



Complaints Policy & Procedures

Complaints Policy (Including EYFS)

Policy Review Date: October 2022

Reviewed By: J Callaway & SLT

Next Review: October 2023

(or following incident, legislation or interim guidance)

Distribution

Please note that 2 copies of this policy are printed as standard and distributed to the following areas:

- 1) Staff Room
- 2) School Office

This policy is also made available on the school website.

Updates and Amendments to Policy

Date	Section Heading	Update Details	Page N°
January 2021	Policy statement	Update due to COVID-19 Highlighted in Blue	4
October 2022	Policy statement	ISSR regulations date Highlighted in grey	4
October 2022	Informal resolution	Details about progression through to stage 2 and 3 Highlighted in grey	5
October 2022	Retention of complaints	Highlighted in grey	7
October 2022	Persistent correspondence	Highlighted in grey	7

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SECTION 1: POLICY STATEMENT

Avalon School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents/carers do have a complaint they can expect to be treated sensitively and fairly by the School in accordance with this Procedure. This Complaints Policy has been written with regard to the Independent School Standards Regulations (ISSR – September 2021).. It applies to our whole school including the Early Years Foundation Stage (EYFS) and out of hours care and extra-curricular clubs. It can be obtained by parents / carers from the School's Website or the School Office on request. This procedure only applies if the child is enrolled at the school when the initial complaint is made.

Please note that the term "working day" refers to a day during the normal school term, when school is in session.

During disruption caused by Covid-19 it may not be possible to meet the timescales set out in this document. The school will clearly communicate with parents / carers if this is the case and will propose alternative timescales.

SECTION 2:

STAGE 1 - INFORMAL RESOLUTION

- It is hoped that most complaints and concerns will be resolved quickly and informally. Any matter about which a parent or carer of a pupil is unhappy and seeks action by the school is regarded as a complaint.
- For the purposes of clarification a reference to 'working days' is when school is in session during term time.
- If parents / carers have a complaint, they should normally contact their child's form teacher or key person in EYFS. In most cases the matter will be resolved swiftly, normally within 2 working days, to the parents' / carers satisfaction.
- If the form teacher cannot resolve the matter alone, it may be necessary for him/her to consult a member of the Senior Leadership Team about the complaint with the aim of finding a resolution within a further 2 working days.
- Complaints made directly to the Headteacher will usually be referred to the relevant Form teacher unless the Headteacher deems it appropriate for him/her to deal with the matter personally.
- The Form teacher will make a written record of all complaints on the day that they are received. Should the matter not be resolved within a specified period of time, normally within 7 working days, or in the event that the Form teacher and the parent fail to reach a satisfactory resolution then parents / carers will be advised to proceed with their complaint in accordance with stage 2 of this Procedure.
- At the end of each school year the stage 1 informal complaints are filed and kept confidentially, in the pupils' non-academic files, if appropriate.

- All complaints will be treated seriously and confidentially. Parents / carers will be assured that their children will not be penalised if they raise a complaint.

This policy does not cover complaints made by the following:

- Parents / carers of pupils who have left voluntarily or as a result of being excluded (except where the complaints processes was started when the pupil was still being educated at the school)
- Pupils
- Prospective pupils and their parents / carers, and the failure to admit such pupils
- Although all formal complaints will be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example, by email. Complaints will usually only progress to the formal stage after first being considered at the preliminary stage and only then if the complainant intends to escalate a matter to the formal stage.

STAGE 2 - FORMAL RESOLUTION

- If the complaint cannot be resolved on an informal basis then parents / carers should put their complaint in writing to the Headteacher using the school complaints form, see appendix 1 of this document, or speak to the Headteacher in person. The Headteacher will decide, after considering the complaint, the appropriate action to take.
- In most cases, the Headteacher will meet with, write to or speak to the parents / carers concerned normally within 2 working days of receiving the complaint to discuss the matter and as soon as practicable during school holidays, indicating that action is being taken and the timescales involved. If possible, resolution will be reached at this stage.
- It may be necessary for the Headteacher, or another designated member of staff, to carry out further investigations.
- The Headteacher will keep written records of all meetings and interviews held in relation to the complaint in stage 2.
- Once the Headteacher is satisfied that all of the relevant facts, as far as is practicable, have been established, a decision will be made and parents / carers will be informed of this decision in writing as soon as possible and within a further 5 working days. The Headteacher will also give reasons for his/her decision. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- If parents / carers are still not satisfied with the decision, they will be advised to proceed to Stage 3 of this Procedure.

- The headteacher will record any actions taken as a result of the complaint (regardless of whether they are upheld) in the complaints record.
- If the complaint is about the Headteacher, parents / carers should write to the Chair of Governors using a sealed envelope.

