



Concerns and Complaint Policy

Completed by:	Jayson Rawlings	Date:	October 24
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Children, parents and carers can take up issues in the most appropriate way with support and without fear that this will result in any adverse consequences. Children receive prompt feedback on any concerns or complaints raised and are kept informed of progress.

School Complaints Policy:

This Policy should be used in conjunction with the DfE Guidance (Best Practice Advice for Schools Complaints Procedures 2016) and take into account the Equality Act 2010.

ROLE/ORGANISATION	NAME	CONTACT DETAILS
Designated safeguarding lead (DSL)	Gemma Watkins	Gemma.watkins@rests-sen.uk
Deputy DSL	Sally Selby	Sally.selby@rests-sen.uk
Local authority designated officer (LADO)		Phone: 01452 426994 Email: amadmin@gloucestershire.gov.uk
Chair of Advisory Board	Jayson Rawlings	Jayson.Rawlings@rests-sen.uk
Channel helpline	020 7340 7264	
Number of complaints registered under the formal procedures in the preceeding year	0	

1.Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers/Social Workers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from carers of pupils at the school.

Part 3 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which places a duty on academies and independent schools to safeguard and promote the welfare of pupils at the school

- [The Children Act 1989](#) (and [2004 amendment](#)), which provides a framework for the care and protection of children
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the [Serious Crime Act 2015](#), which places a statutory duty on teachers to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18
- [Statutory guidance on FGM](#), which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM
- [The Rehabilitation of Offenders Act 1974](#), which outlines when people with criminal convictions can work with children
- Schedule 4 of the [Safeguarding Vulnerable Groups Act 2006](#), which defines what 'regulated activity' is in relation to children
- [Statutory guidance on the Prevent duty](#), which explains schools' duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism
- [The Human Rights Act 1998](#), which explains that being subjected to harassment, violence and/or abuse, including that of a sexual nature, may breach any or all of the rights which apply to individuals under the [European Convention on Human Rights](#) (ECHR)
- [The Equality Act 2010](#), which makes it unlawful to discriminate against people regarding particular protected characteristics (including disability, sex, sexual orientation, gender reassignment and race). This means our governors and headteacher should carefully consider how they are supporting their pupils with regard to these characteristics. The Act allows our school to take positive action to deal with particular disadvantages affecting pupils (where we can show it's proportionate). This includes making reasonable adjustments for disabled pupils. For example, it

could include taking positive action to support girls where there's evidence that they're being disproportionately subjected to sexual violence or harassment

- [The Public Sector Equality Duty \(PSED\)](#), which explains that we must have due regard to eliminating unlawful discrimination, harassment and victimisation. The PSED helps us to focus on key issues of concern and how to improve pupil outcomes. Some pupils may be more at risk of harm from issues such as sexual violence; homophobic, biphobic or transphobic bullying; or racial discrimination
- The [Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#) (referred to in this policy as the "2018 Childcare Disqualification Regulations") and [Childcare Act 2006](#), which set out who is disqualified from working with children
- It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

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

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

The complaints process:

If a person is making a suggestion or is concerned about any action we are taking while providing our service they should, in the first instance, let Cherry Tree School aware through direct discussion with Gemma Watkins, Head Teacher.

If the concern is around the Head teacher, you should speak to the School Business Manager, Alyson Ralphs: Alyson.Ralphs@rests-sen.uk

5. Stages of complaint

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact Cherry Tree School main office on 01452 701750 or in person or writing.

The school will acknowledge informal complaints within 24 hours and investigate and provide a response 10 school days.

The informal stage will involve a meeting between the complainant and Gemma Watkins.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Complaint heard by the Teacher or by an appropriate staff member.

Formal complaints shall be put in writing and addressed 'Head Teacher'. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at stage 2 please write to or call the school within 10 school working days of getting our response. You will need to tell the school why you are still not satisfied and what you would like the school to do.

Stage 3: Complaint heard by Head Teacher.

If the matter has not been resolved at Stage 2, the Head Teacher will arrange for a further investigation. Following the investigation, the Head Teacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at stage 3, you will need to let the school know within 10 school working days of getting the response.

Stage 4: Complaint heard by the Chair of Advisory Board.

If the matter has still not been resolved at Stage 3, then you will need to write to the chair of the Advisory Board, giving details of the complaint. The chair will convene a complaints panel with the Representative of the Proprietor (Simon Bayliss), Chair of the Advisory Board (Jayson Rawlings) an independent headteacher, and an independent third party (Gloucestershire County Council's school appeals network). Complaints panel for school complaints must consist of at least three people who have not been directly involved in the matter dealt with by the complaint and one person on the panel must be independent of the management and running of the school. The procedure must allow for parents/carers to attend any hearing by a complaints panel and, if they wish, to be accompanied. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 4 investigation.

The aim of the complaints panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The procedure must allow for a panel to make findings and recommendations and for a copy to be provided to parents/carers and the person complained about (where relevant) and be available on the premises to be viewed by the Proprietor and Head Teacher. The letter will also contain what you need to do if you wish to take the matter further.

Written records must be kept of all complaints indicating whether they were resolved at the preliminary stage or proceeded to a panel hearing.

NB. Where the concern or complaint is regarding the Head Teacher, please contact the School Business Manager or the Chair of the Advisory Board. The investigation will then be taken up by the SBM and the appropriate processes followed. Complaints panels will not include the Head Teacher.

6. Complaints against the headteacher or a governor

Should a Parent, Social Worker or anybody have a complaint about the Head Teacher, s/he should first make an informal approach to the School Business Manager, Alyson Ralphs who will escalate to the Advisory Board, or you can contact the Chair of the Advisory Board. The person you choose to speak to is obliged to investigate the concern. They will do all s/he can resolve the issue through a dialogue with the school, but if a Parent or Professional, Worker or member of the public is unhappy with the outcome s/he can make a formal complaint as outlined in the details below.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety and make sure that the school deals with serious failings.

Alternatively, OFSTED may be contacted:

Only if an informal complaint fails to resolve the matter should a formal complaint be made to OFSTED. This complaint can be made in writing, stating the nature of the complaint and how the School, Home, Service has handled it so far. The complainant should send this written complaint. The OFSTED body must consider all written complaint in a timely manner after receipt. OFSTED may contact by phone or arrange a meeting so s/he can explain his/her complaint in more detail.

The Service in conjunction with OFSTED will do all they can at this stage to resolve the complaint to the plaintiff's satisfaction.

The OFSTED details are as follows:

The OFSTED website is: www.ofsted.gov.uk

DfE Registration Number: 330/6144

Our School URN is: 151203

For more information or to refer a complaint, see the following webpage:

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of the advisory board (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time. However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff
- The individual uses social media with the intention of causing disruption or comments to bring the school into disrepute with false allegations.

Unreasonable behaviour, which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. This includes targeting parents and vulnerable children in the school.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

If this continues, the school will liaise with the local authority in open and transparent dialogue about the suitability of placement and follow the school's admissions policy in ending placement.

9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 10 years.

10. Learning lessons

The Advisory Board will review any underlying issues raised by complaints with the Headteachers where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Advisory Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Head Teacher. The Head Teacher will review the policy annually (or in line with changes in legislation)

12. Links with other policies

<https://www.gov.uk/complain-about-school>

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

- [/www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

Complaints from Pupils.

Children's Complaints Policy



If you have a complaint or a concern, what should you do?



Firstly, try to talk to somebody. Any adult at Cherry Tree School will listen, and Gemma Watkins is also available to talk to.



If talking to someone feels a little scary, you can use the smiley's to let us know you have something to say...



Can I talk to you please?



Children may also use the 'smiley' faces sheets to let the adults know that they would like to have a discussion with them.

The 'smiley' characters give the opportunity for a simple request to highlight something that needs discussion.

Most matters of concern can be dealt with in these ways. All teachers and carers work very hard to ensure that each child is happy at home or in School, and are making good progress. These people always want to know if there is a problem so that they can take action before the problem seriously affects the Child's happiness, progress or behaviour.