



COMPLAINTS POLICY

MAY 2020

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> 1. Introduction

Merrywood House strives to provide a good education for all our children. The Leadership team and staff work very hard to build positive relationships with all parents and carers.

All staff work very hard to build positive relationships with parents, carers and other stakeholders. However, we acknowledge from time to time parents, carers and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations we have adopted this simple and clear complaints procedure.

> 2. Aims

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible in a sensitive and confidential manner. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all other issues.

We aim to provide sufficient opportunity for any complaint to be fully discussed, and then resolved if possible.

The complaints procedure is devised to address concerns and the intention is that it will:

- Resolve most problems by informal means (before or at Stage 1 of the procedure)
- Be simple to use and understand
- Treat complaints confidentially
- Allow problems to be handled quickly
- Address all points causing concern
- Inform future practice so that the problem is unlikely to recur. The purpose of the procedure is to provide a structured opportunity to express and resolve concerns and thus to improve the provision for the children
- Reaffirm the partnership between families and staff as they work together for the good of the children in the school
- Ensure that the school's attitude to a child would never be affected by a parental complaint
- Discourage anonymous complaints
- Ensure that all staff have opportunities to discuss and understand the schools' response to concerns and complaints made by families or other persons
- Ensure that any person complained against has equal rights with the person making the complaint
- Regularly review the system for monitoring concerns and complaints received from individuals

> 3. Definitions

In the document Best Practice Advice the DfE states a concern as: “An expression of worry or doubt over an issue considered to be important for which reassurances are sought” and a complaint as: “An expression of dissatisfaction however made, about actions taken or lack of action” (DfE Best Practice Advice for School Complaints Procedures 2019)

> 4. Raising concerns

The majority of concerns can be dealt with without resorting to the complaints procedure. Where a parent/ carer has a concern about any aspect of the school or their child's education or wellbeing, they should raise this with their child's class teacher. Ideally, they will be able to address any concerns on the spot, or can arrange a meeting to discuss the issue. Anonymous concerns will not be considered unless safeguarding issues are involved.

All concerns will be dealt with confidentially. Staff members may need to take notes to assist the complaints procedure but these and any subsequent records will be restricted to staff dealing with the complaint. Any notes or records will be kept in accordance with the principles of the Data Protection Act 1998.

> 5. Special Educational Needs (SEN)

Complaints from parents of children with SEN about the school's support are within the scope of the school's complaints procedure (this policy). Where parents have specific complaints about their child's Education Health and Care Plan (EHCP) procedures, or about the content of the EHCP they will be referred to the Local Authority. This is in accordance with the SEND Code of Practice.

> 6. Safeguarding

Wherever a concern or complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school's website.

> 7. The Three Stages of the Complaints Procedure – Information for parents

If you have a concern or a complaint you wish to raise, it is your right to do so.

Stage 1 (Informal) – Discussion with child's teacher/Keyworker

Stage 2 (Formal)- Referral – discussion with CEO

Stage 3 (Formal) – Referral to the Advisory Board Panel

7.1 Stage 1. (Informal) Sharing your concern

If you are concerned about anything to do with the education that we are providing at our school you should, in the first instance, discuss the matter with your child's key worker or class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that every pupil is happy at school, and are making good progress; we always want to know if there is a problem, so that we can take action before the problem seriously affects the pupil's welfare and/or progress. Teachers are available to meet parents/carers, by appointment, at the beginning and end of the school day or issues can be discussed by telephone

At this meeting/discussion, concerns will be listened to and then either an immediate response will be given (the issue will be resolved) or you will be invited to a second meeting/discussion to take place within 5 school days. This will give the school time to look into the matter more fully. At the second meeting/discussion a response will be given to concerns and you will be asked if you are satisfied with the schools response and any actions taken.

If you are not satisfied with the result at this stage (1), you will be asked to write to, email or call the school within 10 school days and state what you would like the school to do and if you would like your complaint to be taken further. It will be useful at this point to complete the Complaints Form (at the end of this document) and send it to the school.

7.2 Stage 2 (Formal) Making a Complaint to the CEO

If you feel that stage 1 has not adequately addressed your concerns, or, if for whatever reason, you do not wish to discuss your complaint with the class teacher, you can make an appointment to meet with the CEO. This meeting will take place within 5 school days. Within this time, you are asked to complete the complaints form and send it to the school if you have not already done so.

