



Complaints Procedure

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Aims

SHAPE Alternative Provision is dedicated to fulfilling its legal obligations in responding to concerns and complaints raised by parents and other individuals associated with the alternative provision. In order to address these issues, we have established a comprehensive approach that encompasses the following principles:

Impartiality and Non-Adversarial Approach:

We strive to maintain objectivity and fairness throughout the complaint resolution process.

Independent Investigation:

When necessary, we facilitate a thorough and unbiased investigation.

Effective and Prompt Response:

We commit to addressing all points raised in the complaint.

Confidentiality:

We respect the complainant's preference for confidentiality.

Respect and Courtesy:

We treat complainants with respect, empathy, and courtesy.

Compliance with Administrative Law Principles:

Any decisions made in response to complaints adhere to the principles of administrative law, including legality, rationality, reasonableness, fairness, and proportionality.

Transparent Communication:

We keep complainants informed about the progress of the complaint resolution process.

Contribution to School Improvement:

We consider how complaints can contribute to the evaluation and improvement of our educational programs.

We prioritise resolving concerns and complaints through informal means whenever possible.

However, if informal resolution is not achievable, we will follow formal procedures to ensure a thorough and fair investigation. Additionally, we make efforts to promote awareness of this policy by publicising its existence and accessibility on the school's official website.

Throughout the entire complaint resolution process, we remain attentive to the needs of all individuals involved, making reasonable accommodations to meet their requirements and ensure a supportive environment for everyone.

Legislation and guidance

It is important to note that the following procedure is unique to our alternative provision and has been developed in accordance with the guidelines set forth by the Education and Skills Funding Agency (ESFA) and the Department for Education (DfE).

By following this policy, we ensure compliance with the legal framework governing independent schools and demonstrate our dedication to fostering a supportive and accountable educational environment.

Moreover, this document draws upon the expertise and best practice guidance recommended by the ESFA and the DfE. By incorporating these valuable resources, we have tailored our complaints procedure to suit the specific needs and context of our alternative provision.

We understand the significance of addressing parental concerns and providing a fair and efficient resolution process. Therefore, this policy serves as a comprehensive and distinctive approach that enables us to meet our statutory obligations while upholding the highest standards of professionalism and compliance.

3. Definitions and scope

Clarification of Terms

In accordance with the guidance provided by the Department for Education (DfE), it is essential to differentiate between concerns and complaints:

- A concern is described as an expression of apprehension or uncertainty regarding an important matter, seeking reassurance. Such concerns will be addressed through regular communication and dialogue whenever possible.
- A complaint, on the other hand, refers to an expression of dissatisfaction, whether formal or informal, regarding actions taken or a lack thereof.

Comprehensive Scope

Our commitment is to address and resolve complaints through informal means whenever feasible, at the earliest possible stage. However, we acknowledge that there may be instances when complainants prefer to escalate their concerns formally. This policy outlines the specific procedures for handling such formal complaints.

Please note that this policy does not encompass complaints procedures pertaining to the following:

- Admissions-related matters
- Statutory assessments of special educational needs (SEN)
- Safeguarding concerns
- Exclusion issues
- Whistle-blowing disclosures
- Staff grievances
- Staff disciplinary matters

For detailed information on the procedures associated with these types of complaints, please refer to our distinct policies specifically developed to address each area.

Nevertheless, this policy does cover complaints raised by parents of children with special educational needs (SEN) concerning the school's support. In such instances, we encourage complainants to initially approach the Head of School, who will then follow the guidelines outlined in this complaints policy.

Our SEN policy also provides comprehensive information about the rights of parents with disabled children who believe that our school has engaged in discriminatory practices.

Complaints related to services provided by external entities utilising school premises or facilities should be directed to the respective provider responsible for those services. We encourage complainants to contact the provider directly to ensure a swift and appropriate resolution.

Roles and responsibilities

Responsibilities of the Complainant

To ensure a more effective and timely response to their complaint, the complainant should:

- Familiarise themselves with the outlined procedures for lodging a complaint.
- Cooperate with the school throughout the entire process, promptly responding to deadlines and communication.
- Treat all individuals involved with respect, fostering a constructive and professional atmosphere.
- Refrain from sharing specific details or discussing the complaint on social media platforms.

