

## ARTSEd DAY SCHOOL AND SIXTH FORM COMPLAINTS POLICY

### A. Introduction, guiding principles, and stages of complaint

1. At The Arts Educational School we are committed to meeting the needs of our pupils. However, we recognise that not everything goes well for everybody all of the time. There are times when misunderstandings, confusion or genuine concerns give rise to complaints. The intention of this policy is to provide a clear and transparent process that will enable such complaints to be dealt with promptly, fairly and proportionately.
2. For the purposes of this policy, a 'parent' shall include a guardian, carer or any other person with parental responsibility for a child at the school. This policy applies to complaints from parents of current pupils and to parents of former pupils if the complaint was initially raised whilst the pupil was on the school roll.
3. This policy has been approved by the Headteacher and Trustees of the school and is available on the School's website or on request from the School Office. It can be made available in large print or another more accessible format, if required. If assistance is needed with making a complaint, for example because of a disability, a parent should contact the Headteacher's PA, who will be happy to make appropriate arrangements.
4. Separate procedures apply if the Headteacher expels or asks a pupil to leave and a parent seeks a Review by the Trustees of that decision (a copy of these procedures is available on request).
5. All school staff are made aware of this policy and are expected to familiarise themselves with the procedures for dealing with complaints to ensure they can be of most assistance when an issue is brought to their attention.
6. The School's guiding principles in complaint resolution are:
  - i. to give careful and prompt consideration to all complaints
  - ii. to seek to achieve a just and fair outcome, taking due account of all relevant evidence
  - iii. to attempt to resolve complaints through dialogue and mutual understanding, and at as early a stage as possible
7. This policy outlines three stages of complaint:

Stage 1: Informal Resolution

Stage 2: Formal Resolution

Stage 3: Panel Hearing
8. Where timescales are given in 'working days', this is defined as Monday - Friday during term time (the dates of which are available on our website). Complaints received during holiday periods will be dealt with as soon as is practicable but are likely to take longer to resolve due

to the unavailability of relevant staff. Under such circumstances the complainant will be notified of any extension to the timescales and the reason(s) why an extension is necessary when the complaint is acknowledged.

9. During 2020/2021 academic year, the school received no formal complaints.

#### **B. Stage 1: Informal Resolution**

10. It is hoped that most complaints and concerns can be resolved quickly and informally. A parent with cause for concern or complaint should feel free to talk directly to a member of staff, to telephone, or write with the details of the issue that concerns them. In the first instance, it is usually best to address a concern to the Form Tutor, as they are often best placed to resolve the matter quickly. The parent may also refer a matter to the Headteacher or the Deputy Headteacher, either directly or after an initial discussion with the Form Tutor.
11. We will acknowledge a written notification of a concern by telephone, email or by letter within two working days of receipt. Depending on the nature of the complaint, the appropriate member of staff will arrange to speak with the complainant or invite them to a meeting within five working days of acknowledgement. This meeting may prompt further investigation or wider consultation but, in any event, this stage of the complaints process should be completed within 10 working days of the complaint being acknowledged.
12. Should the matter not be resolved within 10 working days of acknowledgement or in the event that the parent and member of staff fail to reach a satisfactory resolution, then the parent will be advised to proceed with the complaint in accordance with Stage 2 of this procedure.

#### **C. Stage 2: Formal Resolution**

13. If a complaint has not been resolved on an informal basis, then the parent should make a formal complaint to the Headteacher. This must be done in writing, stating explicitly that they wish to invoke the formal complaints procedure.
14. Formal complaints will be acknowledged in writing by the Headteacher within two days of being received. In most cases, the Headteacher will meet or speak to the parent concerned to discuss the matter. If possible, a resolution will be reached at this stage. It may be necessary, however, for the Headteacher to conduct an investigation. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the parent will be informed of this decision in writing, no later than 15 working days after the formal complaint was acknowledged. The Headteacher will give reasons for the decision reached.
15. Written records of all meetings and interviews held in relation to the complaint will be kept. The complainant will be informed if due to exceptional circumstances any additional time is necessary to complete the investigation.
16. If the parent is still not satisfied with the decision, he/she should proceed to Stage 3 of the complaints procedure.

#### **D. Alternative procedure for handling formal complaints about the Headteacher**

17. A parent wishing to make a complaint about the Headteacher may do so by writing to the Principal, at the School address. The Principal will acknowledge receipt of the complaint in writing within two working days, indicating what action is being taken and the likely timescale. The procedures and timescales that apply to any other formal complaint (see above) will be followed.
18. If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a Complaints Panel under Stage 3 of this procedure.