STAGE 3 - PANEL HEARING

- If parents / carers seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to a person independent of the management and running of the school, who has been appointed by the Governors to call hearings of the Complaints Panel. The designated independent panel member will have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments.
- The matter will then be referred to the Complaints Panel for consideration. The panel will consist of 3 persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the Panel members shall be appointed by the Board of Governors. The independent panel member, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 21 working days of receiving the request for an Appeal.
- Reasonable arrangements will be made to ensure the complainant can attend the panel hearing. If the complainant does not exercise the right to attend the panel hearing, the hearing will still be held.
- The complainant will be informed that they are able to be accompanied at the hearing if they wish; however, legal representation will not normally be appropriate.
- The right for a parent to be accompanied at a panel hearing does not confer a right on a parent to have a legal representative make representations on their behalf at a hearing, but the school will decide whether to allow this on a case-by-case basis.
- If the panel deems it necessary, it may require that further details of the complaint or any related matters be supplied in advance of the hearing. Copies of such information will be supplied to all parties no later than **five days** prior to the hearing.
- After considering all of the relevant facts, the panel will make findings and recommendations. The decision, findings and recommendations will be provided to the complainant in writing within **five days** of the hearing. A copy of the decision, findings and recommendations will be sent to, where relevant, the person complained about, the headteacher and the chair of the Board of Governors.
- The decision of the panel will be final and represents the conclusion of the school's complaints procedure.
- If it is found that the school has not met its requirements in relation to managing complaints because of the way a particular complaint has been handled, the Secretary of State has no power to compel the school to alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard, so that future complaints are dealt with properly.

SECTION 3: ADDITIONS IN RESPECT OF THE EYFS AND OUT OF SCHOOL HOURS CARE AND ACTIVITIES:

Written complaints by parents/carers about the school's fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 working days of the receipt of the complaint/s.

The written record of complaints will be made available to Ofsted or ISI on request.

Parents/carers of children in the Early Years Foundation Stage can take their complaint to Ofsted and/or the Independent Schools' Inspectorate (ISI). (See below for contact details).

RECORDING COMPLAINTS

- A written record of complaints is limited to those made in writing under the formal part of the Procedure and whether they were resolved at that stage or proceeded to an Appeal Hearing (Stage 2 and Stage 3)
- Records will demonstrate the action taken by the school as a result of these complaints (regardless of whether they are upheld)
- The number of Stage 2 and Stage 3 Panel complaints made are held on the school's website
- The School will also keep a record of informal complaints to enable patterns of concern to be monitored.
- Parents / carers should see the school's Exclusion Policy for procedures and can use the same process for exclusion appeals, as outlined above for the hearing of complaints.
- Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests to access them.

RETENTION OF COMPLAINTS

- DfE has advised that complaints which do not have safeguarding implications should be retained for a minimum of 7 years
- Where there is a safeguarding angle: 'Records concerning allegations of abuse must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.'

PERSISTENT CORRESPONDENCE

- Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this can be regarded as vexatious and outside the scope of the policy.

TIMESCALES

- In order to prevent the process being indefinitely open-ended parents / carers have 5 working days to take their complaint to the next level. (Level 1 to Level 2 or Level 2 to Level 3). However, parents / carers are allowed to make the case for extenuating circumstances which might have impeded the parent from taking action. Such reasons should be explained to the Headteacher who will take the decision as to whether the delay was reasonable and thus the complaint should continue to the next level.

MONITORING AND REVIEW:

These Procedures will be monitored by the Headteacher and the Board of Governors and updated as necessary in accordance with current ISSR and relevant legal obligations. They will be reviewed annually.

FURTHER ACTION

ISI

If anyone wishes to refer a complaint to the Independent Schools Inspectorate they may be contacted via the details below.

Independent Schools Inspectorate
CAP House, 9-12 Long Lane, London EC1A 9HA
www.isi.net/contact

OFSTED

Piccadilly Gate
Store Street
Manchester M1 2WD
<https://online.ofsted.gov.uk/OnlineOfsted/public/ContactUs.aspx>

If a child is in EYFS the parent will have the option to contact OFSTED about his/her complaint.

DfE

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

APPENDIX 1 - AVALON SCHOOL COMPLAINT FORM

To be used in accordance with our complaints policy. This form should be used if stage 1 (informal resolution) has not satisfied you and you wish to move to stage 2 (formal resolution). Please complete and return to the Headteacher: jcallaway@avalon-school.co.uk who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant)
Your relationship to the pupil (if relevant)
Address: Postcode: Day tel: Mob tel: Email:
Please give details of your complaint:
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.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: