

The Birches Specialist Support School Compliments and Complaints Policy



Date Reviewed: **January 2022**

Reviewed by: **F Shah Deputy Headteacher**

Signed:
On behalf of the Governors

Signed:
Head teacher

Date of next review: **January 2023**

THE BIRCHES SPECIALIST SUPPORT SCHOOL

COMPLIMENTS AND COMPLAINTS POLICY

INTRODUCTION

Most parents/carers and stakeholders have a positive relationship with us as a school.

We have a number of ways in which compliments can be made to report what has worked well and where positive feedback can be expressed. Compliments can be reported via the school email address as on our 'contact us' page on the website, we capture 'Wow' moments for feedback and we have online, or where possible and if safe to do so, face to face events where positive engagement from all stakeholders is encouraged. Compliments can also be noted on Class Dojo or over the phone recognising or praising a particular aspect of school. We are appreciative of our close communication with parents and carers.

Sometimes a problem may arise. This procedure will be used by the school's Governing Body when dealing with general complaints; it is for parents, carers, our stakeholders and members of the public to use to raise informal and formal complaints with the school and the Governing Body. All Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

All parties need to be clear about the difference between a concern and a complaint. Concerns should be handled if at all possible, without the need for formal procedures. In most cases, the class teacher will receive the first approach and may be able to resolve an issue immediately. The existence of a complaints procedure should not be seen as a way of undermining efforts to resolve a concern informally. The formal complaints procedure will need to be used where initial attempts to resolve the issue have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter

We believe that our school provides a good education for all our children, and that the head teacher and other staff work very hard to build positive relationships with all parents/carers.

A complaint is an expression of dissatisfaction about the policy or actions of the school. The following policy sets out the procedure that the school follows in such cases.

If any parent/carer is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately.

We deal with all complaints in accordance with procedures set out by the LA (Local Authority) and Department for Education. If the school cannot resolve any complaint itself, those concerned can ask the LA to intervene.

All parents/carers have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

Please note that all timescales mentioned in this policy will be affected by absence for a variety of reasons e.g. sickness absence, lockdown, self-isolation or having to quarantine and these reasons will need to be factored in to amended dates e.g. where a certain number of days have been noted, these will need to be adapted depending on the circumstances. Close communication between all parties concerned will be key to ensuring that expectations and adherence to this policy are maintained.

1. **Aims**

Our school 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 and courtesy

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.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

These aims help us to meet our school's Mission Statement – Working Together, Achieving Together.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), Updated 28 March 2019, including the model procedure, and model procedure for dealing with unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

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”

3.2 Scope

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.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing body

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. 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

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher or governors)

6.1 Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office on 0161 448 8895 or via email on admin@thebirchesschool.org.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the member of staff involved with a member of the senior leadership team.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office on 0161 448 8895 or via email on admin@thebirchesschool.org.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. This is whether the meeting takes place virtually or in person if socially distanced and appropriate health and safety measures are followed.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing body within 7 school days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing body:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 14 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing body in writing within 7 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 10 school days.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of the governing body available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 14 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. This is whether the meeting takes place virtually or in person if socially distanced and appropriate health and safety measures are followed.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave the meeting and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part

- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint

- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 14 school days.

6.3 Stage 3: submit the complaint to an independent reviewer

The independent reviewer is appointed by or on behalf of the proprietor. This person must not, at any time, have been a governor of the school, or a member of staff or supply staff at the school, and must not have been the parent of a registered or former registered pupil at the

school. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The complainant, proprietor and headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

The school will inform those involved of the decision in writing within 14 school days.

7. Complaints against the headteacher, a governor or the governing body

7.1 Stage 1: informal

Complaints made against the headteacher or any member of the governing body should be directed to the clerk to the governing body in the first instance.

If the complaint is about the headteacher or one member of the governing body (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing body and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a committee of independent governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete

- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 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 of the complainants

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

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, our privacy notices and record retention schedule.

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

Where the governing body 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 body, who will not unreasonably withhold consent.

11. Learning lessons

The governing body will review any underlying issues raised by complaints with the headteacher/senior leadership team, 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.

12. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The key contact on the school website will be the School Business Manager.

The complaints records are logged and managed by the School Business Manager.

This policy will be reviewed annually.

At each review, the policy will be approved by the full governing body.

Policy Information and Review

Review frequency: annually

Date	Version	Changes made	By whom (name and role)	Due date for next review	Reviewed & Ratified by Govs. (sign and date)
Autumn 2013	1	N/A	A White SBM	Autumn 2015	
Autumn 2015	2	General review	A White SBM	Autumn 2018	
May 2018	3	Full review, changed from 'Complaints policy' to 'Compliments and Complaints Policy' formatting and appendices added	F Shah Deputy Headteacher	May 2021	
July 2018	3	<i>06/07/18 The Policy Ratification Committee has met and requested that all current statutory policies are ratified for one year only whilst an appropriate cycle of ratification is implemented. Policies will then be approved for their full length of term either through the Full Governing Body or one of the committees following an agreed plan of ratification.</i>			

April 2019	3	Dates changed for ratification purposes	F Shah Deputy Headteacher	May 2022	
1 May 2019	4	Policy updated in line with DfE updates re: school complaints procedures (Updated by DfE 28 March 2019) + The Key resource base.	F Shah Deputy Headteacher	May 2022	
May 2020	4	Policy checked and remains the same – just need to check our record retention schedule for page 10 with SBM and then update.	F Shah Deputy Headteacher	May 2021	
January 2021	5	Policy reviewed and minor changes made in relation to timescales involved and meetings being held virtually as well as face to face. 22.01.21 received confirmation of our retention of records schedule from the school office (AW and HCJ) so yellow highlight removed.	F Shah Deputy Headteacher	January 2022	
January 2022	5	Policy proof read and checked, review frequency above this table changed from every 3 years to annually.	F Shah Deputy Headteacher	January 2023	