Again, the aim will always be to resolve the matter as quickly as possible. Most complaints do not normally go beyond this stage. After your discussion with the CEO, you may have to wait a short time while investigations are carried out. Every effort will be made to resolve the situation as quickly as possible; the CEO will keep you updated and will send you a written response within ten school days. The CEO can make the following decisions:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

If you are not satisfied with the result at stage 2 you should write to the school within 10 school days of getting their response. You will need to explain why you are not satisfied with the response and decide if you would like to take your complaint to the Complaints Panel.

7.3 Stage 3 (Formal): Making a Complaint to the Advisory Board's Complaints Panel

If you feel that your complaint has still not been resolved at Stages 1 or 2, you may ask for your complaint to be heard by our complaints panel, which will include at least three members who have been appointed by the Advisory Board of the school.

None of the three appointed members of the complaints panel will have been directly involved in any of the matters detailed in the complaint and at least one of the three will be completely independent of the Leadership of the school.

The complaints panel will consider all written complaints within 15 to 30 school days of receipt. The panel will arrange a meeting to discuss the complaint and will invite you to attend the meeting, so that the complaint can be explained in more detail. The complainant is welcome to be accompanied by a person of their choosing to the meeting. The school will always give the complainant at least ten days' notice of the meeting and will provide you with all the relevant papers for the meeting at least 5 days beforehand. After hearing all the evidence, the complaints panel will make their decision as follows.

The panel can:

- uphold the complaint in full,
- uphold it in part, or
- dismiss it

In complex cases they may wish to give a complex response. The panel committee clerk will send the complainant and school a letter with the outcome of the meeting within seven days of the meeting. The school will copy relevant papers to any member(s) of staff named in the complaint.

A copy of the findings and recommendations will be made available for inspection at the school by the School Advisory Board.

> 8. Complaints log

The details of complaints will be recorded even if they are resolved at an early stage. (This includes all complaints from Stage 1 to Stage 3) Any actions taken by the school as a result of a complaint (regardless of whether the complaint has been upheld or not) are also recorded on this log. All information (correspondence, statements, and records) related to all individual complaints is confidential and will be securely held in school.

The purpose of these records is to:

1. Support the complaints procedure so that relevant information is available at each stage of the process (including panel meetings)
2. To provide records (anonymised where appropriate) for use by the CEO and senior staff to monitor and analyse complaints made to the school and to determine whether there are any improvements that the school could make to its procedures or practice to help prevent similar events in the future

> 9. Social Media

In order for complaints to be resolved as quickly and fairly as possible, Merrywood House School requests the complainants do not discuss complaints publicly via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

> 10. Monitoring arrangements

The CEO will check the procedures followed to ensure that all complaints are handled properly and effectively. Senior staff will track the number and nature of complaints looking at any trends or commonalities and how these could be used to inform future school provision and procedures

The Advisory Board will check that complaints are handled according to the policy and consider the results of reviews of complaints and any changes made to school policies or procedures.

> Appendices

Appendix 1

Complaints Form

Please complete and return to Headteacher or CEO (c/o the school office) who will acknowledge receipt and explain what action will be taken.

Your name

Pupil's (Child's) name (if relevant)

Your relationship to the pupil (Child) (if relevant)

Address

Postcode

Daytime telephone number (home)

Evening telephone number (mobile)

Please give details of your complaint

Including whether you have spoken to anybody at the school about it

What action, if any, have you already taken to try and resolve your complaint?

Who did you speak to and what was the response?

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

Are you attaching any paperwork? If so. Please give details.

Signed

Date

Print Name

Official Use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2

Formal complaint to a School's Complaints Panel: model agenda

1. Apologies
2. To consider panel members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure
4. To agree whether the decision will be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards)
5. Invitation to complainant and school representative to join meeting and introduction to the panel
6. Introduction and explanation of the procedure
7. To note the role of the clerk at the meeting
8. Complainant's presentation and witnesses and questions to both by the school representative and/or panel members
9. School representative's response and witnesses and questions to both by complainants(s) and/or panel members
10. Any further questions or points from any of the parties
11. Opportunity for summing up by the school representative
12. Opportunity for summing up by the complainant
13. Summing up by the chairperson
14. Complainant and school representative leave the meeting
15. To decide on the complaint. The panel can:
 - uphold the complaint in full,
 - uphold it in part, or
 - dismiss it
17. To inform the complainant and the school representative of the panel's decision and further rights of representation (if agreed at 5 above).
18. Confidentiality: to consider whether any items are confidential

Appendix 3

Guidance for the Advisory Board Complaints Panel

The complaints panel will appoint a clerk who is responsible for making all arrangements for the meeting, including time and place. The meeting will be arranged as soon as possible for a date within 15-30 school days of receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date the chairperson of the complaints panel will make the final decision. Any documents from either the complainant or the school to be considered by the committee, and the names of any witnesses who might be called must be received by the panel clerk at least seven school days before the meeting.

