



Complaints Procedure

Adopted: July 2022

Review date: February 2023

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*If the matter relates to a Child Protection issue then the Safeguarding Policy and/or Whistleblowing Policy should be referred to.

Complaints Procedure

Introduction

Lake Haven School operates an open door policy to all parents and carers. It encourages strong links between parents/carers and the school and believes that there should be an open and honest dialogue between parents/carers and school. Teachers and other staff at the school have regular contact with parents through telephone calls and daily home/school diaries as well as at regular parent/teacher meetings. We would hope that any complaint a parent or carer has will be brought to the attention of staff quickly and be dealt with in an informal way; however the following policy sets out clearly the steps the school will take to resolve complaints both informally and formally.

The school is committed to the safeguarding of all pupils and as such has clear guidelines set out in the safeguarding policy that should be read alongside this complaints procedure.

Purpose

The purpose of this procedure is for dealing with complaints relating to the school. It aims to be a transparent document that is available to all parents and carers as well as other relevant adults such as social workers and referring Local Authorities. All complaints will be investigated and properly considered, the findings will be made known to the Proprietor, Head Teacher, complainant and those about which the complaint has been made.

The complaints procedure and a parent's information sheet outlining procedures are given to parents on their child's entry and are available to prospective parents on request.

Scope

This procedure covers all matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters which are subject to separate procedures. In particular if the matter relates to a Child Protection issue then the Safeguarding Policy should be referred to.

General Principles:

- An anonymous complaint will not be investigated under the procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible.
- Any matter raised more than 3 months after the event being complained of will not be considered, unless there are exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt, unless exceptional circumstances exist. The formal investigation will be completed within 2 months of the receipt of the complaint though very effort will be made to complete it sooner.
- If the parent is not satisfied with the written response to the complaint a complaints hearing will be called before a panel of at least 3 people who were not previously directly involved in the consideration of the complaint. At least one member of the panel will be independent of the management and running of the school. Independent panel member's names can be found at the end of this document.
- All findings of any complaint will be sent in writing to the complainant, proprietor, Headteacher and where relevant the person complained about.
- All written evidence, correspondence and written reports will be kept

in the confidential complaints file kept in the locked confidential filing cabinet in the office. This file will be shown to OFSTED when they inspect.

- In accordance with the Independent School Standards 33 I, J and K the proprietor provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—

(j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—

(i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and

(ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and

(k) provides that 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.

Part A Complaining about the actions of a member of staff other than the Headteacher.

1. Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. (In the case of more serious concerns it may be more appropriate to address them directly to the Headteacher.) An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process.

A written report of the complaint and its resolution will be kept in the

complaints file in the locked confidential filing cabinet in the office. The report must be signed by all parties involved to indicate their knowledge of the complaint and the resolution. All information will be stored electronically within the 'Horizons' MIS and in the lockable cabinet within the staff area.

2. Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for the investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Headteacher may meet with the complainant to clarify the complaint. The complainant has the right to be accompanied at any meetings with the Headteacher. The Headteacher will collect such other evidence as she deems necessary and maintain records of any evidence gathered. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a work colleague or trade union representative if they wish.

The investigation will begin as soon as possible (within 5 school days of the receipt of the written complaint) and when it has been concluded (within 2 months of the start of the investigation), the complainant, and the member of staff concerned, will be informed in writing of the outcome. This report along with all materials relating to the investigation will also be kept in the confidential complaints file in the locked filing cabinet in the office. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full. Some details may then be given of action the school may be taking to review procedures etc

but details of the investigation or any disciplinary procedures will not be released.

- The matter has been fully investigated and appropriate procedures are followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).

The Headteacher will meet with the complainant to report the findings of the investigation and talk through the written report. The complainant will be told that consideration of their complaint by the Headteacher is now concluded. The complainant will also be informed of where the complaint will be stored online within a secure element of the Horizons MIS and in paper form in the lockable cabinet in the staff area. This written account will include the initial complaint, the investigation and any findings. It will also conclude with the resolution and any changes implemented to the school to prevent the complaint happening again.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the proprietors review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The independent panel will then be convened.

The panel will be convened within 2 months of the formal complaint against the Headteacher being made.

The proprietors will collect such other evidence as deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

If the complainant considers that the decision of the Headteacher is unjustified, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the

Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint being investigated.

Part B complaining about the actions of the Headteacher

1. Informal Stage

The complainant is usually expected to arrange to speak directly with the Headteacher or Proprietors. In the case of more serious concerns e.g. if the matter relates to a Child Protection issue then it may be more appropriate to raise it directly with the proprietors. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved and if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith. The informal stage of the complaint will be concluded within 5 school days of the complaint being made.

A written report of the complaint and its resolution will be kept in the complaints file in the locked confidential filing cabinet in the office. The report must be signed by all parties involved to indicate their knowledge of the complaint and the resolution.

2. Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and send it to the proprietors who will determine from the nature of the complaint if this is the appropriate procedure to invoke, or if a different procedure should be used e.g. child protection, disciplinary etc. If it is determined that the complaint should be dealt with under this procedure, then the proprietors will arrange for its investigation.

The complainant should include details which might assist the

investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the proprietors and the independent panel to present evidence or clarify the complaint. The names and designations of three independent persons who form the panel are listed below. The panel will be convened within 2 months of the formal complaint against the Headteacher being made.

The proprietors will collect such other evidence as deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the proprietors. Once there has been an opportunity for the Headteacher to consider this, he will be invited to meet separately with the proprietors and the independent panel in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a work colleague or trade union representative.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome and the panel's findings. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the proprietors is now concluded. All written evidence, correspondence and written reports will be kept in the confidential complaints file kept in the locked confidential filing cabinet in the office. This file will be shown to OFSTED when they inspect.

Part C The Independent Panel

The Independent Panel consists of three education professionals who are independent of the management of the school. The panel will be convened if a complainant is not satisfied with the outcome of the formal investigation carried out by the Headteacher or if the complaint is made about the Headteacher. The panel will be convened within 2 months of a formal complaint being made about the Headteacher or within 1 month of the complainant expressing in writing their dissatisfaction with the conclusions reached by the Headteacher. These timescales aim to provide adequate notice so that the complainant may attend the hearing with a representative if they wish.

The panel may make findings and recommendations which will be provided in writing to the complainant, proprietors, Headteacher and where relevant the person complained about.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or person complained about, as appropriate, to make a response to the complaint.

The panel will also have access to the records, investigation reports and correspondence kept of the process followed.

The complainant, and the Headteacher or person complained about and the proprietors, as appropriate, will be informed in writing of the outcome of the panel within two weeks of the panel being convened. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the

procedural failure did not affect the outcome significantly so the matter is now closed.

- The concern was substantiated in part or in full and the Proprietors will take steps to prevent a recurrence or to rectify the situation (where this is practicable).

All notes, panel minutes, correspondence, investigations and reports will be kept in the confidential file in the locked confidential filing cabinet in the office and shown to OFSTED when they inspect.

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

It may be appropriate for an appropriate senior member of staff to investigate any complaint in the absence or at the direction of the Headteacher. In such cases the Head must be satisfied that the process has been conducted properly and accepts responsibility for the same.

If the complaint is judged to have been brought without sufficient grounds, then the complainant will be informed that their complaint will not be accepted and will not be investigated. However, if the complainant still remains dissatisfied he/she may request the independent panel be called to investigate the complaint.

It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any meetings held at any stage of this procedure.

Independent persons who form the panel Mrs Maddy Kennedy.

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Please refer also to the safeguarding policy.