Responsibilities of the Investigator

An appointed individual will carefully investigate the complaint and establish the facts. Their responsibilities include:

- Conducting interviews with all relevant parties involved, taking detailed notes during the process.
- Thoroughly reviewing records, documents, and any written evidence, ensuring their secure storage.
- Preparing a comprehensive report that outlines the facts of the complaint and offers potential solutions, which will be presented to the Head of School or the designated complaints committee.

Responsibilities of the Clerk to the Governing Board

The clerk assumes various key responsibilities, serving as the primary point of contact for both the complainant and the complaints committee. Their tasks encompass:

- Acting as a liaison between the complainant and the complaints committee, including the distribution of relevant papers and evidence prior to committee meetings.
- Organising and arranging the complaints hearing, ensuring all necessary arrangements are in place.
- Accurately recording and circulating the minutes and outcome of the hearing, maintaining a clear record of the proceedings.

Responsibilities of the Committee Chair

The committee chair plays a crucial role in ensuring a fair and respectful process. Their responsibilities include:

- Chairing the meeting and guaranteeing that all participants are treated with respect and professionalism throughout.
- Ensuring that all parties involved have access to relevant information, fully comprehend the purpose of the committee, and are provided an opportunity to present their case effectively.

By clearly defining and understanding these roles and responsibilities, SHAPE alternative provision ensures a comprehensive and impartial approach to handling complaints.

Principles for investigation

Thorough Investigation and Timeframes within the SHAPE alternative provision.

When conducting an investigation into a complaint, our primary objective is to gain clarity regarding the following aspects:

- The specific events or circumstances that have transpired.
- The individuals who were involved in the incident or situation under complaint.
- The desired outcome or resolution sought by the complainant, in order to rectify the matter.

Comprehensive Timeframes

In accordance with our procedures, it is expected that the complainant will raise their concern within a period of three months from the date of the incident. In cases where the complaint pertains to a series of interconnected incidents, the three-month timeframe begins from the date of the last incident.

However, we acknowledge that there may be circumstances where it was not feasible for the complainant to raise the complaint within the specified timeframe. In such situations, if there are valid reasons for the delay and it is still possible to conduct a fair investigation that considers the interests of all parties involved, exceptions to the time limit will be considered.

In instances where complaints are submitted during school breaks or holidays, we will deem the complaint as received on the next school day following the break.

Should we encounter any challenges in meeting the designated timeframes outlined in this policy, we will take the following actions:

- Collaborate with the complainant to establish new mutually agreed-upon time limits.
- Communicate the revised deadline to the complainant, providing a clear explanation for the delay in order to maintain transparency and ensure the complainant's understanding of the situation.

By addressing concerns through a thorough investigation and adhering to appropriate timeframes, the SHAPE program aims to facilitate a fair and efficient complaint resolution process that upholds the principles of accountability, transparency, and mutual respect.

Stages of complaint (Not complaints against the HoS or governors)

Stage 1: Informal Resolution

SHAPE alternative provision places significant importance on addressing informal concerns promptly and effectively. In many instances, providing information or clarification can successfully resolve the issue at hand.

To initiate an informal complaint, the complainant should contact the relevant staff member or the Head of School, either in person, through a letter, telephone call, or email. If unsure about whom to contact or how to reach them, the complainant can reach out to the school office via phone/email at 0115 8***** or admin@safehaven-ap.co.uk

Within two school days, the Alternative provision will acknowledge receipt of the informal complaint and initiate an investigation. The investigation will aim to provide a response within ten school days.

If the complaint remains unresolved at this stage, it will be escalated to a formal complaint.

Stage 2: Formal Complaint

Formal complaints may be submitted through various means, including letter, email, phone call, in-person communication, or by a third party acting on behalf of the complainant. When raising a formal complaint, the complainant should provide specific details such as relevant dates, times, names of witnesses, copies of pertinent documents, and their proposed resolution for the complaint. If complainants require assistance in submitting a formal complaint, they can contact the school office via phone/email at 0115 8***** or admin@safehaven-ap.co.uk

The Head of School or a designated member of the senior leadership team will arrange a meeting to discuss and clarify the concerns raised in the formal complaint, aiming to reach a resolution. The complainant may choose to be accompanied at this meeting and should inform the school of their companion's identity in advance.

