

The Pears Family School

(Together we Recover, Rebuild, Reintegrate)

THE COMPLAINTS POLICY

Date Approved by Governors	[Sept 2024]
Review Date	Sept 2025
Headteacher	Matthew Hillman
Headteacher Signature	<i>M.Hillman</i>
Named Governor	John Cape

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.

A INFORMATION ABOUT OUR COMPLAINTS PROCEDURE

1. Who can make a complaint?

- 1.1. This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Pears School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Children are supported to resolve any concerns they have as a regular part of their day. Where a child feels they have a grievance that has not been resolved over time, we would expect a parent or carer to support them in discussing this further with our team.
- 1.2. This procedure does not cover staff grievances, for which there is a separate policy

2. Definitions

- 2.1. A **concern** may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- 2.2. A **complaint** may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 2.3. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. At the Pears Family School we take concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.4. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, our Headteacher, Matthew Hillman, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Matthew Hillman will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 2.5. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Pears Family School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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, keeping people

informed of the progress;

- Ensure a full and fair investigation by an independent person where necessary, that is, someone who has not had any direct involvement in the issue or incident leading up to the complaint.
- 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 leadership and governance, so that any lessons can be learned and services improved

4 Good communication

- 4.1 Our staff will take informal concerns seriously at the earliest stage, as part of our commitment to good communication with you. We hope this will help to reduce the number of concerns that develop into formal complaints.
- 4.2 In most cases you will communicate with the class teacher or teacher therapist as the first approach. We would expect our staff to be helpful and proactive in resolving issues on the spot, including apologising where appropriate.
- 4.3 Any concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

5 Managing Complaints – Formal procedures

- 5.1 Our formal procedures will be used when initial attempts to resolve the issue are unsuccessful, for example, if you remain dissatisfied with how your concern has been handled and you wish to take the matter further.
- 5.2 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'.
- 5.3 If, after our informal concern process, you feel the issue or incident has not been resolved, the Pears Family School's Complaints Procedure has two stages, detailed in *Appendix A*

Stage 1: Formal Resolution: complaint put in writing and heard by Headteacher;

Stage 2: Panel Hearing: complaint heard by Governing Body's complaints appeal panel

- 5.4 An easy to follow complaints procedure flow chart can be found in *Appendix D*.

6. How to make a complaint – Stage 1

- 6.1 If you feel your concern has not been resolved you can make a complaint in person, in writing or by telephone. Complaints may also be made by a third party acting on your behalf, as long as they have appropriate consent to do so.
- 6.2. This process is Stage 1 of the complaints procedure.
- 6.3. You should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

- 6.4. Complaints against school staff (except the headteacher) should be made in the first instance, to [Matthew Hillman, the headteacher](#), via the school office. Please mark them as Private and Confidential.
- 6.5. Complaints that involve or are about the headteacher should be addressed to John Cape, (the Chair of Governors), via the school office. Please mark them as Private and Confidential.
- 6.6. Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to [Countess Lundy](#) (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential. Any such complaint would be considered at Stage 1 by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.
- 6.7. For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- 6.8. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

7. How to escalate a complaint to Stage 2

- 7.1 At the end of Stage 1 the headteacher will advise you of how to escalate your complaint should you remain dissatisfied with the outcome.
- 7.2 If you are dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.
- 7.3 A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.
- 7.4 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 7.5 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 7.6 The Clerk will write to you to inform you of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 7.7 If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

- 7.8 The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.
- 7.9 If you are invited to attend the meeting, you may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 7.10 Representatives of the media are not permitted to attend.
- 7.11 The Chair of the Committee will provide you and the Pears Family School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter will include details of how to contact the Department for Education if there remains dissatisfaction with the way their complaint has been handled by the Pears Family School.
- 7.12 Details of the Governors Complaints Committee are in *Appendix B* and Roles and Responsibilities are outlined in *Appendix C*

8. Investigating Complaints

- 8.1 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 (for clarification or further information, where needed);
 - 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.
- 8.2. NB – If during this process insufficient or no information is provided within 10 days of repeated requests (taking the last attempt as day 1) a complaint may be closed.

9. Resolving Complaints

- 9.1 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 more effectively
 - 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 The Pears Family School policies in light of the complaint

9.2 An admission that the Pears Family School could have handled the situation better is not the same as an admission of negligence.

9.3 The Pears Family School 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.

10. Anonymous complaints

10.1. We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

11. Time scales

11.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

12. Complaints received outside of term time

12.1. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

13 Vexatious Complaints

13.1 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.

13.2. The Pears Family School policy for managing serial and unreasonable complaints provides a structure for complaints that fall into these categories.

14 Time-scales

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

15. Scope of this Complaints Procedure

15.1 This procedure covers all complaints about any provision of services by [Pears Family School](#), other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with your local authority .

<p>Special Educational Needs</p> <ul style="list-style-type: none"> School re-organisation proposals 	
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <i>These will be different, depending on your local authority. You can find the contact details by internet searching for 'LADO' and the name of your local authority, e.g. Islington.</i></p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

15.2. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

15.3. If a complainant commences legal action against [the Pears Family School](#) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

16. Withdrawal of a Complaint

16.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

B MANAGING AND RECORDING COMPLAINTS

17. Recording Complaints

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

- Whether they were resolved at stage 1 or progressed to a stage 2 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 *Appendix E*. 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.

