



SOCIAL ARTS FOR EDUCATION

## **Complaints Policy and Procedure**

**July 2019**

**Number of complaints received August 2018 - September 2019 = 0**  
**Number of complaints received September 2019 - Current = 0**

# Complaints Policy

## 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
- 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.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

### 3. Definitions and scope

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”.

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:

- Statutory assessments of special educational needs or disability (see SEND policy)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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

### Complaints Manager

Upon receipt of a formal complaint the Complaints Manager will:

- Within two working days, send to the complainant an acknowledgement letter and offer a copy of the complaints policy.
- Enter the details of the complaint on the Complaints data base.
- Refer the complaint to an appropriate manager who will be deemed the Investigating Officer.

When the complainant is not the service user, the Complaints Manager will ensure that where the concern raised relates to a service user, that they consent to any sharing of information or personal details.

### Investigating Officer

The Investigating Officer is usually an experienced senior manager who has received training in the management of complaints. At SAFE school the investigation officer will generally be Annabel Leaver.

They may delegate all or part of the investigation to a suitably qualified and experienced colleague.

They retain overall responsibility for the quality and content of the investigation, and complaint response.

#### **4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

#### **5. Stages of complaint (not complaints against the headteacher or proprietorial body)**

##### **Stage 1: Informal Complaint**

###### **First Step**

Anyone wishing to make a complaint should either write, email or talk to their child's appointed person or Head of the Centre about their complaint (Forms can be found in Appendix 2, and also separately on the S.A.F.E. website. The complaint will be dealt with in the following ways:

In writing/email to administration staff or head teacher: Staff at SAFE will reply to the complaint within **24 hours** of receiving the complaint. The response should include a means of clarification and/or rectification.

In person to administration staff or head teacher: Staff at SAFE should listen carefully to the person's complaint and try and make notes where possible. The staff member listening will either give a means for clarification and/or rectification there and then or come back to the person within **24 hours** with a suitable response.

## Second Step (if unsatisfied with result)

If the person making the complaint is not satisfied with the responses they have received within **24 hours**, they should ask for a meeting to be arranged to discuss the matter further. They can request that certain members of staff be present if they feel it would be beneficial to resolving the matter. At this stage SAFE will make sure:

A meeting is arranged at SAFE outside of teaching hours: A member of management should be present and should take notes. The person making the complaint should bring along anyone they feel would be beneficial to the meeting. This meeting should be arranged to be held no longer than **14 days** after the request is made (exceptions would be during holiday periods).

### The Meeting

Parties address the matter of the complaint and that only: All parties present should make sure the meeting addresses the complaint to make sure clarification and rectification can be best dealt with in a minimal period of time.

### After the Meeting

**SAFE follows up with a response:** A response from the head teacher or other management staff should be sent the person making the complaint within **24 hours**. The response should include clarification and/or rectification. Communication between the person making the complaint and SAFE should be kept up in order to prevent recurrence of matters (if applicable).

## Stage 2: Formal Complaint

If the person making the complaint wants to complain formally at the first instance of grievance or is not satisfied with the outcome of an informal complaint, that person must make their complaint **formally** in **writing/email** to the **head teacher**. SAFE will respond within **24 hours** and ask that the person that they:

**Fill out a '1. School Complaint form':** This will be given to the person making the complaint on request. The form can also be found online at [www.lessons.safeschoolbexley.co.uk](http://www.lessons.safeschoolbexley.co.uk) under 'Forms for Parents'.

**Wait one week for a response:** This is to allow the head teacher or to take the complaint to proprietorial body or appropriate management staff for an appropriate response within **7 days**.

**Considers a/another meeting to resolve the issue:** A meeting should be arranged to be held no longer than **14 days** after the request is made (exceptions would be during holiday periods).

### The Meeting

Parties address the matter of the complaint or the outcome of an informal complaint and that only: All parties present should make sure the meeting addresses such matters to make sure clarification and rectification can be best dealt with in a minimal period of time. At a formal complaint meeting, the **head teacher should always attend**.

### After the Meeting

**SAFE follows up with a response:** A response from the **head teacher** should be sent to the person making the complaint within **24 hours** and where appropriate, the person/s being complained about. The response should include clarification and/or rectification. Communication between the person making the complaint and SAFE should be kept up in order to prevent recurrence of matters (if applicable) and the **head teacher** should reply with an appropriate response within **7 days**. All responses should be available for inspection by the proprietorial body and government bodies.

### **Stage 3: Formal Complaint to Review Panel**

At this stage, if a person making a complaint is still not satisfied with the way their complaint has been dealt with or the outcomes, they can ask the proprietorial body to review the process in which their complaint has been processed. SAFE will respond within **24 hours** to this request and then ask that the person to:

**Fill out a '2. School Complaint Review Request form':** This will be given to the person making the complaint on request. The form can also be found online at [www.lessons.safeschoolbexley.co.uk](http://www.lessons.safeschoolbexley.co.uk) under 'Forms for Parents'.