In certain circumstances, the alternative provision may need to refuse a specific individual's attendance at the meeting due to conflicts of interest. If such a situation arises, the school will promptly notify the complainant, allowing them to arrange alternative accompaniment if desired.

Following the meeting, the Head of School or an appointed representative will conduct an independent investigation. The written conclusion of this investigation will be sent to the complainant within ten school days. If the complainant wishes to proceed to the next stage of the procedure, they must inform the clerk to the governing board within ten school days.

Escalating a Complaint

To escalate a complaint, individuals can contact the governing board through various channels, including letter, email, phone call, in-person communication, or through a third party acting on behalf of the complainant. The clerk will require details of the complaint, as mentioned previously, along with an explanation of how the previous stage of the procedure failed to adequately address the complaint and the complainant's proposed resolution.

The written conclusion of the escalated investigation will be sent to the complainant within ten school days. If the complainant wishes to proceed further, they must provide a written request to the clerk to the governing board within ten school days. Exceptions to this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within three school days.

Stage 3: Review Panel

If the complainant remains dissatisfied with the response to their complaint after the formal stage, the complaint will be escalated to a review panel.

The review panel, appointed by or on behalf of the proprietor, consists of at least three individuals who were not directly involved in the matters detailed in the complaint. It is mandatory to include at least one panel member who is independent of the school's management and running. The panel cannot solely consist of governing board members as they are not independent of the school's management and running.

The review panel will have access to the existing records of the complaint's progress, as outlined in section 'Record Keeping'.

Reasonable notice of the review panel's meeting date will be given to the complainant; however, the panel reserves the right to schedule the meeting based on their convenience. Both the complainant and representatives from the school will have the opportunity to present written or oral submissions before the meeting. The complainant may attend the panel hearing and be accompanied if desired.

During the meeting, each party will have the chance to present statements, evidence, and call witnesses as necessary. The panel, the complainant, and the school representative(s) will have the opportunity to ask questions and provide responses. Once both parties have presented their cases, they will be asked to leave, and the panel will deliberate on the evidence presented.

The panel will compile its findings and recommendations from the case, preparing minutes of the hearing, findings, and recommendations. Copies of these documents will be provided to the complainant, the subject of the complaint (where relevant), and made available for inspection by the proprietor and Head of School.

The school will communicate the decision in writing to those involved within five school days.

Complaints against the Head of School, a governor or the governing board

Stage 1: Informal Resolution

If a complaint is made against the Head of School or any member of the governing board, the complainant should initially direct their concerns to the clerk of the governing board.

In cases where the complaint specifically involves the Head of School or a member of the governing board, including the chair or vice-chair, an impartial and suitably skilled governor will undertake the steps outlined in Stage 1, as detailed in the section above.

Stage 2: Formal Complaint

If the complaint jointly involves the chair and vice-chair, the entire governing board, or the majority of the governing board, an independent investigator will be appointed to carry out the steps outlined in Stage 2, as described in the section above. The investigator will be selected by the governing board and will provide a formal response at the conclusion of their investigation.

Stage 3: Review Panel

In cases where the complaint jointly involves the chair and vice-chair, the entire governing board, or the majority of the governing board, a committee comprising independent governors will convene to address the complaint. These governors will be sourced from local schools or the local authority and will follow the procedures outlined in Stage 3, as outlined in the section above.

Referring complaints on completion of the school's procedure

Upon completing the school's internal complaints procedure, if the complainant remains dissatisfied with the outcome, they have the option to refer their complaint.

For additional information or to initiate the referral process for a complaint, please visit the following webpage: <https://www.gov.uk/complain-about-school>

Persistent complaints

Unreasonably Persistent Complaints

While we treat most complaints seriously, it is essential to address situations where a complaint becomes unreasonably persistent. The following circumstances may indicate an unreasonably persistent complaint:

- The complainant has previously raised the same complaint, and it has already been resolved following the alternative provisions complaints procedure.
- The complaint demonstrates characteristics of being obsessive, persistent, harassing, prolific, defamatory, or repetitive.
- The complainant knowingly provides false information.
- The complaint is unfounded or falls outside the scope of the complaints procedure.
- The complainant pursues a valid complaint in an unreasonable manner, such as refusing to articulate the complaint, failing to cooperate with the complaints procedure, or demanding approaches that are incompatible with the established procedure and time frames.
- The basis of the complaint changes throughout the investigation.
- The complaint appears to be designed to cause disruption, annoyance, or excessive demands on alternative provisions time.
- The complainant seeks unrealistic outcomes or proposes solutions lacking any serious purpose or value.