17.2 The Complaints Co-ordinator will be responsible for the records and hold them centrally.

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

18. Governing Body Review

18.1 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.

18.2 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.

19. Publicising the Procedure

19.1 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

Appendix A

Complaints Procedure	
Stage 1:	Complaint heard by Headteacher

At this point, the complainant may be dissatisfied with the way their initial concern was handled at the informal stage as well as pursuing their 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)

The school will communicate the outcome of any complaint within 10 working days of the outcome being reached

Stage 2: 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 Governing Body Complaints Panel will comprise of governors who are independent of the complaints process up to this point.

The governors' appeal hearing is the last School-based stage of the complaints process, and is an important and independent meeting.

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.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Pears Family School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

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

Next Steps:

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Pears Family School. They will consider whether the Pears Family School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Appendix B

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 recognised as such. 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.

Appendix C

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.

Whilst the independence of the panel must always be maintained, there may be occasions when this independence from knowing the individuals involved in the complaint may result in the panel decision being poorly communicated.

With our continuing commitment to fostering positive relationships, the draft letter outlining the panel decision will be read by the Headteacher who may advise on the wording to better meet an individual need or sensitivity.

Checklist for a Panel Hearing

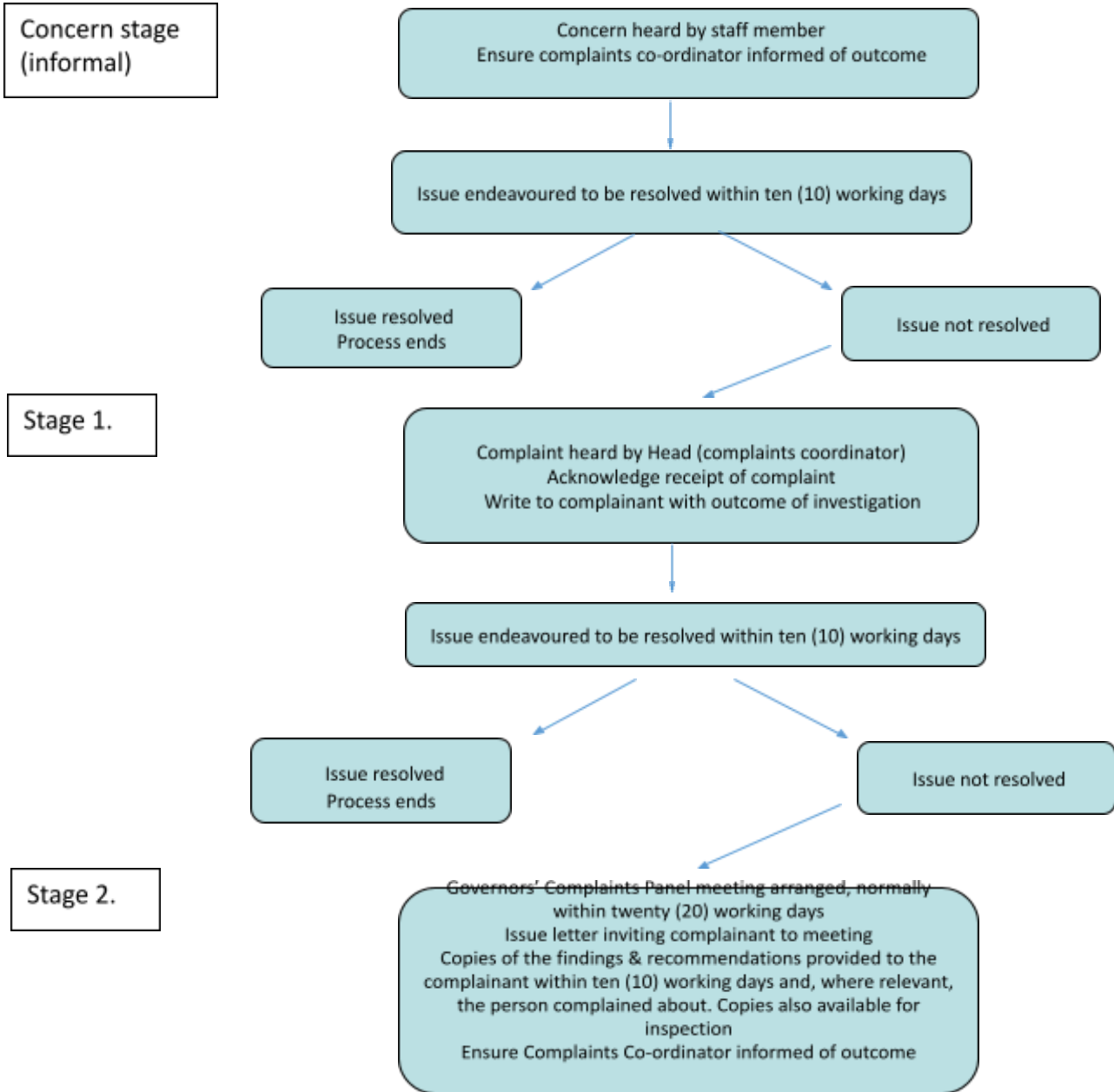
The panel will take the following points into account:

- 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



Appendix E

Complaint Form

Please complete and return to the Headteacher 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. <i>(please use separate pages if required)</i>
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:

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.

This policy has taken into consideration the Department for Education's best practice guidance for school complaints procedures, 2020.