If the complaint relates to a pupil who is funded by a Local Authority through an EHCP, the Local authority will be invited to send a representative to the Complaints Panel Meeting and to receive the relevant papers.

Copies of all papers submitted plus the agenda will be sent to the panel members, complainant, and school representative at least five school days before the meeting date. The clerk will copy relevant papers to any member(s) of staff named in the complaint.

The complainant may bring a friend, supporter or interpreter to the meeting.

The school representative may bring a friend or a professional representative not connected with the school

Witnesses have a right to bring a friend or professional representative not connected to the school

It is not appropriate for a child/pupil to attend.

Members of the panel will not previously have had significant involvement with the complaint. They will consider the complaint on the basis of the papers they receive and what is said at the meeting.

In the event of either party not attending the meeting, the chair has discretion to proceed or to adjourn at any stage.

The chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout.

The panel can:

- uphold the complaint in full,
- uphold it in part, or
- dismiss it

In complex cases they may wish to give a complex response. The panel committee clerk will send the complainant and school a letter with the outcome of the meeting within seven days of the meeting. The school will copy relevant papers to any member(s) of staff named in the complaint.

Guidance for the Advisory Board Complaints Panel

A copy of the agenda, the complaint, and any written response from the school will be sent to complaints panel members and at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

Practical arrangements

The tone of an evening is often set by what happens when the complainant first arrives for the meeting. Therefore it is worth the chairperson considering the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and school representatives may be advisable).
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best)
- What route will the complainant and school representatives take to the meeting room?
- Does the complainant need an interpreter?

The meeting

The agenda is based on advice given by the Council of Tribunals and sets out the procedure to be used at the meeting.

Panel members are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedure issues.

Chairperson's role

During the meeting

- Take control of the meeting with confidence; use your judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting
- Convey to all concerned that you are acting impartially by treating all participants even-handedly.
- The panel, the clerk and the LA representative (if attending) should be present throughout the meeting.
- The complainant and the school representative (Headteacher or CEO) (with their friends/ advocates) will be invited in and asked to leave together.

- At the discretion of the chairperson witnesses will be invited to join the meeting when their input is required and to leave immediately afterwards.
- It is not appropriate for a child/pupil to attend.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited to speak to the committee and in what order; at no time should the complainant, school representative or a witness be able to talk to committee members without both the complainant and school representative being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.
- If witnesses are waiting, the chairperson should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined you, explain the evening's proceedings (see below).
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure; e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; be even- handed in your treatment of all participants.

Explaining the evening's proceedings

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.
- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, you may wish to advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.
- Make it clear that although you want to be as informal as possible, you will keep to the agenda as this will allow everyone to have a fair hearing.
- Explain, for example, that you will hear the complainant speak without interruption and then ask the school representative and complaints panel members to ask any questions to clarify any issues raised; then the school representative's response will be heard, again without interruption, and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits that you would like to adhere to.

Concluding the discussion

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the “further questions or points” stage, (Section 2, item 10) you can move the meeting on by proceeding to the summing up. The complainant and the headteacher are then invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate, in which case items 11-13 (Section 2) can be referred to but not used.
- Confirm the arrangements for the participants to receive the decision of the meeting.
- After the complainant and headteacher have left, write down the decision of the committee so this can be accurately recorded in the minutes
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible

The decision letter and minutes

- The complaints panel clerk sends a copy of the decision letter to the complainant, and school representative
- The complaints committee clerk writes the minutes and sends them to the complainant and the school representative; the minutes record the procedure followed, the decision reached and any recommendations made.
- It is usual for all documents relating to a complaint to be kept confidential.

After the meeting

The chairperson of the panel will receive a copy of the minutes for confirmation.

Date: May 2020

Date of review: May 2021



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