

Policy Number: 21	
Title: Complaints procedures	
Responsibility of: Vice Principal - Care	
First Issue Date: February 2011	
Reviewed by: Care Standards Officer	
Reviewed Date: January 2019	To be reviewed: March 2020
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Date ratified by Governors: 28 March 2019

Signed: 

Mary Hare School Complaints and representations procedure

Aim

1. In accordance with the *Residential Special Schools - National Minimum Standards April 2015* and with guidance from [Best Practice Advice for Schools Complaints Procedures 2019 \(DfE\)](#), this policy sets out the avenues for parents and pupils to raise concerns and complaints, and the commitment of the school to respond and take action as a result of those complaints (regardless of whether they are upheld).

Concern or Complaint?

2. A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.
3. A 'complaint' may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Who can make a complaint?

4. Any person, including members of the general public, may make a complaint about any provision of facilities or service that Mary Hare provides, unless separate statutory procedures apply (such as exclusions or admissions). Any complaint about a third-party provider offering community facilities or services through the school premises, will be directed to that providers own complaints procedure.
5. It is in everyone's interest that complaints are resolved at the earliest possible stage. In many cases staff will endeavour to resolve issues at the time of any concern raised. Many issues can be resolved informally, without the need to invoke formal procedures.
6. Anonymous complaints. We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaints procedure

STAGE ONE – Informal complaint/concern:

7. The school is committed to helping parents solve any problems they have. Parents may raise a concern, or complaint with form teachers, subject heads, care staff or other staff who come into regular contact with their child. This can be done in person, by telephone or in writing. It is recommended at this stage that the complainant expresses their wish to proceed formally with the complaint (if this is the case, move to Stage two)

8. It is recommended at this stage to express the complaint in full as early as possible. The member of staff receiving the concern/complaint will either:
 - Provide a response to the complaint (after discussion with relevant colleagues if necessary), or
 - Refer the complaint to the appropriate person within the school.
9. The school will intend to identify solutions and recommendation to resolve the complaint in a comprehensive, open, transparent and timely manner. To support this process, it is important to respond promptly to requests for information or to attend meetings, agreeing the details of the complaint and offering a way forward that might resolve the issue.
10. The school will respond in writing ***within 5 school days from the receipt of the complaint***, with a brief summary of the concern/complaint and a response.
11. The school will ensure that the complainant is fully updated at each stage of the procedure. Any further assistance can be requested at any stage. If the complainant is dissatisfied with the outcome of Stage one, they may wish to move on to Stage two - Formal complaint, this request should be submitted to the school ***within 15 days of receipt of the Stage one response***. Otherwise the matter is considered closed. The school will consider exceptions, determined by whether the complaints policy has been adhered to.

STAGE TWO – Formal complaint:

12. If dissatisfied with the outcome of Stage one, the complainant should contact the Principal about the issue (At this point the complainant may be dissatisfied with the way the complaint was handled during Stage one, as well as pursuing the original complaint). The Principal will either:
 - Provide a response to the complaint (after discussions with relevant colleagues, if necessary), or
 - Refer the complaint to a named Complaints Co-ordinator, who will oversee the smooth running of the complaints procedure, ensuring the complainant is updated at each stage and the investigation of the complaint is comprehensive, open, transparent and fairly considered.
13. The Principal, or Complaints Co-ordinator will respond in writing ***within 15 school days (of receiving the Stage two complaint)***, with a summary of the complaint and a response.

STAGE THREE – Appeal:

14. Where the problem is not resolved to the complainant's satisfaction, they may write to: The Chair of the Board of Governors (confidential), c/o Mary Hare School, or via the Clerk to Governors.

15. Upon receipt of the complaint The Chair will convene the Governing Board's Complaints Panel made up of three Governors who had not had previous involvement in the case to review the handling of the complaint at Stage two and examine the decision reached.
16. The complainant, school staff will be called by the appeal panel to present their case at a meeting arranged for a mutually convenient time. Once the appeal panel has reached its decision they will verbally confirm this to the parent and follow it up in writing detailing what they have determined.

