Al-Khair Prep School

Complaints Policy & Procedure

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1.0 Aims

1.1 Al Khair Prep school aims to meet its statutory obligations when responding to complaints from parents 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 and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

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

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

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

2.0 Legislation and guidance

2.1 This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

2.2 It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

2.3 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 parents of pupils at the school.

2.4 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).

2.5 It also refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

2.6 In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3.0 Who can make a complaint?

3.1 This complaints policy and procedure is limited to parents or carers of children that are registered at the school. They may make a complaint to Al Khair Prep School about any provision of facilities or services that we provide.

4.0 The difference between a concern and a complaint

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

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

4.3 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. Al Khair Prep School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher 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.

4.5 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Al Khair Prep School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

5.0 How to raise a concern or make a complaint

5.1 A concern or complaint can be made in person by parents and carers 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.

5.2 **Concerns** should be raised with the class teacher in the first instance. At this stage informal mediation may be offered. While this can be useful in helping the school and complainants reach an agreement and move forward, there are times when it may not be the most appropriate course of action.

5.3 Mediation can:

- provide a helpful mechanism for discussion when a concern is raised

- help to rebuild the relationship between all parties

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

5.4 If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant will not be prevented from moving to the next investigative stage of the complaints procedure.

5.5 If the issue remains unresolved, the next step is to make a formal complaint.

5.5 Complaints against school staff (except the headteacher) should be made in the first instance, to the head teacher via the school office*.* Please mark them as Private and Confidential.

6.0 Anonymous complaints

6.1 We will not normally investigate anonymous complaints. However, the head teacher, if appropriate, will determine whether the complaint warrants an investigation.

7.0 Time scales

7.1 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.

8.0 Complaints received outside of term time

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

9.0 Scope of this Complaints Procedure

9.1 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

9.2 Please see our separate policies for procedures relating to these types of complaints.

9.3 Complaints about the services provided by other providers who use school premises or facilities should be directed to the provider concerned.

9.4 If other bodies are investigating aspects of the complaint, for example the police and local authority (LA) safeguarding teams, 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.

9.5 If a complainant commences legal action against AL Khair Prep school, in relation to their complaint, we will suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

10.0 Duplicate complaints

10.1 After closing a complaint at the end of the complaints procedure, if the school receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

10.2 The school will inform the new complainant that the school has already considered that complaint and the local process is complete. The school should advise the new complainant to contact the Department for Education should they be dissatisfied with the school's handling of the original complaint.

10.3 Any new aspects to the original complaint will be investigated and dealt with to the full extent of the complaints procedure.

11.0 Persistent complaints

11.1 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 Chairperson of the governing board will inform the complainant that the matter is closed.

11.2 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.

11.3 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
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

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

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

12.0 Resolving complaints

12.1 At each stage in the procedure, AL Khair Prep 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.

13.0 Withdrawal of a Complaint

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

14.0 Complaints about our fulfilment of early years' requirements

14.1 We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint.

14.2 The school will keep a record of the complaint and make this available to Ofsted on request.

14.3 Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing

enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#orgcontacts.

14.4 We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

15.0 Complaints against the head teacher or a governor

15.1 Complaints made against the head teacher should be directed to the governing board.

15.2 Where a complaint is against a head teacher, it should be made in writing to the chairman of the governing board: Nadeem.haque.gov@alkhairschool.org.uk.

16.0 Stage 1

16.1 Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing, including what actions you may feel might resolve the problem at this stage, or by telephone.

16.2 The School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

16.3 Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

16.4 During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

16.5 At the conclusion of their investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

16.6 If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

16.7 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions AL Khair Prep school will take to resolve the complaint.

16.8 The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

16.9 If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

17.0 Stage 2

17.1 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2.

17.2 A request to escalate to Stage 2 must be made to the Head teacher, via the school office, within 5 school days of receipt of the Stage 1 response.

17.3 The School will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

17.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

17.5 Stage 2 involves the complainant putting the complaint into writing, usually to the head teacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

17.6 The head teacher (or other person appointed by the head teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

17.7 If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the quasi governing board in writing within 5 working days.

17.8 The school will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

17.9 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant’s own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. Schools are data controllers in their own right and have the discretion via their policies to decide for themselves whether to allow complainants to record meetings, if it’s not required for the purposes of a reasonable adjustment.

The Head Teacher will consider the complaint and all the evidence presented. The Head teacher can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Head Teacher will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

18.0 Stage 3: review panel

18.1 Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

- The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.
- The panel will have access to the existing record of the complaint's progress.
- The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- The complainant must be allowed to attend the panel hearing and be accompanied if they wish.
- At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.
- The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and head teacher.
- The school will inform those involved of the decision in writing within 15 working days.

19.0 Complaint campaigns

19.1 Occasionally, you may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

19.2 Following an internal investigation into the subject matter by the Senior Leadership Team the school will respond either by:

- sending a template response to all complainants or
- publishing a single response on the school's website

19.3 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 Stage3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Al Khair Prep School. They will consider whether the 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, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

20.0 Policy for managing serial and unreasonable complaints

20.1 AL Khair Prep school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Anyone has the right to raise a new complaint at any time. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

20.2 The school defines unreasonable complaints as '*those who, because of the frequency or nature of their contact with the school, hinder our consideration of their or other people's complaints*'.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

20.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

20.4 Complainants should limit the numbers of communications with a school while a 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.

20.5 If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication (such as restrict the complaint to a single point of contact via an email address) and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

20.6 In response to any serious incident of harassment, aggression or violence, the concerns and actions taken will be put in writing immediately (including the decision to stop responding) and the police informed. This may include barring an individual from school premises.

21.0 Barring from the School Premises

21.1 Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

21.2 If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head teacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the person may wish to make. Schools should always give that person the opportunity to formally express their views on the decision to bar in writing. Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of Governors. The decision to bar should then be reviewed, taking into account any representations and either confirmed or lifted. If the decision is confirmed the person should be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed, usually after 6 months.

22.0 Roles and Responsibilities

22.1 Complainant

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.

22.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the head teacher as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any decision
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale

  The head teacher will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

22.3 Head Teacher

The Head Teacher should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Chair of Quasi Governors (if appropriate) to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
    - sharing third party information
    - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

23.0 Record-keeping

23.1 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.

23.2 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.

23.3 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.

23.4 Records of complaints will be kept for 3 years.

23.5 The details of the complaint, including the names of individuals involved, will not be shared with the governing board in case a review panel needs to be organised at a later point.

23.6 Where the heads are aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

23.7 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board who will not unreasonably withhold consent.

24.0 Learning lessons

24.1 The governing board will review any underlying issues raised by complaints with the head teacher 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.

25.0 Monitoring arrangements

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

25.2 The complaints records are logged and managed by the head teachers

25.3 This policy will be reviewed by the head teachers

25.4 At each review, the policy will be approved by the governing board

26.0 Links with other policies

26.1 Policies dealing with other forms of complaints include:

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