

**Outcomes
First
Group.**

Complaints Procedure and Policy

Brick Lane School
September 2023

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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 Brick Lane 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 Brick Lane 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.

This complaints procedure, as required by law in paragraph 33 [Part 7 of the Independent School Standards) and the number of complaints registered under the formal procedure during the preceding school year will be made available on the school's website.

The difference between a concern and a complaint.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally (Stage 1), without the need to invoke formal procedures (Stages 2 & 3). We take all concerns seriously and will make every effort to resolve any matter raised, as quickly as possible.

Framework of Principles

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

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.bricklaneschool.co.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.

Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services provided, unless separate statutory procedures apply (such as exclusions or admissions).

The complaints procedure does not apply to prospective pupils who have no right of complaint.

Complaints from Parents/Carers

The procedures set out below only relate to complaints from parents of pupils, i.e., persons for whom education is being provided at the school. The process set out below does not cover complaints from parents of pupils who have left (except in cases where the complaints process was started when the pupil was still being educated at the school).

It is expected that complaints are made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint). The procedures below will be followed in the event of a complaint being made by parents or carers against the school (complaints are not limited to parents or carers of children that are registered at the school).

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.

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.

Vexatious Complaints

- There may be occasions when, despite all stages of the procedures having been followed, the person making the complaint remains dissatisfied. If the complainant tries to reopen the same issue, the directors are able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

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.

3.0 THE FORMAL COMPLAINTS PROCEDURE

The Stages of Complaints

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by the Headteacher;
- Stage three: complaint heard by independent panel;

Informal Complaint (Stage 1)

If parents or carers have a complaint against the school, they may initially wish to contact the school informally either by telephone, in writing or personally after making an appointment. The school will ask the complainant what they think might resolve the issue. The school will consider and resolve as quickly and efficiently as possible the complaint and will respond with the outcome **within 10 working days** of receiving the complaint. Where further investigations are necessary that may exceed this period, amended time limits will be communicated with an explanation for the delay.

Formal Complaint (Stage 2)

If parents or carers are not satisfied with the response at Stage 1, they should write formally to the Headteacher of the school (see end of document for contact details)

The Headteacher will investigate the complaint further and respond in writing **within 10 working days** of receiving the formal complaint in writing. Where further investigations are necessary that may exceed this period, amended times will be communicated with an explanation for the delay.

If the complaint is against the Headteacher, the complaint should be addressed to the Chair of Governors, also known as the 'Regional Director'. Their contact details are at the end of the document. The Schools' Chair of Governors will investigate and respond within **20 working days** of receiving the formal written complaint.

Formal Complaint (Stage 3)

- If the parents or carers are not satisfied with the response from Stage 2, they should inform the School's Chair of Governors who will arrange a panel to hear the complaint.
- The panel will comprise of three people not directly involved in the matters detailed in the complaint. At least one member of the panel will be independent of the running and management of the school. The member should not only be outside the school's workforce, and not a member of governing body/proprietary body, but also should not be otherwise involved with the management of the school.

3. The date of the panel meeting will consider the availability of the parents or carers as well as the school and will take place **within 30 working days** of receiving formal notification that the complainant is unhappy with the outcome of the stage 2 complaint, and their desire to proceed to stage 3.
4. Parents or carers will be invited to bring with them another person or persons to support them at the panel hearing if they wish. The panel hearing does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing.
5. The panel will hear the complaint and will hear the outcome of the school's investigations and its response to these. The panel will then make findings and recommendations which will be communicated in writing **within 10 working days** of the conclusion of the hearing to the Proprietor, Director of Education, the Headteacher, the parent or carer and, where appropriate, the person complained about.
6. If a parent does not exercise the right to attend a panel hearing, the panel will meet in line with this policy. The school's arrangements for the panel hearing will be reasonable to facilitate the parent(s) exercising the right of attendance.
7. A written record of all complaints and their resolution, whether they proceeded to a panel hearing or not, will be kept on the school premises by the Headteacher (Equality Act 2010) and made available to the Proprietor and Ofsted inspectors on request. The school will record the progress of the complaint and the outcome. These records and any correspondence relating to a complaint will remain confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education Act requests access to the records.
8. The number of complaints registered under the formal procedure during the preceding school year will be published on the school website.

4.0 MANAGING & RECORDING COMPLAINTS

Recording Complaints

Staff at Brick Lane 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 website;
2. The information given to new parents when their children join the school;
3. The information given to the children themselves;
4. Home school bulletins and newsletters;
5. Class Dojo

Complaints from Pupils

The procedures below will be followed in the event of a pupil making a complaint against a member of staff, a fellow pupil or any other person or situation either in school or outside.

- Pupils may wish to talk to an adult they trust about a situation relating to school or to a situation outside school.
- Pupils are reminded that, although they may speak to any member of staff, there may be occasions where information will have to be referred to other agencies such as Children's Services.
- Within school, pupils may talk to any member of Education Staff.
- A pupil may merely need a trusted adult to talk a situation through with and may not be making a formal complaint. However, all actual complaints made by pupils will be recorded by the member of staff in the Complaints Log. The school response to the complaint will also be recorded. If the complaint is serious the pupil's parents/carers will be informed of both the complaint and the outcome. Some complaints will be referred to other agencies or to the Local Authority. If necessary, a meeting will be called to discuss the issues further.
- A pupil may ask to speak to an adult from an outside agency. The school will, wherever possible, put the pupil in contact with a representative of the appropriate agency. The referral will be noted in the pupil's file.
- If the complaint is an allegation against a member of staff, then the school's safeguarding policy must be followed in addition to recording the complaint. Failure to follow this process may result in disciplinary action.

A child friendly version of the complaints procedure for pupils is also shared with parents and published on the school's website.

Unreasonable Complainants

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 limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

The school defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcome sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- changes the basis of the complaint as the investigation proceeds.

- 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 and completed including referral to the Department for Education.
- seeks an unrealistic outcome.
- makes excessive demands on school time by frequent, lengthy, complicated, and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation, or violence
- using abusive, offensive, or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 Regional Director will discuss any concerns with the complainant informally before applying an 'unreasonable' evaluation.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable, asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Contact information for the Headteacher	Adam De Vecchi Brick Lane School Bacon Street E2 6DY Adam.devecchi@ofgl.co.uk
Contact information for the Chair of Governors	Lorna Davies-Bailey Brick Lane School Bacon Street E2 6DY Lorna.davies-bailey@hmschool.org.uk