Recording complaints

17. It is important to record all complaints made, informally and formally. In order to prevent any later challenge or disagreement over what was said, brief notes of conversations, telephone calls, text messages and any meetings should be kept, along with any written response and emails communication. These should be added to the Record of Complaint; this is kept with the Complaints Record Book in the Head of Care Office.
18. Only complaints relating to the schooling or residential care of a specific child would be kept within the child's file. All other issues will be recorded and filed only in the complaints book.
19. In accordance with the *Education (Non-Maintained Special Schools) (England) Regulations 2011*, a written record is kept of all complaints and whether they are resolved informally, at Stage one, Stage two, or through the Complaints Panel, or any Independent Person. The record should contain the following information:
 - The name of the person making the complaint
 - The date of the complaint
 - The nature of the complaint
 - Does the complaint relate to the residential provision?
 - Any action taken, and
 - The outcome of the complaint.
20. Correspondence, statements and records relating to individual complaints are kept confidential.
21. Staff should be aware that the complainant has the right to copies of these records under the Freedom of Information and Data Protection Acts
22. The Complaints Record Book is kept in the Head of Care office at the Secondary school and the main office at the Primary school. They are monitored by the Chair of Governors every academic year, with a summary report included in the following Care and Education (C&E) board meeting. The Vice Principal – CARE provides termly up-dates to the C&E committee. Learning and actions from complaints are discussed each half-term in the

Care Leadership Meeting.

Staff responsibility in dealing with and investigating complaints

23. Staff members involved in dealing with a complaint should have knowledge of and have read the current government guidance [Best Practice Advice for Schools Complaints Procedures 2019 \(DfE\)](#). It contains best practice tips for interviewing children/young people and staff/witnesses.

24. The staff member receiving initial communication about the complaint should:

- clarify the nature of the complaint and what remains unresolved,
- establish what has happened so far, and who has been involved,
- contact relevant colleagues (if necessary),
- keep notes of any conversations and actions taken,
- liaise with their line manager (if appropriate to do so) and, or a member of the Leadership Team,
- communicate with the complainant at each stage over discussions and agreements reached,
- adhere to the time scales for responding to complaints.

25. During Stage one (informal) any member of staff could take ownership of a complaint and the investigation process. The investigator role should:

- providing a comprehensive, open, transparent and fair consideration of the complaint through: -
 - i. sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved,
 - ii. consideration of records and other relevant information,
 - iii. interviewing staff and children/young people and other people relevant to the complaint,
 - iv. analysing information,
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right,
- identifying solutions and recommending courses of action to resolve problems,
- being mindful of the timescales to respond, and
- responding to the complainant in plain and clear language.

26. The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning,
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

27. A member of the Leadership Team should co-ordinate the investigation, they should:

- ensure the process is undertaken in a comprehensive, open, transparent manner and with fair consideration of the nature of the complaint,
- assign and liaise with the investigator of the complaint,
- ensure the complainant is fully updated at each stage of the procedure,
- ensure timescales are adhered to,
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the *Equality Act 2010*, *Data Protection Act 1998* and *Freedom of Information Act 2000*,
- liaise with staff members, Principal, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure,
- ensure notes and communication are kept with the record of the complaint,
- be aware of issues regarding:
 - i. sharing third party information,
 - ii. additional support - this may be needed by complainants when making a complaint including interpretation support.

Timescales

28. All complaints need to be considered and resolved as quickly and efficiently as possible.

29. Stage one complaints (informal) will be dealt with in 5 school days, with a written response, summarising the complaint and response. Further communication may be appropriate, if actions are required as part of the response.

30. Stage two complaints (formal) and Panel lead complaints will usually be dealt with in 15 school days.

31. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

Serial and Persistent complainants

32. Mary Hare 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

33. Mary Hare 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'*.

34. 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 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 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.

35. 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.
36. 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.
 37. Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
 38. If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Mary Hare 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.
 39. 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 Mary Hare School.
 40. If the unreasonable/ unacceptable behaviour continues, advice from the HR department and, or legal service may be sought.
 41. Legitimate new complaints may still be considered following advice from HR, or legal services.

Pupil complaints procedure

42. Where pupils have worries or concerns, there are a number of ways in which they can voice these:
 - **Staff** - Senior staff, the school nurse, form teachers, heads of year, heads of care, team leaders, key workers etc. All staff will do their best to resolve a situation with privacy and confidentiality where appropriate.
 - **Parents** - Where possible, every effort should be made to encourage a pupil to discuss matters of concern with their parents.
 - **House suggestion boxes** – Each house has one of these and suggestions are responded to regularly.
 - **Pupil Questionnaires** – Pupil feedback is sought regularly and any issues are addressed and responded to.
 - **Independent Listener** – The secondary school independent listener makes regular visits to the campus. The Primary school has a children's friend who visits once a week.
 - **The Independent Visitor** – This is a representative of the Governing body who visits the School every half-term. They allow time each visit to speak with pupils and any concerns can be brought to them.

- **Childline** – The phone and minicom number for this confidential helpline is displayed in all residential houses.
- **Time to Talk (14-21)** – This Newbury based service is advertised in some of the houses. There is no minicom number but staff can help make the first contact and then leave pupils to talk privately and confidentially.
- **Rights4me** – Pupils are made aware of the Children’s Rights Director and how to access the services they provide.

43. To make a formal complaint a pupil can speak or write to The Principal or Vice Principals. The pupil will then receive a letter stating that the complaint has been received and that the matter is being attended to. The pupil will then have an opportunity to talk with the Principal or Vice Principal. A friend or adult of the pupil’s choice may be present. If after this, the complaint has not been resolved satisfactorily, the pupil may contact the Chair of the Board of Governors or Ofsted.

Governor’s oversight of complaints

44. The Chair of Governor’s is informed on a termly basis of details of any complaints received during that term, and this is reported to the Board at the next meeting. On a yearly rota at the start of each academic year, the complaints register is thoroughly reviewed by the Chair and a summary report produced for Governor’s. This is brought to the Care and Education Committee for oversight and discussion. The Vice Principal – Care, also informs the Care and Education Committee of the broad details of any notable complaints on a timely basis.

Next Steps

45. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Mary Hare Schools. They will consider whether Mary Hare has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaints not in scope of the procedure table.

46. The Mary Hare School complaints procedure covers all complaints relating to the provision of facilities and services that the school provides with the exceptions listed in the table below, for which there are other policies or statutory procedures.

Exception	Alternative policies/Who to contact
<ul style="list-style-type: none"> Statutory assessments of Special Educational Needs (SEN) 	<p>Concerns should be raised directly with Local Authorities. If you are not satisfied with the outcome you can complain to the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation. 	<p>See, <i>Mary Hare School – Child Protection and Safeguarding Policy</i>. Or contact the school’s Designated Safeguarding Lead: Robin Askew Phone: 01635 244247 Email: r.askew@maryhare.org.uk</p>
<ul style="list-style-type: none"> Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>See, <i>Mary Hare School – Whistleblowing Policy</i>. West Berkshire child protection line: 01635 503090 The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> Staff grievances and disciplinary procedures 	<p>This is covered in the internal grievance procedure in the <i>Mary Hare School Staffing Policy</i>.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities. 	<p>All service providers have their own complaints procedure to deal with complaints about their service. They should be contacted direct.</p>

Flow chart for procedure.

Stage one – Informal complaint/concern

A complaint heard by a member of staff. This can be done by phone, in person, or in writing. *(Normally dealt with at the time, by form teacher, head of year, care staff, or head of care)*

A response will be made following an initial investigation, identifying solutions with recommendations and within 5 school days.

If unhappy with the outcome of Stage one

Stage two – Formal

The complaint should be made to the Principal.

A response will be made following discussions with relevant colleagues *(if required)* by either a named Complaints Co-ordinator, or the Principal, within 15 school days.

Stage two – Formal *(about the Principal)*

The complaint should be made to the Chair of Governors, via the Clerk to Governors.

A response will be made following discussions with relevant colleagues *(if required)* by either a named Complaints Co-ordinator, or the Principal, within 15 school days.

If unhappy with the outcome of Stage two

Governing body's complaint panel

The complaint should be made to the Chair of Governors. The complaint should set out why satisfaction has not been met during the previous stages.

The Chair will convene the Governing Board's Complaints Panel to review the handling of the complaint at Stage two and examine the decision reached.

A letter will be sent to the complainant outlining the timetable for response.