



*This policy is linked to and derived from the overarching curriculum policy. This policy has been reviewed by the SMT to ensure it does not undermine British Values of Democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.*

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# PARK SCHOOL

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## COMPLAINTS POLICY

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ACADEMIC YEAR 2020-2021

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**ParkSchool2020/ComplaintsVersion4**



## PARK SCHOOL

### Approach

At Park School, we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. Any areas of concern will be dealt with as quickly as possible to avoid any reason to endanger this potential. All complaints will be dealt with respect and dignity. Whilst we do not welcome spurious complaints from students any issues raised by our students will be listened to.

We believe that a close partnership between the school, parents, Social Services and LEA Educational representatives, carers and students is essential to ensure student progress and well-being. Regular 'Looked After Children' Review meetings between parents, Social Services representatives, LEA education representatives, carers and teachers, together with informal meetings provide opportunities to raise matters of concern – about the curriculum or more general issues.

### REPRESENTATION AND COMPLAINTS POLICY AND PROTOCOL

- 1.1 The organisation, Park School, is committed to ensuring the students and their families are able to make representations or complaints about the services it provides, and to have such representations or complaints heard and resolved promptly.
- 1.2 A representations and complaints procedure is in place to ensure students and families are aware, understand and are able to use it to make representations and/or complaints about the availability, delivery and nature of its services.
- 1.3 The Organisation, in relation to each students receiving a service, will have negotiated with the Local Authority at the point of admission, whether representations or complaints and/or at what level, will be investigate by the Investigating Officer it will appoint.
- 1.4 The Organisation's staff members are committed to the implementation of the procedure and are able to activate the process when a representation or complaint is made.

**Implementation:** It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

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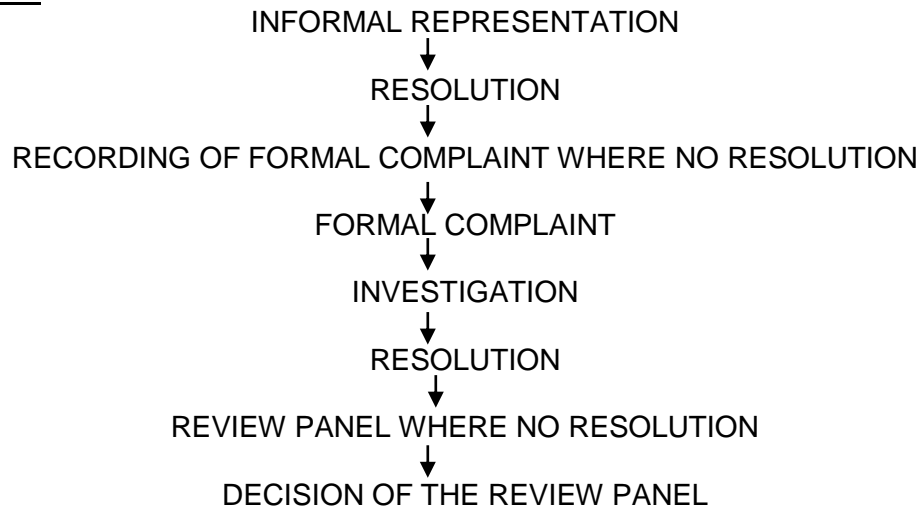
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**Compliance:** This policy complies with all relevant regulations and other legislation as detailed in the *Compliance with Regulations & Legislation Statement*.

### The Process



### Implementation of the Process

The process, as will be observed from the diagram, has a number of stages, each becoming increasingly formal, but at any stage of which a resolution is sought. Each complaint will be recorded in written form and the resolution/outcome will also be shown whether this be at the preliminary stage or proceeds to a full panel hearing.

The procedure facilitates that all written records of complaints will be securely kept on a centrally held file at the organisation Regional Office in Alcester and treated as confidential information. The written records will indicate at which stage of the process the complaint was resolved e.g. Whether the complaint was resolved at the preliminary stage or whether it proceeded to a panel hearing with the final outcome stated.

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## **Stage 1 Informal Resolution**

Upsets and misunderstandings occur during the course of a day's work and staff members resolve many such issues by treating a representation seriously, and the child/young person with respect.

## **Stage 2**

A representation may be made orally or in writing. It must be recorded on the student's file and the complaints file by the end of the working day. The written record will be stored in a locked cabinet as secure and confidential material.

In the process of seeking a resolution the Head teacher will advise the student of his/her right to be represented by a person, independent of the organisation, called an advocate.

If the representation is resolved at this stage, a written record is placed on file and a copy given to those involved; all these records are treated as confidential material and stored accordingly.

If a concern is not resolved through discussion with the teacher, the student or the student's representative the teacher can refer it to the Head Teacher within seven days. Complaints from other adults should be made directly to the Head Teacher.

