

# POLICY STATEMENT



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| Policy             | Complaints Policy   |
| OFSTED Standard No |                     |
| School Department  | Safeguarding and HR |

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| Date Written   | 17 May 2018  |
| Written by   | K Samson   |
| Approved by  | AGB  |
| Date of Approval   | 18 May 2018  |
| Next major review date   | 01 September 2022  |
| Location and disseminations                                      | A copy of the policy can be found, in the school admin office and on the school website.   |
| The context of the policy and its relationship to other policies | This policy should be considered in conjunction with other written policies on behaviour, health and safety, medicines, school visits, child protection and safeguarding.  |
| Forms, feedback and reporting                                    | Some policies have specific reporting forms (these would be indicated within the policy). However, don't panic if you cannot locate the correct reporting or feedback form you will find, next to every policy on the web site that there is an online report form and rating form for any feedback that you may wish to give. |

# Complaints Policy

## 1 Introduction

1.1 Policy status: The policy has been approved by the Principal and the Advisory Governing Body of Buckswood School (School). It provides guidelines for handling concerns and complaints. It takes account of paragraph 25 of schedule 1 to the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997). The policy applies to all sections of the School. The procedures set out below may be adapted as appropriate at the Advisory Governing Body's (or Panel's) discretion, to meet the circumstances of each case.

1.2 A copy of this policy can be downloaded from the School's website and can be made available in large print or other more accessible format, if required. If you require assistance with making a complaint, for example because of a disability, please contact the school who will seek to make appropriate arrangements.

1.3 Application: Separate procedures apply in the event of a child protection issue, or if the Principal expels or asks a pupil to leave and the parents seek an appeal of that decision.

1.4 Parent(s) / You: Includes a current parent or legal guardian or education guardian and at the School's sole discretion, the parents of former pupils.

1.5 Three stages: This policy describes a three stage procedure:

- Stage 1: informal raising of a concern or difficulty notified orally or in writing to a member of staff
- Stage 2: a formal complaint in writing to the Principal, which may be referred to the Chair of the Advisory Governing Body
- Stage 3: a reference to the Complaints Panel

Timescales: We aim to resolve any complaints in a timely manner, and certainly within two months. Timescales for each stage are set out below in the relevant paragraphs. When we refer to working days, we mean Monday to Friday, when School is open during term time. The dates of terms are published on the School's website.

1.6 A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action (such as a house tutor, form tutor, a Head of Department, the Head of Boarding, the Academic Principal, or the Designated Safeguarding Lead and should be confirmed in writing to the Principal.

## 2 Policy aim and statement

2.1 Aim: The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare and standards. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

2.2 Policy statement: We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to the School's culture. Parents and pupils should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at the School. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

2.3 What is excluded from this policy: This policy relates to parental complaints about the operation of the school in general or some aspect of a child's education in particular. It does not apply to:

Child Protection

Collective Worship

Freedom of Information Access

The National Curriculum

Pupil Exclusions

School Admissions

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters.

Services provided by other organisations on the school site or through the school

Sex Education

Special Educational Needs assessment and statementing procedure

2.4 Reasons why a complaint would be deemed to fall outside this policy:

- (i) The matter raised is substantially a repeat of previous complaint which has been addressed by the school;
- (ii) The matter relates to events which occurred more than three calendar months before the date when the complaint was received by the school, unless good reason can be shown as to why the matter could not have been raised earlier.
- (iii) The complaint is vexatious or frivolous.
- (iv) The complaint relates to a matter over which the school has no jurisdiction or authority over the persons involved.
- (v) The complaint relates to one of the excluded matters set out in paragraph 2.3 above.

### 3 Management of complaints

- 3.1 Co-ordination of complaints: The School has a central record of the complaints and the stage at which they were resolved.
- 3.2 Duty Officer: A senior member of staff is designated the Duty Officer at all times. The Duty Officer has authority to take decisions relating to most matters of pastoral care and discipline. The Duty Officer can be contacted by email or via the main school phone number.

### 4 Stage 1: concerns and difficulties

- 4.1 Concerns: We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include a dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the School's systems or equipment, or a billing error. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

- 4.2 Notification: If appropriate, please raise the concern initially as follows:

4.2.1 education issues: if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Class Teacher, Tutor, Head of Department, Head of Year, Resident Tutor or Academic Principal as appropriate;

4.2.2 pastoral care: for concerns relating to matters outside the classroom or in the House, please speak or write to the Tutor, Resident Tutor or Head of Boarding;

4.2.3 disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it, and, if not resolved, with the Resident Tutor, Head of Year or Head of Boarding;

4.2.4 financial matters: a query relating to fees or extras should be stated in writing to the Bursar;

4.2.5 welfare of boarders: boarders are provided with appropriate helplines which they can ring in case of problems or distress. These include the Children's Commissioner or the Local Authority Designated Officer (LADO). Parents may also contact an inspector or the LADO.

