

LOUGHBOROUGH ENDOWED SCHOOLS
POLICY & PROCEDURES FOR DEALING WITH COMPLAINTS
MADE AGAINST THE SCHOOLS AND STAFF

Introduction

The Education Act 2002 and Regulations made under the Act made changes to the statutory requirements for independent schools which came into effect on the 1st September, 2003. These requirements have been amended in 2005, 2007 and 2009. As part of these Regulations, independent schools are required to have a written complaints' procedure. This policy has been produced in order to comply with this statutory requirement, and with subsequent directions from OFSTED and the Independent Schools Inspectorate. It also complies with Standard 5 of the National Standards for Boarding Schools. The Regulations and policy do not apply to complaints made about the Endowed Schools Foundation or Company limited by guarantee.

Policy Aims

- 1.1 A complaint is a verbal or written statement of protest or remonstrance. It is more than an expression of unease or a statement of concern which can be handled within the normal channels for communication. **A complaint is, unmistakably, a statement which requires a formal response.**

- 1.2 The aim of this Policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and that it is resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents and pupils confidence in the schools' ability to safeguard and promote standards and welfare. The constituent schools within the Foundation will try to resolve every concern or complaint in a positive way with the aim of resolving matters which may not have been treated entirely appropriately and, where necessary, reviewing their systems and procedures in the light of the circumstances.

- 1.3 Complaints typically emanate from one of four sources; parents and guardians, pupils, members of staff or the public members. This Policy does not deal with complaints from members of staff about aspects of their work. Such complaints are regulated by the relevant sections of their contracts of employment. Complaints from members of the public will normally be treated in a similar way to complaints from parents, although certain complaints from members of the public are likely to be referred directly to the Chairman of Governors, the relevant Head or a senior member of staff. The Policy therefore deals mainly with the procedures regarding complaints by parents and pupils. Whilst parents will often wish to raise issues on behalf of pupils, there are other issues which pupils may choose to raise on their own behalf and which are best raised by them.
- 1.4 It should be recognised that serious issues may be raised in an informal and friendly way, and apparently trivial issues can be raised in an adversarial manner. The manner in which a complaint is made should not determine the level of importance that is attached to a complaint.
- 1.5 The ISI has directed that the details of all complaints be recorded by schools in a complaints log, along with an indication of the action which is taken and the outcome.

Aims of the Policy

- 2.1 The aims of this Policy are:
- To promote a culture that is open and welcoming.
 - To demonstrate to parents and pupils that their opinions are valued.
 - To encourage parents and pupils to raise any concerns that they might have.
 - To enable parents to feel comfortable in communicating with the school.
 - To enable members of staff to feel comfortable when dealing with complaints.
 - To establish a means of dealing with complaints.

- 2.2 An effective complaints Policy and procedure can diffuse problems and can also provide the schools with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaints. Even an unjustified complaint may focus attention upon an area which may benefit from review.

Lines of Approach

- 3.1 All members of staff should be encouraged to deal in an appropriate and professional manner with parental or pupil concerns which lie within their area of responsibility. Certain staff may need to be trained to deal with complaints.
- 3.2 If approached by parents or pupils about a matter which lies outside their remit, a member of staff should refer a complaint to the appropriate person and inform the parents or pupil(s).
- 3.3 Matters incapable of resolution at a particular level should be referred to the appropriate senior person, and parents or pupils should be kept informed of the action which is being taken. This approach would, for example, be appropriate if a complaint is made to a relatively junior member of staff about a more senior colleague. Senior staff should recognise those occasions when an issue needs to be taken to the appropriate Head.
- 3.4 Some parents and pupils may wish to complain directly to the appropriate Head and there will be occasions when this course is justified. Naturally, the appropriate Head may not be able to respond until he/she has consulted the staff who can advise and assist.
- 3.5 Complaints may on occasions be made directly to the Chairman of Governors or to the governing body. Alternatively, one of the Heads may consider it appropriate to refer a complaint on a matter to the governing body. Letters of complaint to the Chairman or the governing body should be addressed to No.3 Burton Walks, Loughborough, Leicestershire, LE11 2DU.

- 3.6 Written responses should always be signed by the person to whom the parent made the complaint, or by a more senior person in the school who has dealt with the issue.

Reducing Anxiety

- 4.1 A parent or pupil who makes a complaint may feel vulnerable and the schools should attempt to reduce anxiety by taking the matter seriously and dispelling any uncertainty as to the way in which a complaint will be handled. It will often help if:
- Information about the complaints procedure is clear.
 - Complaints are acknowledged immediately or within 5 working days.
- 4.2 Staff should always inform parents what is happening as a result of their complaint and, if a detailed response is needed, the date by which it is likely to be received.

Confidentiality

- 5.1 Confidentiality is often a crucial issue for parents, pupils and staff. It is essential that any complaint is treated both in a confidential manner and with due respect. If necessary, the policy on maintaining confidentiality may need to be explained to a complainant.
- 5.2 Complaints made by parents should not rebound unfairly on pupils; similarly, complaints raised by pupils should not rebound unfairly either upon them or upon other pupils.
- 5.3 It may sometimes be possible to deal with a problem without naming individuals. However, even if names are not provided, the source of the complaint may be clear. Care may need to be exercised in this situation and the balance between dealing effectively with a complaint on the one hand and

maintaining confidentiality on the other may need to be weighed particularly carefully.

- 5.4 Staff members are invariably concerned that they should be informed of complaints which might be damaging to their reputation. Training may help staff to deal not only with complaints which are made to them, but also with complaints which are made about them. The schools should be aware of the need to provide support for members of staff against whom a complaint is made; such support could often be provided by a colleague who is not otherwise involved.
- 5.5 If there is a possibility of an issue concerning child safety or protection, or a situation which is likely to involve the police, the appropriate procedures and guidance on confidentiality must be followed particularly carefully.
- 5.6 The relevant Secretary of State, or a body conducting an inspection under section 162A of the 2002 Education Act, as amended, may have access to correspondence, statements and records relating to individual complaints; the act of granting access to the Secretary of State, or a body conducting an inspection, does not constitute a breach of the confidentiality of the relevant documents.

Anonymous Complaints

- 6.1 Anonymous complaints occur where there is no indication as to the name or address of a complainant, or where a complainant indicates that he or she does not wish to be identified.
- 6.2 Complaints from members of the public about the behaviour of a group of pupils could, if appropriate, be dealt with on a general basis, with a reminder about the standards and expectations of a school.
- 6.3 Parents and pupils should always be encouraged to provide their names and should be given a reassurance on the issue of confidentiality. If a complainant

is adamant that they wish to remain anonymous, it is at the Head's discretion as to what action, if any, should be taken.

6.4 Anonymous complaints must also be recorded in the register of complaints.

Intractable Complaints

7.1 In some cases it may not be possible for a school or a Head to resolve a complaint in a manner which satisfies a complainant.

7.2 In this event, it may be necessary to refer a complaint to the Chairman of Governors. The broad procedure would be that the relevant Head would refer a matter within his or her sphere of responsibility to the Chairman of Governors and would inform the parents that this stage has been reached. Alternatively, the parents may write directly to the Chairman of Governors.

7.3 Depending on the circumstances, the Chairman may wish to deal with the matter informally or formally.

7.4 Under an informal approach:

- i. The Chairman may seek to deal with the matter. In such an event, the Chairman would call for a full report and for copies of all relevant documents. The Chairman would advise the complainant that this action is taking place.
- ii. In the interest of natural justice, the Chairman would provide the parents and other parties with an opportunity to add to what has already been said and would provide a date by which the parents may expect a response.
- iii. The Chairman may be able to offer a new approach to the matter, and this may satisfy the parents. The Chairman may offer a meeting if the parents remain troubled.

7.5 Under a formal approach:

- i. The Chairman would appoint two governors who have not been involved previously in the matter to a Complaints Panel, and would inform the

parents of this action. A third member of such a Panel would need to be a person who is not involved in the governance and management of the schools.

- ii. The Complaints' Panel may wish to deal with the matter using any written or supplementary submissions which are relevant and could interview all parties or witnesses. The complainants may appear at the panel hearing to provide additional evidence or to clarify any issue and may be accompanied. However, a complainant will not have a right to legal representation at a panel hearing. A Complaints' Panel should reach findings and should make recommendations.
- iii. When a decision is reached, the Chairman will provide the complainant(s), the governors, the relevant Head and, if relevant, any persons complained about, with an electronic mail copy, or otherwise, of the findings and recommendations.
- iv. A copy of the findings and recommendations is to be available for inspection on the school premises by the governors and the relevant head.

Timing

- 8.1 A complaint should be acknowledged immediately, or within 5 working days at the most.
- 8.2 A complaint which is referred to a member of staff or the Head of a school should be dealt with within 10 working days of the complaint being received.
- 8.3 A complaint which is referred to the Chairman of Governors or to the Governing Body should be dealt with within 10 working days of the complaint being referred to the governors.

Special Provision for the Early Years' Foundation Stage (EYFS)

- 9.1 In the case of a school which is registered for the Early Years' Foundation Stage:
 - A record of complaints made is to be kept for at least 3 years.

- A complainant can complain to OFSTED or the Independent Schools' Inspectorate if they so wish. A complaint to OFSTED should be made to Royal Exchange Buildings, St. Ann's Square, Manchester, M2 7LA, telephone number 08456 014772, e-mail: enquiries@ofsted.gov.uk. A complaint to the Independent Schools' Inspectorate should be made to 1st Floor, CAP House, 9-12 Long Lane, London EC1A 9HA.
- There is a requirement to notify a complainant of the outcome of an investigation within 28 days of having received a complaint.
- OFSTED and/or the Independent Schools' Inspectorate, on request, must be provided with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint.

Further Action

10.1 Most independent schools have no other body to which they may refer a complaint for arbitration. However, if a complaint has not been resolved satisfactorily within a school or the Foundation, a parent may, depending upon the issue, chose to approach their lawyer, their local member of parliament, the Secretary of State for Education, OFSTED or the Independent Schools' Inspectorate.

Training

11.1 Given the diverse nature of complaints, the schools should ensure through training that all staff, including support staff, know how to carry out their responsibilities. Training should cover:

- The complaints' procedures.
- Communication skills, such as listening, questioning and calming.

Communication with Parents and Prospective Parents

12.1 It is a requirement of the Independent Schools' Inspectorate that a copy of this Policy is to be available on the website for the Foundation and each school.

12.2 Parents and prospective parents are to be informed of the number of formal complaints made against each school in the preceding school year.

October, 2009