**If the complaint is against the Head Teacher then the complainant should refer the matter to in the first instance, Cliff James (Area Manager 01869 347781).**

**Students may also choose to complain to Social Workers, OFSTED, Local Authorities**

The Head Teacher will offer a meeting with the complainant, at a mutually convenient time but within seven days. At that meeting, and through discussion, the Head Teacher will seek an acceptable outcome, to the satisfaction of all parties involved.

As part of the school's consideration of the complaint the complainant may be asked to put the complaint in writing, or an electronic response or otherwise) or be invited to attend a meeting to discuss the complaint and any further details. If the complainant wishes, they may ask someone to accompany them to help explain the nature of the complaint.

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The Head Teacher will carry out a full investigation and if necessary talk to any witnesses and take statements from others involved.

If the complaint is against a member of staff, it will be dealt with under Park School internal confidential procedures. All staff complaints will be treated confidentially. A copy of these procedures is available on request.

The Head Teacher will keep written, signed and dated documents and records of any telephone conversations. Once all the relevant facts have been established a written and an electronic or otherwise report, will be sent giving a full explanation of any decisions with reasons and any follow up action required. A written and an electronic, or otherwise, report will be sent within seven days.

If the representation is resolved at this stage, a written record is placed on file and a copy given to those involved; all these records are treated as confidential material and stored accordingly.

### **Stage 3**

If no resolution has been attained, student's family member, or representative, may make a formal complaint, which will become part of the formal procedure.

A formal complaint must be made in writing and, if necessary, a staff member will assist the student, family member or representative, in the writing of the complaint.

As the Organisation does not have a children's rights officer, the complaint will be investigated by a person independent of the IO (Investigating Officer). The complaint will be acknowledged by letter within three working days. A detailed formal written response, following investigation, will be made within 28 working days. It will state the decision and the reasons for it.

The complainant or his/her representative will then be given 10 working days to formally reply to the Organisation's response. This must be sent to any person involved in the formulation of the complaint. The response will also incorporate the comments of the independent person who has represented the student. It would also be usual for the response to be read and explained to the student by the Investigating Officer or the Head teacher. This must be recorded on the file.

In the event of the Investigating Officer considering the complaint may result in disciplinary action being taken against a member of the organisation, the

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Representations and Complaints Procedure will be suspended. The Organisation's Disciplinary Procedure will be invoked.

#### **Stage 4 –Review Panel**

A student, family member, or representative, who is dissatisfied with the formal response, may request consideration of the complaint and its response by a Review Panel.

A Review Panel and its chair will be appointed by the owner and will have three members, at least one of whom, the chairperson, must be independent of the Organisation. The panel will be made up of 3 people who have not been directly involved in previous consideration of the complaint.

The Organisation will have the investigating officer and a representative of the organisation, to present the findings of the investigation to the panel. Any members of the Organisation who have prepared reports for the Review Panel will be able to give oral information as required, but will then leave the meeting. Parents have the right to attend and be accompanied to a panel hearing if they so wish. Any person who has acted on their behalf during the procedure, and/or by a sign interpreter or other interpreter where appropriate may accompany the student, family member, or representative.

Information may be given to the Review Panel orally; in writing, or by an interpreter, and then persons requesting the review will remain up to the point at which the Panel is in a position to deliberate and make its decision.

Individuals nominated by the persons requesting the Review, may ask other people to give oral information to the Panel. Once the information has been given such persons will leave the proceedings.

Documentation presented to the panel must be made available, with time for study, to the relevant people involved in the Review.

The Review Panel, having heard all the presentations from both the representatives of the organisation and of those given on behalf of the child/young person, will make its decisions and recommendations. It will be the responsibility of the Chairperson to inform in writing the complainant, the student, family members, or representative, of the Review Panel's decisions and recommendations within 10 working days. The person whom the complaint has been made about should be

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provided with a copy of findings and recommendations if this is considered appropriate to do so. This documentation should be retained on file and be available for inspection by the Proprietor and the Head Teacher.

In the event of the Review Panel deciding that more can be done to resolve the complaint, the Organisation will reconsider the original formal response to the complaint, as the Organisation will accept as binding the Review Panel's decision and recommendations. The student, family members and representatives will then receive a final written response from the organisation, including the reasons for it within 10 working days.

After the Review Panel, the organisation will not consider another formal complaint about the matter for a period of three months.

All records will be kept strictly confidential.

#### Unacceptable Behaviour and Frivolous and Vexatious Complaints

The 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 seek to limit the contact complainants have with our 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, threatening or which constitutes harassment.

The School defines unacceptable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

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- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- 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.
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact
- with staff regarding the complaint in person, in writing, by email and by telephone while the
- complaint is being dealt with
- uses threats to intimidate staff or harass staff.
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.
- is otherwise frivolous and vexatious

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before determining if the complainant's behaviour is unacceptable. If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to modify it to enable their complaint to be considered in accordance with the school's complaints policy if within the scope of the complaints procedure. For complainants who excessively contact the School causing a significant level of disruption, we may specify alternative methods of communication in which complaints should be made but will keep this under review.

This policy will be reviewed annually

Year	How Many Complaints
2019	1
2020	0

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