

## COMPLAINTS POLICY

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<b>Policy written by</b>	A Whittell	G. Flynn (reviewed)			
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**This school is committed to safeguarding and promoting the welfare of children and young people/vulnerable adults and expects all staff and volunteers to share this commitment.**

## **Introduction and the aims of the policy**

Branwood has long prided itself on the quality of the teaching and pastoral care provided to its pupils, so the School hopes that complaints will be rare. However, there are occasions where parents do have cause to complain to the School. The procedures outlined in this policy aim to ensure that all complaints made are handled promptly, appropriately and fairly.

## **Policy audience**

This policy applies to parents of current pupils. We make every effort to ensure that any complaint is treated seriously and sensitively; parents can be assured that their child will not be penalised in any way for a complaint that is made in good faith. The Trustees will consider discretionary resolution of complaints for a reasonable period, being 12 months from a pupil's leaving date.

## **What constitutes a complaint?**

We shall treat as a complaint any instance where a parent tells us that we have done something wrong, failed to do something that we should have done, or where we have acted unfairly. A complaint may be made about the School as a whole, a specific department or activity, or an individual member of staff. This list is not exhaustive and we shall treat any expression of dissatisfaction, whether real or perceived, as a complaint. In doing so we hope to see where we may be getting things wrong, with a view to preventing the same problems recurring.

## **Who to contact**

- If parents have a concern or complaint they should normally contact their child's Form Teacher.
- Where the complaint is about a child's Form Teacher or any other member of staff a parent should take their concerns directly to the Senior Leadership Team (SLT). Parents may also wish to follow this route where the issue is particularly serious or sensitive.
- If a complaint relates to a senior member of staff concerns should be taken directly to the Headmaster.
- Where a complaint is against the Headmaster, parents should make their complaint to the Chair of Governors via [clerktothegovernors@branwoodschool.co.uk](mailto:clerktothegovernors@branwoodschool.co.uk).

## **Procedure**

The procedure that the School will follow has three distinct stages, each of which will be conducted by a different person to ensure fairness. The three stages are:

- Stage 1: informal resolution
- Stage 2: formal resolution
- Stage 3: panel hearing

Our experience is that, in most cases, problems are satisfactorily dealt with at stage 1.

The school has no formal complaints which proceeded beyond stage 1 last academic year (2022-23).

### **Stage 1: Informal resolution**

On receiving a complaint in person, in writing, by email or by telephone, the receiving member of staff will make a written record of the concerns raised and the date on which they were received. If the complaint is made in writing or by email, it will normally be acknowledged within 3 working days.

In the vast majority of cases we hope that matters will be resolved quickly to the parents' satisfaction. We shall in all cases investigate the matter fairly and appropriately with any relevant staff. We shall do so as quickly as is practicable without compromising the outcome.

If the matter is not resolved within 10 working days, or in the event that the School and the parents fail to reach a satisfactory resolution, then parents will be advised to proceed to Stage 2, (formal resolution).

### **Stage 2: Formal resolution**

If a complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Headmaster. The Headmaster, or someone on his behalf, will acknowledge receipt of the written complaint within 3 working days and will decide, after considering the complaint, the appropriate course of action to take.

In most cases the Headmaster, or another senior member of staff not so far involved with the complaint, will meet the parents concerned to discuss the matter. This will be within 10 working days of the receipt of the written complaint. If possible, a resolution will be reached at this stage.

It may be necessary for the Headmaster or another senior member of staff to carry out further investigation. In this case, once he or she is satisfied that, so far as is practical, all of the relevant facts have been established, a decision will be made and parents will be informed in writing of the decision and reasons underpinning it.

If the complaint is against the Headmaster, the Chair of Governors will call for a full report from the Headmaster and for any relevant documents. The Chair may also call for a briefing from members of staff, and will, in most cases, speak to or meet with the parents to discuss the matter further. This will be within 10 working days from the receipt of the written complaint (unless there is an unforeseen absence). Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair will give reasons for his or her decision.

### **Timescales for stages 1 and 2**

We would always hope to complete stages 1 and 2 within 28 working days; complex issues may take longer. In all cases we shall aim to complete the process as soon as is practicable, whilst allowing sufficient time for a thorough investigation to take place.

