

# The Pears Family School

(Keeping a child's mind in mind)

## THE COMPLAINTS POLICY

Date Approved by Governors	July 2020
Review Date	July 2021
Headteacher	Matthew Hillman
Headteacher Signature	
Named Governor	Neil Dawson
Named Governor Signature	

**At the heart of all policies at The Pears Family School are the following principles:**

- Every young person in our school, whatever his or her personal circumstances can learn and achieve.
- Every young person in our school, whatever his or her self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Pears Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

## **Legal requirement**

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that: ***'Regulations shall prescribe standards about the manner in which independent schools handle complaints.'***

The Family Pears School's complaints procedure is based on the requirements set out in Schedule 1, part 7 of the Education (Independent School Standards) Regulations 2014.

## **GENERAL PRINCIPLES OF COMPLAINTS**

This procedure does not cover staff grievances, for which there is a separate policy

### **1 Dealing with Complaints – Initial concerns**

- 1.1 Staff should 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.
- 1.2 These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases the class teacher or teacher therapist will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### **2 Dealing with Complaints – Formal procedures**

- 2.1 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. A person raising a complaint may be a parent/carer of a pupil, a pupil or another unrelated person.
- 2.2 The member of staff with responsibility for the operation and management of The Pears Family School complaints procedure is the Headteacher – Matthew Hillman who is the 'Complaints Co-ordinator'.

### **3 Framework of Principles**

- 3.1 The Pears Family School's Complaints Procedure will:
  - Encourage resolution of problems by informal means wherever possible;
  - Be easily accessible and publicised;
  - Be simple to understand and use;
  - Be impartial;
  - Be non-adversarial;
  - Allow swift handling with established time-limits for action and keeping 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 and provide an effective response and appropriate redress, where necessary;
  - Provide information to The Family Pears School's senior leadership team

so that services can be improved

## **4 Investigating Complaints**

4.1 At each stage, the Complaints Co-ordinator will attempt to:

- 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.

## **5 Resolving Complaints**

5.1 At each stage in the procedure The Pears Family School 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 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 ThePears Family School policies in light of the complaint

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

5.3 We should attempt to 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.

## **6 Vexatious Complaints**

6.1 If properly followed, our complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **7 Time-scales**

7.1 Every complaint shall receive fair and proper consideration and a timely response; please refer to the following guidelines for the specific timescales.

## THE FORMAL COMPLAINTS PROCEDURE

### 8 The Stages of Complaints

8.1 The Pears Family School's Complaints Procedure will have well-defined stages. A flow chart of suggested stages can be found in Annex B. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

#### 8.2 Three School-based stages are likely to be sufficient:

- Stage one: **Informal Resolution**: complaint heard by staff member (though not the subject of the complaint);
- Stage two: **Formal Resolution**: complaint put in writing and heard by Headteacher;
- Stage three: **Panel Hearing**: complaint heard by Governing Body's complaints appeal panel;

8.3 An unsatisfied complainant can always take a complaint to the next stage.

8.4 The procedure will specify how a complaint will be dealt with if it concerns the conduct of the Headteacher or a governor or where the Headteacher or a governor has been involved in the issue previously.

8.5 The complaints procedure can be found in Annex A.

## C MANAGING AND RECORDING COMPLAINTS

### 9 Recording Complaints

9.1 A written record must be kept of all formal complaints, including:

- Whether they were resolved at stage two or progressed to a stage three panel hearing
- What action was taken by the school as a result of those complaints (regardless of whether the complaints were upheld)
- A complaint may be made in person, by telephone, or in writing. A complaint form can be found in Annex C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and The Pears Family School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

9.3 The Complaints Co-ordinator will be responsible for the records and hold them centrally. The name of the Complaints Co-ordinator can be obtained from The Pears Family School administration team.

9.4 Correspondence, statements and records relating to individual complaints must be kept confidential, except where the secretary of state (or someone acting on his or her behalf) requests access to them.

### 10 Governing Body Review

10.1 The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing

Body will not name individuals.

- 10.2 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to The Pears Family School improvement. When individual complaints are heard, we may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Complaints Coordinator and the Governing Body can be a useful tool in evaluating our performance.

## **11 Publicising the Procedure**

- 11.1 There is a legal requirement for the Complaints Procedure to be put in writing, publicised and available to parents/carers. The Complaints Procedure will therefore be included in:

- The information given to new parents when their children join The Pears Family School;
- The information given to the pupils themselves;
- Any Home-Free School agreement;
- Home-Free School bulletins or newsletters;
- Posters displayed in areas of The Pears Family School that will be used by the public, such as at reception or the main entrance;
- The Pears Family School website

## Annex A

### Complaints Procedure

#### **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

The School will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised, except when they are raised in School holidays or within two (2) working days of their commencement, where the School will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) working days)

We will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator will refer the complainant to the Chair of Governors. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. A complaint against the chair of governors or any individual governor should be made in writing to the clerk of the governing body.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Complaints Coordinator and advise them about the procedure. It is important that governors do 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.

#### **Stage Two: Complaint heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The School will use its reasonable endeavours to resolve any formal complaints within ten (10) working days of them being raised, except when they are raised in School holidays or within two (2) working days of their commencement, where the School will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) working days)

#### **Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or the Clerk, will convene a Governing Body complaints panel within twenty (20) working days of receiving this letter.