Details of how to contact Ofsted/ISI are given at the end of this procedure. The Designated Safeguarding Lead at the School will be able to give you the name and contact details for the LADO with responsibility for the School. Alternatively you should be able to find these details on the East Sussex Local Safeguarding Children Board (ESLSCB) website;

4.3 Acknowledgement: We will use our best endeavours to acknowledge a written notification by telephone, fax, e-mail or letter within two working days of receipt. A matter raised orally will not necessarily be acknowledged in writing.

4.4 Unresolved concerns: A concern which has not been resolved by informal means within 15 working days should be notified as a formal complaint in accordance with Stage 2 below.

## 5 Stage 2: formal complaint

5.2 Notification: An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details in an envelope addressed to the co-principals. Appendix 4 contains a form that may help with this process. They or someone on their behalf will use their best endeavours to acknowledge your complaint by telephone, fax, e-mail or letter within two working days during term time, and as soon as practicable in the holidays, indicating the action that is being taken and the likely time scale. If the complaint is about one or both of the co principals, the written complaint should be addressed to the Chair of the Advisory Governing Body who will follow the same procedure.

5.3 Investigation: One or both of the co-principals may ask a senior member of staff to act as Investigator and / or may involve one or more members of the Advisory Governing Board. The Investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Principal who will then notify you by telephone, fax, e-mail or letter of the decision and the reasons for it. Summary written records will be kept of all meetings and interviews held in relation to your complaint.

5.4 Outcome: The Principal's aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 working days from the receipt of the complaint. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of relevant personnel.

5.5 Further steps: If you are dissatisfied with the Principal's decision under Stage 2, your complaint may be renewed in writing to the Chair of the Advisory Governing Body. (Please note that this is an optional stage. It may be more appropriate for your complaint to be referred to the Complaints Panel in which case you are invited to follow the procedure set out in section 6.) The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

5.6 Notification: You should write to the Chair within five working days of receiving the Principal's decision. Your letter to the Chair should give full details of your

complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged by telephone, fax, e-mail or letter within four working days during term time, and as soon as practicable in the holidays, indicating the action that is being taken and the likely time scale.

5.7 Action by the Chair: The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above) or the Chair may at his or her sole discretion decide to refer the matter to a Complaints Panel immediately.

When the Chair is satisfied that he / she has established all the material facts and relevant policies, so far as is practicable, he / she will notify you in writing of his / her decision and the reasons for it. He / she will aim to provide a response within ten working days of receiving your letter. If you are not satisfied with the Chair's decision, you may ask for the complaint to be referred to the Complaints Panel, by writing to the Clerk to the Advisory Governing Board (see paragraph 6.6 below).

#### 6 Stage 3: reference to the Complaints Panel

6.2 A Complaints Panel (Complaints Panel) hearing is a review of the decisions taken by the co principals (and the Chair where relevant). The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

6.3 The role of the Panel: The Panel's task is to establish the facts surrounding the complaint that has been made by considering: the documents provided by both parties and any representations made by you, the co-principals or the Chair.

6.4 If, after establishing the facts, the Panel consider that the complaint is substantiated and justified, they will uphold the complaint. If the Panel consider that the complaint is not substantiated and justified, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

6.5 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 or any other issues to the co-principals or to the Proprietor or full body of the Advisory Governing Board as appropriate.

6.6 Composition: The Chair will constitute a Complaints Panel comprising at least three people who were not directly involved with the complaint, usually made up of School advisory governing body members and one independent member who is independent of the governance, management and running of the School.

6.7 Notification: To request a hearing before the Complaints Panel please write to the Clerk to the Advisory Governing Board at the School's address within five working days of the decision complained of. Your request will usually only be considered if you have completed the procedures at Stages 1 and 2 (and, where appropriate, Stage 3).

Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk.

Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the School's possession and wish the Panel to see. The Clerk will use his or her best endeavours to acknowledge your request in writing within two working days. If you require assistance with your request, for example, because of a disability, please contact the Clerk who will seek to make appropriate arrangements.