Steps Taken to Address Unreasonably Persistent Complaints

We are committed to addressing the complainant's concerns while maintaining our role as an objective arbiter throughout the process. We will follow our complaints procedure as outlined above whenever possible.

In cases where the complainant continues to engage with the alternative provision in a disruptive manner, we may implement communication strategies to manage the situation. These strategies may include:

- Providing the complainant with a single point of contact through an assigned email address.
- Limiting the number of times the complainant can initiate contact, such as setting a fixed number of interactions per term.
- Requesting that the complainant engage a third party, such as Citizens Advice, to act on their behalf.
- Implementing any other necessary strategies to address the situation appropriately.

Cessation of Response

We may decide to stop responding to a complainant when the following factors align:

- We believe we have taken all reasonable steps to address the concerns raised.
- We have provided a clear statement of our position and presented the available options to the complainant.
- The complainant repeatedly contacts us, with the intention of causing disruption or inconvenience.

If we determine that cessation of response is necessary, we will inform the individual of our intention to do so. Additionally, we will clarify that we will continue to consider any new complaints they may make.

In response to incidents involving aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school premises.

Duplicate Complaints

In the event that we have already resolved a complaint under this procedure and subsequently receive a duplicate complaint on the same subject from a partner, family member, or other individual, we will assess whether there are aspects that were not previously considered or if there is any new information that requires our attention.

If we determine that no new aspects exist, we will:

- Inform the new complainant that we have already investigated and responded to the issue, and that the local process is complete.
- Direct them to the Department for Education (DfE) if they are dissatisfied with our original handling of the complaint. If new aspects arise, we will initiate this procedure again.

Complaint Campaigns

In cases where the alternative provision receives a significant number of complaints about the same topic or subject, particularly if these complaints come from individuals not connected to the alternative provision, we may respond to these complaints by:

- Publishing a single response on the alternative provisions official website.
- Sending a template response to all complainants.

If complainants are not satisfied with the alternative provisions response or wish to pursue the complaint further, the normal procedures outlined above will apply.

Record keeping

To ensure confidentiality, records will be securely held centrally and will only be accessible to individuals directly involved in investigating the complaint or participating in the review panel.

However, certain circumstances may require disclosure of complaint records, such as:

- Requests from the Secretary of State or authorised representatives, or the complainant themselves, made through freedom of information (FOI) or subject access requests in accordance with the Data Protection Act.
- Situations where the records must be made available during a school inspection.

The storage and retention of complaint records will adhere to data protection laws, our privacy notices, and the established record retention schedule. Records will be securely retained only for as long as necessary.

To protect the confidentiality and integrity of the complaint process, the details of the complaint, including the names of individuals involved, will not be shared with the entire governing board, particularly in cases where a review panel may be organised at a later stage.

If the governing board becomes aware of the substance of the complaint before the review panel stage, the alternative provision will make reasonable efforts to arrange for an independent panel to hear the complaint.

Learning lessons

We prioritise continuous improvement by actively reviewing any underlying issues brought forth through complaints. To facilitate this process, the governing board will collaborate with the Head of School and the senior leadership team, ensuring the appropriate individuals are involved while maintaining strict confidentiality.

The purpose of these reviews is to identify areas where the alternative provisions, procedures or practices can be enhanced to prevent similar events from occurring in the future. By thoroughly examining the concerns raised in complaints, we aim to extract valuable insights and implement necessary improvements.

Monitoring arrangements

The governing board will actively monitor and assess the number and nature of complaints received. This monitoring process provides valuable insights into the types of complaints and their frequency, enabling the identification of any emerging patterns or recurring issues.

To effectively manage and maintain records of complaints, the Operation Manager will be responsible for logging and overseeing the management of these records. This ensures that all relevant information is appropriately recorded and readily accessible for analysis and review.

In line with our commitment to continuous improvement, this policy will undergo regular review. The Head of School will conduct a thorough review of the policy every two years to ensure its relevance, effectiveness, and alignment with evolving best practices and regulations.

At each review, the policy will be presented to and approved by the full governing board, reaffirming their commitment to upholding a robust and responsive complaints procedure.