The governors' appeal hearing is the last School-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body 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.

All parties will be informed of the decision within 10 working days

The Governing Body 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 procedure adopted by the panel for hearing appeals will be part of the school's complaints procedure. The panel will be drawn from the nominated members and may consist of three or five people; at least one of which must be independent of the management and running of the school. The panel may choose their own chair.

### **The Remit of the Complaints 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 that any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation and that at least one member is independent of the management and running of the school.
- b. 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 has to 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 that will satisfy the complainant that his or her complaint has been taken seriously.
- c. 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. They must be allowed to be accompanied if they wish. 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.
- d. 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.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk in arranging the hearing**

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 they are given reasonable notice, 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 within 10 working days

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The Nominated Governor 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.

### **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, with the panel's response within 10 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.



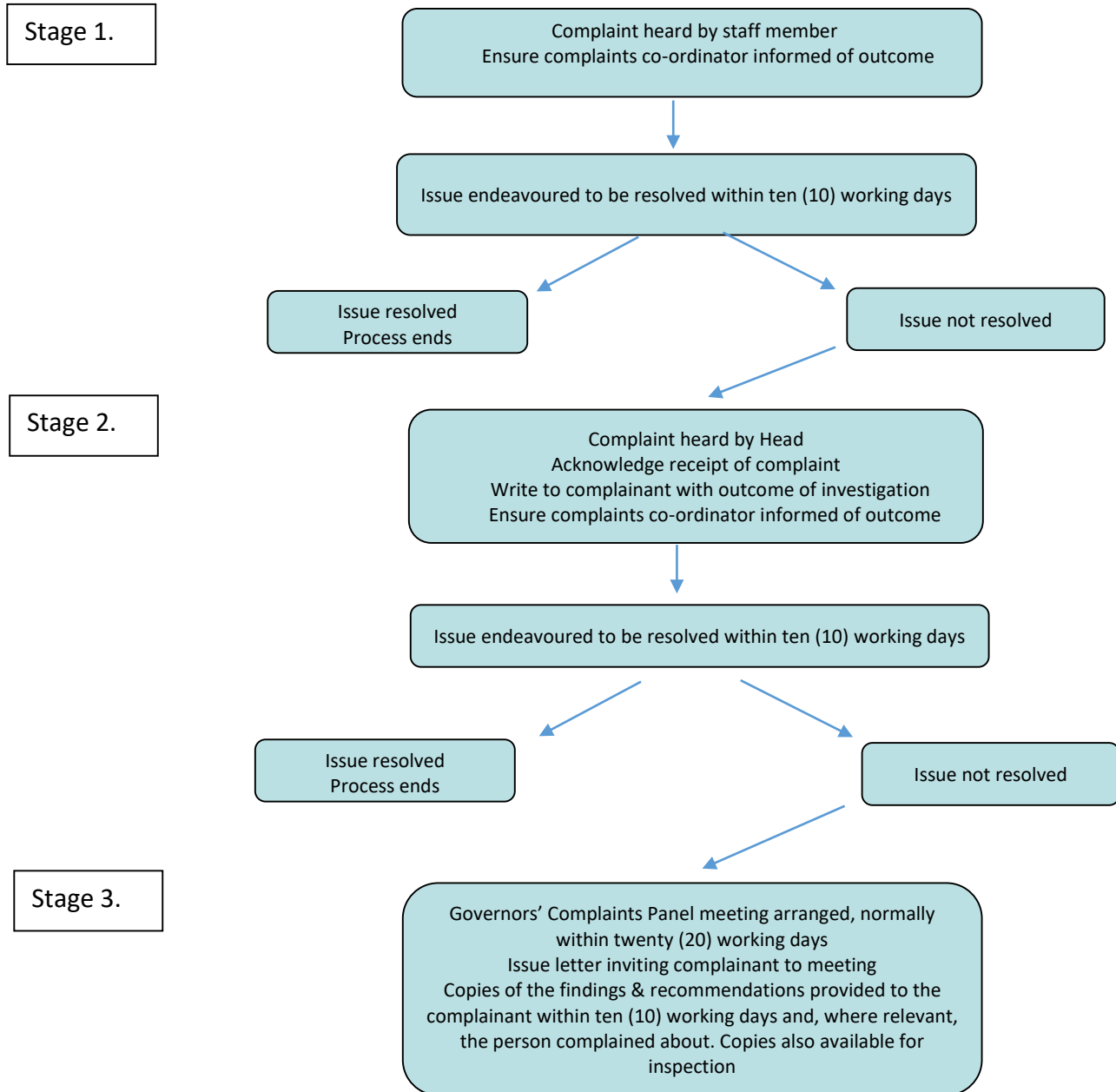
### **Checklist for a Panel Hearing**

The panel will take the following points into account:

- The hearing is as informal as possible.
- Parents and/or care-givers must be allowed to attend and to be accompanied if they wish
- 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Headteacher 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 Headteacher 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 10 working days

## Flowchart

### Summary of Dealing with Complaints



**Annex C**

**Complaint Form**

**Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint. <i>(please use separate pages if required)</i></b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)</b>

**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:**