**Send the School Complaint Review Request form to the chair of the proprietorial body:** Mr LaReo Riviere at 20 Greenwood Close, Sidcup, Kent, Sidcup, Kent, DA15 9AD

**Include a breakdown of events:** Clearly listed from the matter of complaint to how it has been dealt with.

**Include the clarification and or rectification that they desire:** If the person making the complaint feels that this has not already been done. The proprietorial body will then reply to the person making the complaint within **one calendar month**. This will ensure the board can meet in person to discuss the matter and means of resolving the issues at hand.

### **The Meeting**

**Parties address the matter of the outcome of the formal complaint and that only:** This time, with a member of the charity's proprietorial body present as well as head teacher or appropriate management staff. SAFE will ensure that the meeting makes a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least **3 people** who were not directly involved in the grievance, one of whom is independent of the management and running of the school. The person making the complaint can bring along **anyone they feel would be beneficial** to the meeting. All parties present should make sure the meeting addresses the complaint to make sure clarification and rectification can be best dealt with in a minimal period of time.

### **After the Meeting**

**SAFE follows up with a response:** A response from the **head teacher** should be sent to the person making the complaint within **24 hours** and where appropriate, the person/s being complained about. The response should include clarification and/or rectification. Communication

between the person making the complaint and SAFE should be kept up in order to prevent recurrence of matters (if applicable) and the **proprietary body** should reply with an appropriate response within **7 days**. All responses should be available for inspection by Government bodies.

## **6. Complaints made against the headteacher or the proprietary body**

Where a complaint is against the chair of proprietary body, any member of the proprietary body, or the entire proprietary body, it should be made aware, in writing to the clerk to the proprietary body in the first instance.

## **7. Complaints made by a young person**

At SAFE we feel that pupil voice is a crucial part of our community. We encourage our young people to follow the pupil complaint procedure that can be found in easily around the centre.

**Appendix One:** Pupil complaints procedure

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

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

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

It should also be noted that, according to Part 7 of the Independent School Standards, if Ofsted decide that Social Arts for Education has not met the required standards because of the way a particular complaint has been handled, the DfE has no power to make SAFE alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard so that future complaints are dealt with properly.

## 9. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of proprietorial body (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## 10. Unreasonably persistent complaints

### 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.

## **11. 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 records management policy/record retention policy.

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

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

## **12. Learning lessons**

The proprietorial body will review any underlying issues raised by complaints with the head teacher 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.

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

- Privacy notices

### 3) Other Complaints

If a person has any other complaints or concerns that they feel should not go through the normal complaint procedure, they should contact the following people below:

Child protection_____	<u><a href="#">Local council</a></u>
Criminal behaviour_____	<u><a href="#">Police</a></u>
Data protection_____	<u><a href="#">Information Commissioner's Office</a></u>
Discrimination_____	<u><a href="#">Equality Advisory and Support Service</a></u>
Employment_____	<u><a href="#">An employment tribunal</a></u>
Exam malpractice or maladministration_	<u><a href="#">Ofqual</a></u>
Quality of education or leadership	<u><a href="#">Ofsted</a></u>

### 13. Monitoring arrangements

This policy will be reviewed **annually** by Annabel Leaver and the chair of proprietorial body . At every review, it will be approved and signed by all members.

\_\_\_\_\_  
**Designated Person**  
**Annabel Leaver**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Deputy Designated Persons**

\_\_\_\_\_  
**Signature(s)**

**LaReo Riviere**

**Marion Leaver**

**Claire Leaver**

**Andrea Wigley**

**Jenny Johnson**

\_\_\_\_\_  
**'Named' trustee for Child Protection**

\_\_\_\_\_  
**Signature**

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Chair of proprietorial body  
LaReo Riviere

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Signature

This policy will next be fully reviewed in February 2020 and amended prior to this if required.

## Appendix One: Pupil Complaint Procedure

**1. Making a complaint.** If you are not happy about something please tell us. We want to listen to your complaints and sort out problems as quickly as possible.

## 2. What to do?

Tell a member of staff that you want to make a complaint, if you find this difficult you can tell a family member, advocate or a friend to help you. You could even contact outside agencies like child line.

### Ways of making a complaint

1. By writing to whomever it maybe you want to complain to. Again you can find these addresses online or ask a member of staff.
2. Telling a member of staff and asking them to fill in a complaint form. This can be done with help from your staff if you require support.



Annabel or Ruth  
will help you  
make a  
complaint



## 3. The review meeting

At your review meeting you

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**S.A.F.E. Complaint Form**

Please complete this form and return it to Head Teacher [or Clerk to the proprietorial body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the schools roll ]:

.....

Pupil's name [ if relevant to your complaint ]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated. You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**Centre use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

## S.A.F.E. Complaint Review Request Form

Please complete this form and return it to Head Teacher [or Clerk to the proprietorial body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed. My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response[s] from the school. I am dissatisfied with the way in which the procedure was carried out, because: You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**Centre use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: