Complaints policy

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1.0	July 2021	R Banks	New document
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1. 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 Phoenix Bay 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.

2. 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. Phoenix Bay 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, Phoenix Bay School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the school 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, Phoenix Bay School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

3. 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 of a complainant, as long as they have appropriate consent to do so.

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

Complainants should not approach individual Directors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Principal) should be made in the first instance, to the

Principal. Please mark as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to Jill Bainton, the Chair of the Advisory Board at the school, requesting their complaint be further considered by an independent Complaints Panel set up for this purpose. Please mark as Private & 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.

4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal, Director or Advisory Board if appropriate, will determine whether the complaint warrants an investigation.

5. 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.

6. 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.

7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Phoenix Bay School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the appropriate Local Authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding and Child protection policy and in accordance with relevant statutory guidance.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at:

	Information about exclusions can be found on the GOV.UK website.
	**complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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. Please contact the Department for Education via the GOV.UK website. 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.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	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.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 Phoenix Bay 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.

8. Resolving complaints

At each stage in the procedure, Phoenix Bay 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.

9. Withdrawal of a Complaint

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

Personal information collected during the complaints process will be handled in accordance with the school's Data Protection Policy and UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Information will only be shared with those involved in investigating and resolving the complaint and will be retained in accordance with the school's records retention schedule.

10. Stage One – Informal Resolution

1. It is expected that most complaints and concerns will be resolved quickly and informally.
2. If parents and carers have a complaint, they should normally contact the student's Principal. In many cases, the matter will be resolved straightaway by this means to the parents' or carers' satisfaction.
3. The Principal will make a written record of all concerns and complaints and the date on which they were received. These records will be kept for one (1) year after the student leaves the school.
4. The school will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised, except where they are raised in holiday times or within two (2) working days of their commencement where the school will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) working days).
5. Should the matter not be resolved at stage one and the parents or carers fail to reach a satisfactory resolution, then they will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

11. Stage Two – Formal Resolution

1. If the complaint cannot be resolved on an informal basis at stage one, then parents or carers should put their complaint in writing to the Ross Banks - Principal. They should also identify how they wish their complaint to be resolved. If the complaint is about the Principal, then the complaint is put in writing to Jill Bainton, the Chair of the Advisory Board.
2. The Principal will deal with the matter personally. Where the complaint relates to the Principal then the Chair of the Advisory Board will take on the responsibility outlined within the policy – all sections referring to the Principal should be replaced by the Chair of the Advisory Board.
3. The Principal will decide, after considering the complaint, the appropriate course of action to take.
4. In most cases, the Principal will meet or speak with the parents or carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.
5. The Principal will use reasonable endeavours to speak to or meet parents/carers and/or staff and other students involved within ten (10) working days of the formal complaint being received, except where the complaint is received in holiday time or within two (2) working days of their commencement where the Principal will use reasonable endeavours to speak or meet with parents or carers as soon as possible after the commencement of the new term (usually within ten (10) working days).
6. The Principal will keep a written record of all meetings and interviews held in relation to the complaint.
7. Once the Principal is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made. Parents or carers will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten (10) working days after speaking or meeting with parents or carers to discuss the matter (pursuant to paragraph 10 above). The Principal may also arrange to meet with them to explain the decision.
8. The school will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the school's decision, which record will be kept for one (1) year after the student leaves the school. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.
9. Where parents *and* carers are dissatisfied with the outcome of the school's response to their formal complaint, they have the opportunity to have their complaint considered by an independent Complaints Panel.

12. Stage Three – Panel Hearing

1. If parents or carers seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Principal's decision in respect of their formal complaint, they may in writing, addressed to the Chair of the Advisory Board, request that their complaint be further considered by an independent Complaints Panel set up for this purpose.
2. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an '***appeal***'.
3. Parents or carers must lodge their appeal in writing and within ten (10) working days of the date of the school's decision made in accordance with the Stage Two Procedure. They should provide a list of their complaint(s) made against the school and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each. The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial

submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

4. Where an appeal is received by the school, the school will, within five (5) working days, refer the matter to the designated director who will act as Clerk to the Complaints Panel. Where the appeal is received by the school during school holidays, or within two (2) working days of their commencement, the school has five (5) working days upon commencement of the school term to refer the matter to the BoD.
5. Once an appeal has been received by the BoD, he/she will acknowledge the appeal in writing within five (5) working days and inform the parents or carers of the steps involved in this Complaints Procedure.
6. The BoD will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by the school of parents' or carers' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
7. The independent Complaints Panel will consist of Directors on the Board who have not previously been involved in the complaint, and the Chair of the Advisory Board.The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).
8. The following are entitled to attend a hearing, submit written representations and address the Panel
    a. The parent/s (or, if aged over 18, the student) and/or one representative;
    b. The Principal and/or one representative; and
    c. Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making. Legal representation will not normally be appropriate.
9. Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:
    a. Documents in support of complaint(s),
    b. Chronology and key dates relating to complaint(s), and
    c. Written submission setting out the complaint(s) in more detail.
10. This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents or carers.
11. Evidence will be initially sent to the clerk of the complaints panel, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings.
12. It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents' or carers' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
13. After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant authorities e.g. the Directors or the Chair of the Advisory Board.

14. The findings will be sent in writing to the parents or carers and the Directors, the person to whom the complaint relates. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.
15. The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel, which record will be kept for one (1) year after the student leaves the school.
16. All correspondence, 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.

13. Summary of dealing with complaints

Implications for Staff

Staff are expected to report any concerns or complaints raised to the Principal as soon as reasonably practicable. Where the complaint relates to the Principal, it should be reported to the Chair of the Advisory Board.

Implications for Students

Students are encouraged to raise any concerns with a member of staff or their parent/carer so that they can be addressed promptly and appropriately.

Implications for Directors

Phoenix Bay School has a Director whose legal responsibility it is to make sure that the school has an effective Complaints Procedure in place and monitors that the school complies with it.
The Director should also ensure that the policy is made available to parents and carers if requested. They will make sure the policy is reviewed in line with its Policy Schedule or as soon as possible after any changes in the most recent advice or guidance.

14. Compliance/Consistency/Impact

The Complaints Procedures will be monitored by the Principal and the Directors as part of the regular cycle of monitoring & reporting.

In the event of a stage 3 Panel Hearing resolution being required, the Board of Directors will investigate compliance with procedures and any lessons learned for the future.

15. Relevant Data

The Complaints Register will be available for inspection – held in the School Office

If you have any trouble using or downloading the complaint form, please contact the Chief Operations Officer:
j.sloane@phoenixbay.co.uk

07976 619 207

16. Phoenix Bay Complaints form

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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 whom:
Complaint referred to:
Date: