complaints form at appendix 1. All complaints at this stage must be recorded in the complaints book/file see appendix B

If the first approach is made to a Governor or Trustee, the next step would be to refer the complainant to the appropriate person (usually the Head Teacher) and advise them about the procedure. Governors or Trustees should not act unilaterally on an individual complaint outside the formal 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.

If the complaint is not resolved at this stage or if the complainant is unhappy with the solution, then the complaint can be taken to stage 2. Further meetings can be arranged at this stage to help resolve the complaint and further investigation may be necessary.
4.2 Stage 2
Complaint heard by the Head Teacher

This stage will be heard by the Head Teacher (complainants may request complaints to be dealt with by the Head Teacher at an earlier stage) All complaints at this stage must be made in writing preferably on the appropriate complaints form or if not then attached to a form. See appendix A.

A Complaints Coordinator will be appointed by the Head Teacher to manage the procedure. Acknowledgement of a formal written complaint will be made within two working days by the Head Teacher. This will indicate how the complaint is to be dealt with and by whom. The school services hope to resolve complaints at stage 2 within a total of 10 working days of the complaint entering stage 2. However as at all stages of the procedure additional meetings may be arranged and further investigation sanctioned with the agreement of all parties.

The Head Teacher may delegate the role of collating information to another staff member but not the decision about the complaint. At this stage of the procedure any decisions will be made by the Head Teacher. If the complaint is regarding the Head Teacher this stage of the complaints process will be managed by the Trustees.

4.3 Stage 3
Complaint Heard by the Complaints Appeal Panel

If the resolution of a complaint is not accepted by the complainant they must be made aware that their complaint can be heard by the Board of Trustees, in the first instance the Complaints Trustee, if a resolution of the complaint acceptable to all parties is not achieved, then to the Complaints Appeal Panel.

Process

The complainant must write to the Chair of Trustees giving details of the complaint within 5 working days of the end of stage 2 of the formal complaint's procedure. The appointed complaints Trustee will contact the complainant within five working days to arrange a meeting within an agreed time frame – no greater than 10 working days. If the complaint is not resolved to the satisfaction of all parties then the Chair, or a nominated Trustee, will convene a complaints panel within 5 working days. The complainant has the right to be accompanied to the panel hearing by a friend. With the agreement of all parties the time scale for convening a panel may be extended.

The Trustees’ appeal hearing is the last school-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.
Individual complaints will not be heard by the whole body of Trustees at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Trustees will nominate a number of members with delegated powers to hear complaints at that stage and set out its terms of reference. These will include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will be drawn from the nominated members of the governing body of the school or the board of Trustees and may consist of three or five people. The panel will include one person who is independent of the management and running of the school, this may be the school’s “independent visitor.” The panel can choose their own chair.

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school’s actions and be followed by the school’s witnesses
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school’s actions and response to the complaint
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.
5. **The Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trustee sitting on a complaints panel needs to remember:

5.1 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee/Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees/Governors need to try and ensure that it is a cross-section of the categories of Trustee/Governor and sensitive to the issues of race, gender and religious affiliation. At least one member of the panel must be independent of the school services.

5.2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must 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 establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

5.3 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 panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

5.4 Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child’s parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

5.5 The Trustees/Governors sitting on the panel need to be aware of the complaint’s procedure.
6. Notification of the Panel’s Decision

The chair of the panel will ensure that the complainant is notified of the panel’s decision in writing. This will be within 2 working days of a decision being reached. The Head Teacher and Proprietor will be given copies of the finding and recommendations of the panel. This stage is as far as Doucecroft School Services complaints procedure goes. The complainant can if they wish contact their local authority, citizen’s advice or solicitor for further advice.

7. 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.
Complaint campaigns
Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all the complainants

If complainants are not satisfied with the school’s response, or wish to pursue the complaint further, the normal procedures will apply.

8. Referring complaints on completion of the school's procedure

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

- 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
9. Roles and Responsibilities

The Role of the Clerk

The panel considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

- 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;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel’s decision.

The Role of the Chair of the Trustees or the Nominated Trustee

The nominated Trustee role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
10. 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 phone calls. 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 through a subject access request 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 securely, only for as long as necessary and in line with data protection law.*

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

10. Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher 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.

11. Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board 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 the Headteacher. This policy will be reviewed by the headteacher every year. At each review, the policy will be approved by the full governing board.
Complaints Procedure

Flowchart

Summary of Dealing with Complaints

Complaint heard by staff member
Head Teacher allocates a complaints co-ordinator
  • Ensure complaints co-ordinator informed of outcome

Issue resolved

Issue not resolved

Complaint heard by Head Teacher
  • Acknowledge receipt of complaint
  • Write to complainant with outcome of investigation
  • Ensure complaints co-ordinator informed of outcome

Issue resolved

Issue not resolved

Trustee’s complaints panel meeting arranged
  • Issue letter inviting complainant to meeting
  • Issue letter confirming panel decision
  • Ensure complaints co-ordinator informed of
Doucecroft School Services
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Appendix A

Please complete and return to .................................................. (Complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil’s name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Complaint resolved at: (please indicate)
Initial concern, Informal stage, Formal stage1, stage2, stage 3.
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Appendix B

Doucecroft School Services Complaints folder will be used to record the following detail of all complaints received.

1. The name and address of the complainant, if the complainant is a pupil/student their age and details of supporting adults will also be recorded.
2. A summary of the complaint
3. A summary of fact relevant to the complaint
4. The Head Teacher comments on the complaint including an explanation of any action taken
5. Details of action taken (if any) by the Head Teacher since the complaint was made.
6. All complaints and record will be confidential.

Appendix C

Contact details of Doucecroft School Services

Chair of the Trustees
Autism Anglia
Century House
Riverside Office Centre
North Station Road
Colchester
Essex
CO1 1RE

Tel: 01206 577678

Further copies can be obtained from:

Doucecroft School Services
Abbott's Lane
Eight Ash Green
Colchester
CO6 3QL

Tel. 01206 771234