



## **The Annex School Complaints Policy**

At the Annex School, all staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with key workers, social workers and where appropriate parents.

Policy written	2 <sup>nd</sup> November 2021
Policy review due on	2 <sup>nd</sup> November 2022

### **Statement of Policy**

The Annex school must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as ‘an expression of worry or doubt over an issue considered to be important, for which reassurances are sought’. It defines a complaint as ‘an expression of dissatisfaction, however made, about actions taken or lack of action’. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Concerns are handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, will receive the first approach. Staff should try to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints: Formal Procedures**

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

### **Framework of Principles**

Our complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be simple to understand and use;
- be impartial;
- allow swift handling, with established time-limits for action and keeping people informed of progress.
- ensure a full and fair investigation by an independent person, where necessary;
- respect people’s desire for confidentiality;
- address all the points of the issue and provide an effective response and appropriate redress, where necessary and
- provide information to the senior management team so that services can be improved.

### **Investigating Complaints**

At each stage, the person investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved;

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- collect information pertinent to the complaint raised;
- when appropriate, interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **Resolving Complaints**

At each stage in the procedure, the school will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **Serial and Persistent Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the school may inform them in writing that the procedure has been exhausted and that the matter is now closed. This will be done in line with the school's policy for dealing with unreasonable complaints.

The decision to stop responding to a complainant should never be taken lightly. The school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and of their options (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

The school's case is stronger if it agrees with one or more of the following statements:

- It has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- The complainant's communications are often or always abusive or aggressive; and/or
- The complainant makes insulting personal comments about or threats towards staff

The school should not stop responding just because a complainant is difficult to deal with or asks complex questions. In most circumstances, it is the subject matter that does not warrant a response, not the correspondent.

### **Time Limits**

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage are defined. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints must be presented to the school, within three months of the incident arising. However, the school recognises that there may be extenuating circumstances where this is not possible and will be flexible in its application of this time limit, where appropriate.

A complaint will be deemed closed unless a request for further action is received within 20 working days of the last communication from the school relating to the complaint.

### **The Formal Complaints Procedure**

At each stage, clarification of exactly who will be involved, what will happen and how long it will take must be communicated. There may, on occasion, be the need for flexibility - for example, there may be a need for further meetings between the complainant and the member of staff directly involved or further investigations may be required by the Head Teacher after a meeting with the complainant.

#### **Stages:**

- Stage One: Complaint heard by staff member (although not the staff member who is the subject of the complaint);
- Stage Two: Complaint heard by the Head Teacher
- Stage Three: Complaint heard by the Managing Director
- Stage Four: Complaint heard by an Independent person (someone who is not employed by J&R Care Ltd).

If a complaint concerns the conduct of the Head Teacher or Director, or where the Head Teacher or Director has been involved in the issue previously, the other person would deal with the complaint or the complainant can be directed to DFE.

### **Managing and Recording Complaints**

A complaint may be made in person, in writing. At the end of a meeting, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings should be kept and a copy of any written response added to the record.

The Managing Director will hold them centrally. All correspondence, statements and records of complaint will be kept confidential, but must be shown to Her Majesty's inspector (HMI) when they inspect.

The school will record the action that it takes as a result of complaints (regardless of whether they are upheld).

The Managing Director will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Information relating to complaints, including any personal data, findings, recommendations, written records or correspondence of statements remains subject to the provisions of other legislation [e.g. the GDPR Regulation(2018), Data Protection (2011) and Freedom of Information Act (2000)].

Statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The process of listening to and resolving complaints will contribute to the schools improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the school and the company can be a useful tool in evaluating a school's performance.

### **Complaints Procedure**

#### **Stage One:** Complaint heard by Staff Member

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The complainant's experience during the first contact with the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they will know what to do when they receive a complaint.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, school leaders can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, it should be referred directly to the Managing Director.

The leadership team will ensure fair and impartial consideration of all complaints and ensure that complainants are provided with well-considered responses to their concerns within the appropriate timescales. Complainants can contact a designated leader to discuss the progress of their complaints, or to indicate that they wish their complaints to be considered further at the next stage. The school will maintain a record of all complaints

referred to it and will ensure that all correspondence, statements and records of any such complaints are kept confidential. Upon receipt of any complaint about the school, a response will be sent to the complainant within ten working days. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head Teacher or other senior leader may consider referring the complainant to another staff member. While the member of staff may be more senior, this is not a requirement. The ability to consider the complaint objectively and impartially is paramount.

Where the first approach is made to a Director, the Director must refer the complainant to the appropriate person and advise the complainant about the procedure. Directors must not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages, in case they are needed to sit on an impartial panel at a later stage of the procedure.

**Stage Two:** Complaint heard by Head Teacher

If, after stage one, the complainant does not feel that their concern has been properly addressed, or if their concern relates to a particular teacher, the matter should be raised with the Head Teacher. Upon receipt of the complaint, the matter is to be fully reviewed and a response sent to the complainant within ten working days. This response may invite the complainant to a meeting to discuss the matter further to try to achieve a satisfactory resolution. The Head Teacher may delegate the task of collating the information to another staff member, but may not delegate the decision on the action to be taken.

**Stage Three:** Complaint heard by Managing Director

If the complainant remains dissatisfied following stage two, or if the complaint relates to the Head Teacher, the complaint may be raised with the Managing Director. Upon a complaint being referred, the Managing Director will undertake a separate investigation into the circumstances of the complaint.

**Stage four:** Complaint heard by panel which will consist of another Director and an Independent person. (Last stage)

Where there is a complaint in relation to the Managing Director, a panel including another Director and an Independent person will be sought to fully investigate the complaint. The Independent person will NOT be an employee of J&R Care. A response will be sent to the complainant within ten working days. The complainant may be invited to a meeting to discuss the matter further with a view to achieving a satisfactory resolution.

Should the complainant feel that the complaint has not been handled correctly, the complainant can contact the Education and Skills Funding Agency (ESFA).

**Outcome of the Complaints Panel**

The Chair of the complaints panel (the Independent person) needs to ensure, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed. Copies of the minutes will also be provided to the

complainant as failure to do so may lead to a further complaint. The complainant may also be entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.