### **E. Stage 3: Panel Hearing**

19. If the parent wishes to proceed to Stage 3 (following a failure to reach a resolution earlier in the complaints process) they should write to the Principal, who is responsible for making the arrangements for a Panel Hearing, at the school address. In the written request for a Panel Hearing, the parent should state the grounds of the complaint and the outcome desired. They should also send a list of all the documents that they believe to be in the school's possession that they consider relevant in the matter and that they wish the Panel to see. Copies of all such documents shall be supplied to all parties not later than five working days before the hearing.
20. The Principal will acknowledge receipt of the complaint within five working days and will schedule a meeting of the Panel within 10 working days thereafter. The School will take all reasonable steps when making the arrangements for the hearing to facilitate the parent exercising their right to attend. If, having indicated they wish to proceed to Stage 3 of this complaints procedure, the parent decides not to attend the hearing, the hearing will take place in their absence. Under these circumstances, the panel will make findings on the substance of the complaint on the basis of the evidence available.
21. The Panel appointed by the Chair of Governors will consist of at least three people not directly involved in matters detailed in the complaint, one of whom shall be independent of the management and running of the school. The complainant may be accompanied by a friend or relative, but legal representation is not usually appropriate. If the complainant wishes to be accompanied by a legally qualified person, acting in their professional capacity, the School must be notified at least seven working days before the hearing.
22. During the hearing, all the statements made will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Chair may direct that the hearing is tape-recorded to assist accurate recollection for the purposes of the decision. The Panel will be under no obligation to retain tapes thereafter. A member of administrative support will be asked to take handwritten minutes of the proceedings in any event.
23. The Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel will be under no obligation to hear oral evidence from witnesses, but may do so and/or may take written statements into account.
24. A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in, or arising from, the proceeding will be made

available, directly or indirectly, to the press or other media.

25. All those attending the hearing are expected to show courtesy, restraint and good manners; if not, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If the meeting is terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way in which the hearing is conducted must say so before the proceedings go any further and his/her comment will be noted in the minutes.
26. If possible, the Panel will resolve the parent's complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
27. After due consideration of the matters discussed at the hearing, the Panel will reach a decision. The Panel's decision, findings and any recommendations shall be confirmed in writing to the parent and, where relevant, to the person complained about within five working days of the hearing. The decision of the Panel will be final. The Panel's decision, findings and any recommendations will be available for inspection on the school premises by the Headteacher and the Chair of Governors.

#### **F. Record keeping and confidentiality**

28. A written record will be kept by the Headteacher of all formal complaints, including any action(s) taken by the school as a result of the complaint (regardless of whether it is upheld), and of whether they are resolved at Stage 2 or progressed to a panel hearing.
29. Parents can be assured that all concerns and complaints will be treated seriously. Correspondence, statements and records will be kept confidential except as required by the school by paragraph 33 (k) of Schedule 1 to the Education (Independent Schools Standards) Regulations 2014; namely, where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them, or where any other legal obligations prevail. Records of individual complaints will be retained at least until the school's next inspection thereafter, in accordance with data protection principles, only for as long as is considered to be reasonably necessary in the circumstances.
30. Senior leaders and governors will maintain oversight of these records in order to determine the appropriate implementation of this policy and to respond to any patterns of complaints which may be apparent.

#### **G. Monitoring and review of complaints policy and procedures**

31. The Board of Governors will monitor the number and type of complaints received and the operation of the procedures set out in this policy. They will also review the policy at least annually to ensure it meets statutory requirements and continues to reflect best practice.

#### **H. Unreasonable, vexatious, and persistent complaints**

32. Whilst it is hoped that this procedure will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints procedure.

33. Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the chair of governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.
34. If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which the school will not respond is if the complainant:
- i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - ii. refuses to co-operate with the complaints' investigation process;
  - iii. refuses to accept that certain issues are not within the scope of the complaints procedure;
  - iv. insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
  - v. introduces trivial or irrelevant information which they expect to be taken into account and commented on;
  - vi. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - vii. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - viii. changes the basis of the complaint as the investigation proceeds;
  - ix. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - x. refuses to accept the findings of the investigation into that complaint where the
  - xi. school's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education;
  - xii. seeks an unrealistic outcome;
  - xiii. makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
  - xiv. Uses threats to intimidate
  - xv. Uses abusive, offensive, or discriminatory language or violence
  - xvi. Knowingly provides falsified information
  - xvii. Publishes unacceptable information on social media or other public forums
35. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' designation.
36. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing. If the complainant acts in a manner that could be deemed as harassment the school will treat it as such and seek either legal redress or the school will contact the police if that is seen to be appropriate.
37. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Review of Complaints Policy**

|                                      |                     |
|--------------------------------------|---------------------|
| Document Title                       | Complaints          |
| Maintained By                        | Deputy Head Teacher |
| Owned By                             | DSSF                |
| Approving Committee / Ratifying Body | Board of Trustees   |
| Last Reviewed on                     | October 23          |
| Review on                            | October 24          |
| Current Version                      | Version 1           |
| Location of master document          |                     |
| Web location                         |                     |

### Appendix 1

#### **Record of Formal Complaints 2015.2016**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 1                                  | 0   |

#### **Record of Formal Complaints 2016.2017**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 0                                  | 0   |

#### **Record of Formal Complaints 2017.2018**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 0                                  | 0   |

#### **Record of Formal Complaints 2018.2019**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 0                                  | 0   |

#### **Record of Formal Complaints 2019.2020**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 0                                  | 0   |

#### **Record of Formal Complaints 2020.2021**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
|------------------------------------|---|

|   |   |
|---|---|
| 0 | 0 |
|---|---|

**Record of Formal Complaints 2021.2022**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 0                                  | 0   |

**Record of Formal Complaints 2022.2023**

| <b>Number of formal complaints</b> | <b>How many proceed to a panel hearing?</b> |
|------------------------------------|---|
| 1                                  | 0   |

Records relating to complaints made are confidential and recorded as per the policy protocol.