



# Braeside School

## Complaints Procedure - Main School and EYFS

This Complaints Procedure follows the Department for Education's and ISBA's Model Complaints Procedure, as updated from time to time.

### Introduction

Our school welcomes suggestions and comments from parents, and takes seriously concerns and complaints that they may raise. The Principals and Headmistress are committed to providing the best educational experience they can for all pupils attending the school. They recognise the value to all concerned of dealing fairly, speedily, sensitively and effectively with any concern or complaint against their decisions, actions or omissions that a pupil or parent or other aggrieved person may have.

The school makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the school's website, and ensures that parents of pupils and of prospective pupils who request it are made aware from the annually updated Parents' Handbook that this document is published and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year.

The number of complaints received each academic year is available on request from the School Office. It is also communicated to the parents via the final Head's letter of the academic year sent out just before the summer holidays.

### Use of the Complaints Procedure

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils.

Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.

"Parent(s)" means the holder(s) of parental responsibility for a [current] [or prospective] pupil about whom the complaint relates.

We will not normally investigate anonymous complaints. However, the Head or Group Managing Principal, if appropriate, will determine whether the complaint warrants an investigation.

### Definition of a Complaint

Any matter about which a parent of a pupil is unhappy and seeks action by the school is a complaint.

### Principles

The principles guiding the school's procedure for handling concerns or complaints are that it should:

- encourage resolution of problems by informal means wherever possible
- be easily accessible, simple to understand and maintain confidentiality
- be impartial and non-adversarial
- allow swift handling with established time-limits for action

- keep people informed of the progress
- ensure a full and fair investigation where necessary
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to the school's Senior Leadership Team so that services can be improved.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The school is here for your child and you can be assured that your child will not be penalised for a complaint that you [or your child] raise[s] in good faith. Concerns and complaints will be dealt with as quickly and effectively as possible, adhering to the time limits laid down for response at each stage of the procedures.

### **How to raise a concern or make a complaint**

Concerns should be raised with either the class teacher or the Head. If the issue remains unresolved, the next step is to make a formal complaint. A concern or complaint can be made in person, in writing, by email or by telephone. They should be made by a complainant and not by a third party acting on behalf of a complainant.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally without the need to use the formal stages of the Complaints Procedure. The school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Complainants should not approach members of the Oak-Tree Management Team directly to raise concerns or complaints. Involvement at the early stages may prevent them from considering complaints at Stages 2 or 3 of the procedure.

In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the school will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally through the stages outlined within this Complaints Procedure.

### **Timeframes**

You must raise the complaint within three months of an incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

For the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of facilities or services by the school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>School re-organisation proposals</li> </ul>	The Group Managing Principal at Head Office
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found in the school's Exclusion Policy available from the website.
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own Complaints Procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If a complainant commences legal action against the School in relation to their complaint, we will consider whether to suspend the Complaints Procedure in relation to their complaint until those legal proceedings have concluded.

Complaints about staff conduct will not generally be handled under this Complaints Procedure. In this case, the parents will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Resolving complaints**

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Stage One: Informal Resolution (Normally addressed to the child's teacher)**

We hope that most concerns and complaints will be resolved quickly and informally to the parents' satisfaction.

Parents should contact their child's teacher in the first instance in person, by email, by telephone or by letter. The teacher will make a written record of the concern or complaint. All concerns, however received, will be reported to the Head.

If the concern is about the child's teacher then the parents may wish to contact the Head directly. The Head may refer the concern or complaint to a senior member of staff to act as the 'concern/complaint coordinator' who will attempt to resolve the matter at Stage One.

Should the matter not be resolved to the parents' satisfaction within 5 working days of the start of the informal process, or if the parents and teacher do not reach a satisfactory resolution, then the parents may wish to proceed with a formal complaint in accordance with Stage 2 of this Complaints Procedure.

### **Stage Two: Formal Resolution (Normally addressed to the Head)**

If it has not been possible to achieve an informal resolution of the concern or complaint acceptable to the complainant, the complainant may make a formal complaint in writing (either by letter or email) to the Head. The formal complaint should include full details, including names and dates where appropriate.

The Head will record the date the formal complaint is received and will acknowledge receipt of the formal complaint in writing (either by letter or email) as soon as possible.

In most cases, the Head will meet with the parents concerned within 5 working days of receiving the complaint to clarify the nature of the formal complaint, ask what remains unresolved and understand what outcome the complainant would like to see. If possible, a resolution will be reached at this stage. If there is an enforced delay, such as for a school holiday period, the parents will be advised accordingly.

It may be necessary to investigate further following the meeting. In this case, the Head may delegate an investigation to a member of the school's Senior Leadership Team. Any final decision will always be made by the Head.

During the investigation, the Head or Investigator will interview those people involved in the cause of the complaint in order to establish the facts. Those involved will normally be interviewed separately. If there are discrepancies in the accounts given, the Head or Investigator may decide to call several people together in order to investigate further.

Once the Head is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head will also give reasons for her decision and include details of any resulting action that the school will take. In most cases, the Head will write within 15 working days of the complaint being put in writing.

The Head will keep written records of all meetings and interviews held in relation to the formal complaint, and will enter details into the school's Complaints Log.

Although this should typically resolve the complaint, the option is available for the complainant to refer the complaint to the Stage Three if they are not satisfied with the outcome of the formal complaint at Stage Two.

