

## Brearley Hall School Complaints Policy & Procedure September 2023

This policy applies to all children in school.

### **This policy takes account of the following documents and guidance:**

- The Independent School Standards Regulations 2019
- The Independent School Standards Regulatory Requirements 2019
- OFSTED Guidance on Complaints

### **This policy is to be read in conjunction with all other school policies. Please particularly cross refer to the:**

- Admissions
- Anti Drugs
- Anti-Bullying (including Cyber and Homophobic Bullying)
- Asthma
- Behaviour and Discipline
- Children with Special Educational Needs, Learning Difficulties or Disabilities (SEN)
- Collecting Children from School
- Complaints Procedure
- Confidentiality
- Curriculum
- Equal Opportunities
- First Aid & Administering Medicines
- Health & Safety policy including Out of School Activities and Visits
- Missing Child
- Out of school activities & visits
- PSHE and Citizenship
- Safeguarding Children
- SEN and Learning Difficulties and Disabilities
- Spiritual, Moral, Social & Cultural (SMSC)
- Whistleblowing

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Brearley Hall School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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. Brearley Hall School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you may request to be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they 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, Brearley Hall School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the Lead teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against school staff (except the Head of Education) should be made in the first instance, to [James Docherty \(Head of Education\)](#) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head of Education should be addressed to [Dominic Macauley](#) (Proprietor), via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head of Education or Proprietor, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

You must raise the complaint within three months of the 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 if exceptional circumstances apply.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Brearley Hall 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>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the placing authority.</p>
<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 child protection and 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>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<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>

	Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
<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 direct.
<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 other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against [Brearley Hall 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.

### Resolving complaints

At each stage in the procedure, [Brearley Hall 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.

## Withdrawal of a Complaint

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

## The Complaints Procedure

Brearley Hall School prides itself on the quality of the teaching and pastoral care provided for its children. However, if parent/carers do have a complaint they can expect it to be treated by the school in accordance with the following procedure.

### Stage 1 - Initial Approach Procedure

1. Parent/carers should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent//carer's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.
2. If the member of staff contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Head of Education or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first person contacted should check to make sure the referral has been successful. Parent/carers will receive a response within 48 hours.
3. The Head of Education will ensure that staff are provided with guidelines about when to refer a matter and to whom.
4. If the concern relates to the Head of Education and the parent/carer feels unable to raise it with him/her they should be advised to contact any member of the Senior Management Team.
5. The staff member/Head of Education dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take the complaint further. They should be informed of any advice and support that may be available to them

N.B. it is hoped that most complaints and concerns will be resolved quickly and INFORMALLY. However, if this cannot happen:

## **Stage 2 – Initial approach to the Head of Education or a member of the Senior Leadership Team (SLT). (If a complaint cannot be resolved on an informal basis then the following procedure should be used)**

### **Procedure**

1. Parent/carers who wish to pursue a complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Head of Education/SLT member. The Head of Education or SLT member should acknowledge the complaint in writing within 5 school days of receipt giving a brief explanation of the complaint's procedures and a target date for providing a response. Ideally this should be within 10 school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Head of Education/SLT member may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities/hearing loops will be made available if required.
3. If necessary, the Head of Education/SMT member should interview any witnesses and take statements from those involved. If the complaint centers on a pupil, the pupil should also be interviewed, normally with the parent/carer present. In some circumstances this may not be possible or appropriate and a member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from an outside school source.
4. The Head of Education/SMT member should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Head of Education or SMT member should either write to the complainant or arrange a meeting to discuss the matter. This meeting should be followed up with a letter summarizing the outcome of the meeting.

## **Stage 3 – Formal Complaint to the Complaints Panel (if parent/carers are still not satisfied with the decision they should be in stage 3 of the Procedure).**

### **Procedure**

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3 the following procedure will be followed. A suitable clerk to the panel should be appointed and a complaints panel formed, comprising of at least 3 members, one of whom is independent of the management and running of the school.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that s/he will be heard by the panel as soon as possible but at least within 14 school days of receipt.
2. The clerk should convene a meeting of the complaints panel at a time which is convenient for the complainant of the school.
3. The clerk should ensure that the complainant, Head of Education and any other witnesses are given at least 5 school days' notice in writing, of the date, time, and place of the hearing. A shorter timescale may be arranged if all parties are in full agreement. The letter of notification to the complainant should inform him/her of their right to be accompanied by another adult if they so wish. The Head of Education should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out procedure for the conduct of the hearing (see Annex B) and the complainant's right to submit further written evidence to the panel.

The clerk should invite the Head of Education to attend the hearing and then submit a written report for the panel in response to the complaint. The Head of Education may also invite any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Head of Education.

1. All relevant documents should be received by all parties (including the complainant) at least 5 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
2. Personnel from an outside source may be invited to attend the meeting to advise the panel.
3. One member of the panel should be elected to ensure that proper minutes of the meeting are taken.
4. The Head of Education should try to ensure that the proceedings are sufficiently in- formal to allow the complainant and other participants to feel at ease.
5. At the conclusion of the representations and questions the Head of Education should explain that the panel will consider the issues and write to both parties with their decision or judgement. The complainant will be informed of the outcome of a full investigation within 28 days.
6. All except for the Head of Education, the panel and any advisers in attendance should then withdraw to enable them to consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or parent/carer; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
7. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school and kept for three years. The recorded complaint should be kept separate from the pupil's personal records.
8. The broad outcomes recommended by the panel will be reported to the next full staff meeting by the Head of Education. The identity of all those taking part must be kept confidential.
9. A copy of the panel's findings and recommendations will be provided to the complainant and where relevant the person complained about and will be available for inspection on the school premises.

N.B the complaint will be handled in line with the school's Confidentiality Policy.

In the event of the complainant being unsatisfied with the outcome or the process, an independent and suitably qualified practitioner will be appointed to hear an appeal.

Brearley Hall follows the Calderdale guidelines relating to Child Protection/Safeguarding Children and has within the school 3 nominated members of staff responsible for safeguarding children in line with 'Every Child Matters' legislation.

Parent/carers can access our policy on the school website or by hard copy on request. The number of complaints received in a year is available on request or via the link on the school website.

## Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they 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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Brearley Hall School. They will consider whether Brearley Hall 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.

This policy was created on August 2020 and reviewed on 30 August 23. The next review date is on or before 28<sup>th</sup> August 2024.

Signed – James Docherty Head of Education



## Complaint Form

Please complete and return to James Docherty who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

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:

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 or in agreeing the details of the complaint
- 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.