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1.0 INTRODUCTION

This document is guidance for dealing with complaints but the underlying principle is that concerns ought to be handled, if possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases, the class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

Compliance: This policy complies with all relevant regulations and other legislation as detailed in the *Compliance with Regulations & Legislation Statement*.

2.0 PRINCIPLES

General

At Baston House School, we need to be clear about the difference between a concern and a complaint.

Taking **informal concerns** seriously at the earliest stage will reduce the numbers that develop into **formal complaints**.

- 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. At this stage the person raising the concern will be encouraged, where possible, to specify their concerns in writing.
- At Baston House School if a complaint is not resolved at a class level, the procedure is to refer the complaint to the Assistant Headteacher. If this does not result in a satisfactory outcome then the Headteacher will deal with the Complaint.

Framework of Principles

If you have a concern please discuss this in the first instance with class-based staff, or the Assistant Head teacher.

An effective Complaints Procedure will:



- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**
- Be **simple** to understand and use;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- Respect people's desire for **confidentiality**
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- Provide **information** to the school's senior management team so that services can be improved.

The Complaints Procedure can be found on the school website, www.bastonhouseschool.org.uk. Parents of all pupils in the school may receive copies of the Complaints Procedure. A copy is available on request.

If users have difficulties reading the text, please ask for clarification.

Staff will always aim to acknowledge a concern or complaint within the same working day or, if not, by the next day. An acknowledgement will include some indication of the proposed procedure and a time frame. A contact person will also be identified at this initial stage.

Complaints should be handled within the confines of Confidentiality. Information should be shared **only** with those who 'need to know'. It is important that letters, emails and general comments are NOT addressed to 'The Senior Management Team', or 'The Directors', as this will interfere with any future process should the first response fail to resolve the complaint to the complainant's satisfaction. All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

It is important that all aspects of a complaint are responded to in a way that addresses the original complaint. Staff will endeavour to do this.

Complaints and concerns will be monitored in a way that supports the Senior Management Team in improving the service to local authorities, pupils and their families.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- Establish **what** has happened so far, and **who** has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- 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.

Time Limits

- Complaints need to be considered, and resolved, as quickly and efficiently as possible. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.
- **The normal target for the completion of Stage 1 is 28 days from the receipt of the complaint.**



Resolving Complaints

At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. **It might be sufficient to acknowledge that the complaint is valid in whole or in part.** In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance (where possible) 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3.0 UNACCEPTABLE BEHAVIOUR AND FRIVOLOUS AND VEXATIOUS COMPLAINTS

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 seek to limit the contact complainants have with our school. 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, threatening or which constitutes harassment.

The School defines unacceptable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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
- 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
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with



- uses threats to intimidate staff or harass staff
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- is otherwise frivolous and vexatious

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before determining if the complainant's behaviour is unacceptable.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to modify it to enable their complaint to be considered in accordance with the school's complaints policy if within the scope of the complaints procedure.

For complainants who excessively contact the School causing a significant level of disruption, we may specify alternative methods of communication in which complaints should be made but will keep this under review.

4.0 THE FORMAL COMPLAINTS PROCEDURE

The Stages of Complaints

Baston House School complaints procedures have well-defined stages; a flow chart of these stages can be found in App 1.

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by Assistant Headteacher;
- Stage three: complaint heard by Headteacher;
- Stage four: complaint heard by Panel comprising of 2 Directors and 1 member independent of the management of the school.

Complaints Panel

If a parent is not satisfied with the response to the formal complaint, then the school will convene a panel consisting of at least three people who were not directly involved in the matters detailed in the complaint. The school aims to convene a panel hearing within 28 days of receiving written notice from the parent(s) that they remain dissatisfied with the outcome of the formal complaint, but this period may be extended by the school depending upon all the circumstances, including the availability of an independent panel member, school holidays and parent(s) availability.

The complaints panel will ensure that it complies with The Education (Independent School Standards) Regulations 2014 as a minimum. However, the panel may consider additional evidence that was not available during the formal complaints procedure, if available, and may allow parents to clarify any issue raised in their formal complaint and may join a number of formal complaints, in respect of which a parent remains dissatisfied with the response, together so that the panel may consider them simultaneously.

One member of the panel will be independent of the management and running of the school. This means the independent member will not only be outside the school's workforce, and not a member of governing body/proprietary body, but also will not be otherwise involved with the management of the school. A parent may be accompanied at the panel hearing if they wish. However, this does not confer a right on a parent to have a legal representative to make representations on his/her behalf at the hearing.



The school's arrangements for the panel hearing will be reasonable in order to facilitate the parent(s) exercising the right of attendance. However, in the absence of a reasonable excuse, if the parent(s) does not attend the panel hearing, the panel will still hold the hearing.

The panel will make findings and recommendations and a copy of those findings and recommendations will be provided to the parent(s), and, where relevant, the person complained about; and available for inspection on the school premises by the proprietor and the head teacher.

A written record of all formal complaints will be kept, including whether they were resolved following a formal procedure, or proceeded to a panel hearing; and the action taken by the school as a result of those complaints (regardless of whether they were 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 109 of the Education and Skills 2008 Act requests access to them.

Unacceptable Behaviour and Frivolous and Vexatious Complaints

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5.0 MANAGING & RECORDING COMPLAINTS

Recording Complaints

Staff at Baston House School record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, a member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised.

Our procedures are publicised through:

1. The school prospectus;
2. The information given to new parents when their children join the school;
3. The information given to the children themselves;
4. The home-school agreement;
5. Home school bulletins and newsletters;
6. The school website



APPENDIX 1: FLOWCHART