### **Complaint about the Head (Addressed to the Group Managing Principal)**

If the complaint is about the Head, the parents should write to: Mr Matthew Hagger, Group Managing Principal, at Head Office by post to Oak-Tree Schools, 6 Albion Hill, Loughton, Essex IG10 4RA or by email to [info@oaktreeschools.co.uk](mailto:info@oaktreeschools.co.uk).

The Group Managing Principal will delegate the Group Education Principal and/or Group Bursar to investigate the complaint fully as per the timescales at Stages One or Two where applicable. The Group Education Principal and Group Bursar will inform the parents in writing within 14 working days of the conclusion to the investigation, including the outcome and any resulting action to be taken.

### **Stage Three: Panel Hearing (Addressed to the Group Managing Principal)**

If the parents feel that their formal complaint has not been dealt with properly, that elements surrounding the case have not been considered fully at Stage Two or that there has not been a satisfactory resolution to the formal complaint at Stage Two, and they wish to take the matter further, they can escalate the complaint to Stage Three. If considered appropriate, Stage Three will be a Panel Hearing and is the final stage of the Complaints Procedure.

A request to escalate to Stage Three must be made in writing by letter or email, setting out the grounds for an appeal, to the Group Managing Principal at Head Office within 5 working days of receipt of the Stage Two response. Any additional supporting evidence that the parents wish to rely on should also be provided with their grounds for appeal. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Panel will consist of three persons who have not been directly involved in the matters detailed in the formal complaint. Two of these will be members of the Oak-Tree Management Team (akin to Governors) and the third will be a neutral person of good standing within the community who is independent from the management and running of the school.

The Group Managing Principal will appoint a Clerk to record the date the complaint is received and to acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days and schedule a Panel Hearing to take place within 20 working days. If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the Hearing. It will then proceed in the parents' absence on the basis of written submissions from both parties.

If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the Hearing or further investigation be carried out. This applies to the parents and the school. Copies of such particulars shall be supplied to all parties **not later than 5 working days** prior to the Hearing.

### Panel Meeting

The parents may bring a relative or friend to the Panel Hearing to provide support. Legal representation will not be appropriate. Representatives from the media are not permitted to attend. The Panel may invite the Head, or other witnesses, to attend the Hearing to clarify any facts about the previous investigation.

The Panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with under Stage One of the procedure.

The manner in which the Hearing is conducted shall be at the discretion of the Panel. The Hearing will be held in private. Electronic recordings of meetings or conversations will not be permitted unless a parent's own disability or special needs require it. In this case, prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

### Committee Decision

After due consideration of the facts they consider relevant, the Panel will make findings as to whether or not the Stage Two decision was a reasonable one, and accordingly will decide to:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will write to the parents informing them of the Panel's decision, the reasons for it and any recommendations within 5 working days of the Hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). Where relevant, any findings and recommendations will be provided to the person complained about. The decision of the Panel will be final. A copy of the Panel's findings will also be available for inspection on the school premises by the Head.

### **Persistent Complaints**

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

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published Complaints Procedure, or that it 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 Two or Stage Three.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school 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](http://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.

## **The Early Years**

Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the school's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

The school will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action that was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice and Data Protection Policy.

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/or the ISI:

Ofsted can be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

ISI can be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)

[ISI, CAP House, 9-12 Long Lane, London EC1A 9HA](#)

## **Recording Complaints and use of Personal Data**

Once resolved, the school will keep a written record of all complaints including whether they are resolved at Stage One (informal stage), the formal stage (Stage Two) or proceed to a Panel hearing (Stage Three) and any action taken by the school as a result of the complaint (regardless of whether the complaint is upheld).

All findings and recommendations are recorded in the final report and are available for inspection on the school premises by the Group Managing Principal.

The school processes data in accordance with its Privacy Notice. When dealing with complaints the school (including any Panel member appointed under the Stage Three process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes/minutes of the hearing, and
- The Panel's written decision.

This may include 'special category personal data' (as further detailed in the school's Privacy Notice and Data Protection Policy, but potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the school's Data Protection Policy.

The school will keep records of formal complaints and Complaints Panel Hearings, as required by regulation. It will do so in accordance with its Privacy Notice and Data Protection Policy. 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 access to them.

### **Procedure following a Change of Head**

Should there be a change of Head during the process of investigating and responding to a complaint, the Group Managing Principal will pass all details to the Head's successor for the investigation and response to the complaint to continue.

### **Contacting the Managing Principal**

The Managing Principal may be contacted by writing to: Mr Matthew Hagger, Oak-Tree Schools, 6-8 Albion Hill, Loughton, Essex IG10 4RA or through the email address [info@oaktreeschools.co.uk](mailto:info@oaktreeschools.co.uk).

### **Role and Responsibilities**

#### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant to clarify what the complainant feels would put things right.

The investigator should:

- 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 meetings
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

**Complaints Coordinator** (*this would normally be the Head of Group Managing Principal, depending on the stage*)

The complaints coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with other staff members as appropriate to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep detailed records.



### **Clerk to the Complaints Committee**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an involvement in an earlier stage of the procedure
- the meeting is minuted.

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No committee member may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant, even if the complainant might not be satisfied with the outcome if the meeting does not find in their favour.
- many complainants will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting:
  - Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
  - The committee should respect the views of the child/young person and give them equal consideration to those of adults.
  - If the child/young person is the complainant, the committee should ask in advance if any support is

- needed to help them present their complaint.
- Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
  - The parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.