If parents are still not satisfied with the decision, they should proceed to stage 3, the panel hearing.

### **Stage 3: panel hearing**

A panel hearing cannot be requested unless stages 1 and 2 of this procedure have been completed. If parents wish to request a panel hearing they should write to the Clerk to the Governing Body on [clerktothegovernors@branwoodschoo.co.uk](mailto:clerktothegovernors@branwoodschoo.co.uk), who has been appointed by the Governors to call hearings of a complaints panel, within five working days of the stage 2 decision. The parents should state the outcome they desire and all of the grounds of the complaint. The panel will not normally accept any new areas of complaint which have not been previously raised during stages 1 and 2.

The matter will then be referred to a complaints panel ("The Panel") for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School. The Clerk to the Governing Body, on behalf of the Panel, will acknowledge the complaint and schedule a hearing to take place as soon as practicable, and normally within 14 working days of the parent's request for a panel hearing. If the Panel deems it necessary, it may require that further details of the complaint or any related matter be supplied in advance of the hearing. Copies of such details shall be supplied to all parties not later than 3 working days prior to the hearing.

The parents may attend the hearing and be accompanied to the hearing by the pupil(s) concerned and one other person, if they wish. This may be a relative, teacher or friend. Legal representation will not be permitted.

If possible, The Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out. The hearing may be adjourned for this purpose. On completion of the hearing the Panel will consider all of the facts they consider relevant. They will then make findings and may make recommendations.

*Findings:* the Panel may dismiss or uphold the complaint.

*Recommendations:* The panel may make recommendations to the Headmaster or the full Board of Governors, as appropriate. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents, although they may recommend these actions to the Headmaster or the Governing Body.

The Panel will write to the parents informing them of its decision and the reasons for it; barring any unforeseen absence, this will be within 7 working days of the hearing. The decision of the Panel will be final. A copy of the Panel's findings and any recommendations will be sent by electronic mail or otherwise given to the parents, and, where relevant, any person who may be the subject of the complaint, as well as the Chair of Governors and the Headmaster.

### **Record of complaints**

Following the resolution of a complaint, the School will keep a written record which will include (a) the nature of the complaint and (b) whether it was resolved at one of the first two stages of this procedure or if it proceeded to a panel hearing, and (c) any action taken by the School as a result of the complaint. Normally the record will contain the following information:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of the investigation (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Action(s) taken by the School as a result of the complaint.

This record is kept securely in the Bursar's office, and will only be made available, as and when required, to the Secretary of State or an inspection body, in line with the School's obligations under the Education and Skills Act 2008.

### **Data protection**

Correspondence, statements and records relating to individual complaints are normally kept for a minimum of three years after the resolution of the complaint and will be kept confidential except when the School is required to disclose information by:

- the Secretary of State for Education under paragraph (k) of Schedule 1 to the Education (Independent Schools Standards) (England) Regulations 2010
- the ISI under Sections 108, 109 and 110 of the Education and Skills Act 2008
- other legal authority

### **Monitoring and evaluation**

The monitoring and evaluation of the effectiveness of this policy and its implementation will be carried out by the Headmaster. It will be subject to regular review. Stage 1 complaints are kept under on-going review by the Pastoral Deputy Head, the Academic Assistant Head. The SLT will review the complaints log termly for inclusion in the Head's Report to Governors.

### **EYFS**

If you feel that we are not meeting the Early Years requirements you can contact Ofsted on 0300 123 4666.

Number of Stage 3 complaints during the academic year 2021-22 was 0.

## Appendix A - Unreasonable Complaints

We are 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 us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. We adopt the Department for Education definition of unreasonable behaviour which hinders our consideration of their or other people's complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process 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 taken into account 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;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 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 our complaint procedure has been fully and properly implemented and completed;
- 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
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language;
- knowingly provides falsified information;
- publishes unacceptable information social media websites and other public forums.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant.

In assessing all of the circumstances of the case the School will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the complainant is seeking an outcome which is unavailable via the complaints policy, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Headmaster will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

The Headmaster will normally only do so after consultation with the Chair of Governors. If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after 6 months.

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