6.8 Convening the Panel: The Chair will convene the Complaints Panel as soon as reasonably practicable. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member (as described in paragraph 6.5 above). You may ask the Chair to tell you who has been appointed to sit on the Panel.

6.9 Notice of hearing: Best endeavours will be made to enable the Panel hearing to take place within twenty one days of the receipt of your request. As soon as reasonably practical and in any event, at least fourteen days before the hearing, the Clerk will send you written notification of the date, time and place of the hearing, together with the names of the Panel members who will be present. Where documents or other papers are to be referred to at the hearing you must identify them to the Clerk not less than seven days beforehand. Such will then be put in chronological order, paginated and thereafter form part of a hearing bundle which will be prepared by the Clerk. Copies will be made available to you, the Panel Members, the Principal and anyone else that the Panel Chair decides should have sight of the hearing bundle not less than 3 working days before the Panel hearing.

6.10 Attendance: You will be invited to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend. The hearing is not a legal proceeding and you do not need to be accompanied by a person who is legally qualified however if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the School at least five working days before the hearing. Copies of any additional documents you wish the Panel to consider should be sent to the Clerk at least three clear working days prior to the hearing.

6.11 Chair: The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.

6.12 Hearing: 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. The Clerk (or another person chosen by the Panel) will be asked to take a summary handwritten minute of the proceedings but there will not be any transcript or recording taken.

6.13 Evidence: The Panel Chair will conduct the hearing in such a way as to ensure that all parties have the opportunity of asking questions and making comments in an appropriate manner. It is your responsibility to put your case forward and not that of the person accompanying you, who is not entitled to make representations on your behalf. The hearing is not a legal proceeding 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 at the Panel Chair's discretion.

6.14 Conduct: 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. If terminated, the original decision will stand. 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.

6.15 Adjournment: The Panel Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue.

6.16 Decision: After due consideration of the matters discussed at the hearing, the Panel shall reach a decision (unless there is an agreed position which emerges at or subsequent to the hearing before such decision is reached). The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within ten working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you, and to the person or persons complained about. The decisions, findings and any recommendations will be available for inspection on the School premises by the Governing Body and the Principal. Reasons for the decision will be given. The decision may include recommendations and such, if any, will be sent to you, the Chair of the Governing Body, the Principal and the person or persons complained about. The decision of the Panel is final and is not subject to any further appeal.

6.17 Private proceeding: A 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: nor to other parents, or pupils, or any other persons. The Panel Chair may require participants including you and any other persons present to acknowledge and agree to be bound by a confidentiality agreement to this effect.

6.18 Complaints Register: A written record will be kept of all formal (Stage 2) complaints, and if they proceed to a panel hearing. The number of complaints registered under the formal procedure during the preceding school year is shown in appendix 3 of this policy.

6.19 Correspondence, statements and records relating to individual complaints will be kept confidential by the School except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI



2010/1997), that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

## 7. Recommendations

It is possible that the Panel will propose changes to organisation or procedures as a result of their deliberations. These are to be presented to the Advisory Governing Board.

## Appendix 1

### Details of how to contact ISI and OfSTED

The Independent Schools' Inspectorate (ISI) can be contacted at the following address:- CAP House 9 – 12 Long Lane LONDON EC1A 9HA Telephone 020 7600 0100 ☒ Email [info@isi.net](mailto:info@isi.net))

OfSTED can be contacted at the following address:- Ofsted Piccadilly Gate Store Street Manchester M1 2WD Telephone: 0300 123 1231 ☒ Email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

## Appendix 2 Definition of a Complaint

A formal complaint registered on the school's Complaints Register is one that has been registered by a parent of a pupil in written form; it expresses the term "complaint" and is encompassed by the school's Complaints Procedures for Pupils or Parents. By its nature a formal complaint is more serious and severe than an informal complaint or "concern". A complaint will normally, but not exclusively, be focussed upon a person or persons associated with the school, their conduct or behaviour or will generally identify a perceived failure, error or breach of contract (in the broadest sense of the term) between the school and the complainant. Occasionally the co-principals may deem a "concern" or an informal complaint (verbal or written) which has been raised, to have the severity of a formal complaint and on such an occasion the matter will be registered and treated as a complaint and handled as such via the normal procedures as outlined in the school's Complaints Policy.

## Appendix 3 Number of formal complaints received

The number of formal complaints received by Buckswood School last academic year was 0.

## Appendix 4 – Formal complaints form

Please complete and return to the school secretary 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: