



Complaints Policy and Procedures

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Appendix 1 – Complaints Form

1. Introduction

Under Section 29 of the Education Act 2002, (<http://www.legislation.gov.uk/ukpga/2002/32/section29>) schools must have a complaints procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides.

Your views are welcomed. In the spirit of partnership between home, school and the community, you are encouraged to say what you think should go on within the school and voice your opinion if you are dissatisfied with the ongoings of the School.

Nazene Danielle School of Performing Arts (NDSOPA) constantly aims for high standards but sometimes things can go wrong or expectations are not met. Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution.

The school recognises that a willingness to listen to concerns/criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

2. General

2.1 What is a complaint?

A complaint is an expression of dissatisfaction or disquiet which may be about an event that has happened, failed to happen or the way in which something was handled.

The vast majority of concerns can be resolved informally. It is in everyone's best interests that complaints are resolved at the earliest possible stage. This can usually be achieved through discussion and good communication. However, if you are not satisfied with the outcome, a formal procedure (as outlined in this policy) would then need to be followed when attempts to resolve the issue are unsuccessful.

For complaints to be investigated fully you need to give full information and not make them anonymously.

2.2 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. At Nazene Danielle School of Performing Arts (NDSOPA), we take 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, please contact the Principal who will deal with the concern or refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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, our school will attempt to resolve the issue internally, through the stages outlined within our complaint's procedure.

2.3 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 Nazene Danielle School of Performing Arts (NDSOPA) 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.

2.4 How to raise a concern or make a complaint

- A concern or complaint can be made in person, writing, email 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 class teacher or principal. If the issue remains unresolved, the next step is to make a formal complaint.
- Complainants should not approach individual governors 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 via the administrator/school office. Please mark them as 'Private and Confidential'.
- Complaints that involve or are about the Principal should be addressed to the Chair of Governors, via the administrator/school office. Please mark them as 'Private and Confidential'.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, via the school office. Please mark them as 'Private and Confidential'.
- 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.

- Due to properties, principal and higher members of management being linked to the school, the school will use a member of higher status, an individual independent of the school to deal with complaints made towards properties, the Principal and management.

2.5 Anonymous complaints

- As previously stated, we will not normally investigate anonymous complaints. However, the principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

2.6 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.

2.7 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.

2.8 Resolving complaints

At each stage in the procedure, Nazene Danielle School of Performing Arts (NDSOPA) 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

3. Managing and recording complaints

3.1 Recording Complaints

It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing or email. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings

and telephone calls can be kept and a copy of any written response added to the record. All notes will be kept securely.

Where there are communication difficulties, consideration will be given to using a recording device. All parties should agree in advance to being recorded. Nazene Danielle School of Performing Arts (NDSOPA), as the data controller, have discretion via policy to decide whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment. Before agreement is given to record meetings the school will consider the following:

- How any decision to allow recording may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked.

3.2 Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. They may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, the DfE will support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

3.3 Governing Body Review of Complaints

The governing body should monitor the level and nature of complaints a school receives and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the governing body should not name individuals.

As well as addressing the individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed.

In line with General Data Protection Regulations the school will retain records relating to complaints for a period of six years.

3.4 Publicising the Policy/Procedure

There is a legal requirement for the complaints procedures to be publicised. It is up to the governing body to decide how to fulfil this requirement but details of the procedures could be included in:

- School prospectus
- Information given to new parents when their children join the school
- Information given to the children themselves
- Newsletters
- Documents supplied to community users including course information or letting agreements.

- School website

3.5 Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Nazene Danielle School of Performing Arts (NDSOPA), other than complaints that are dealt with under other statutory procedures, including those listed below.

<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the local authority (Liverpool City Council).</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p>See Link for further information. https://liverpool.gov.uk/children-and-families/childrens-social-care/keeping-children-safe/children-at-risk/</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions *complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>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. Referrals can be made at: www.education.gov.uk/contactus.</p> <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 Department for Education depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>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.</p>

<ul style="list-style-type: none"> 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.
<ul style="list-style-type: none"> 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, 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 Nazene Danielle School of Performing Arts (NDSOPA) 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.

3.6 Withdrawal of a Complaint

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

4. Complaint Stages and Communicating the Outcome

4.1 Stages of Complaint

A concern or complaint can be made in person, writing, email 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.

In summary there are four stages:

- Stage 1 (informal): concern heard by an appropriate staff member
- Stage 2 (formal): complaint heard by Principal;
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by GB's complaints appeal panel.

Stage 1 – Informal Stage

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Schools need to be clear about the difference between a concern and a complaint, (please see outlined at start of policy). It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints policy/procedure need not in any way undermine efforts to resolve the concern informally.

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two.

The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school working days. The school will then look at your complaint at the next stage.

Stage 2 - Complaint heard by the Principal

If the concern is not resolved immediately and the parent confirms a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Principal, Senior Leadership Team. In the case of the complaint being against the Principal, this stage will always be heard directly by the Chair of Governors.

The Principal may delegate the task of collating the information to another staff member/administrator, but not the decision on the action to be taken. The Principal will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following the investigation, the Principal will aim to provide a written response within 10 school working days of sending the acknowledgement. However if a complaint is more complex to review, this can be extended to a maximum of 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. 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. The school will then look at your complaint at the next stage.

Stage 3 – Complaint heard by Chair of Governors

If the matter has not been resolved at Stage 2 or the complaint is about the Principal, then you will need to write to the Chair of Governors c/o the school. The Chair of Governors will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 10 school working days of sending out the acknowledgement. However if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. 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. The school will then look at your complaint at the next stage.

The School will source an individual independent of management to be present on the panel at a complaints hearing to discuss the complaints procedure, when and if management/governor is linked to the school.

Parents have the right to attend a complaint hearing, supported by an additional individual, should they wish to do so.

Stage 4 – Complaint Heard by Governing Body’s Complaints Committee

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The School will source an individual independent of management to be present on the panel at a complaints hearing to discuss the complaints procedure.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

If the matter has still not been resolved at Stage 3, then you will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the appeal panel. Should the Chair have been involved at any previous stage in the process an individual independent from the school, impartial to the complaint, will convene a complaints panel. The complaint will be acknowledged within 5 school working days of receiving it. The hearing will normally take place within 20 school working days of sending the acknowledgement.

The Principal would be expected to attend the hearing to give evidence and may also choose to invite staff to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair).

The aim of the Appeal 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 5 school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

No governor may sit on the committee if they have had any prior involvement in the complaint or circumstances surrounding. In some cases it may be appropriate to have independent governors from other governing bodies hear the complaint to ensure openness and transparency.

4.2 Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority’s Governor Services Team or Diocesan/Church Authority Officer. The Complaints Appeals Committee would deal with any appeal against the Chair’s response.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be investigated and considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority’s Governor Services Manager or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/Church Authority may be able to assist with any investigation.

The School will source an individual independent of management to be present on the panel at a complaints hearing to discuss the complaints procedure.

4.3 Next Steps

1) 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 4.

2) The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Nazene Danielle School of Performing Arts (NDSOPA). They will consider whether Nazene Danielle School of Performing Arts (NDSOPA) has adhered to education legislation and any statutory policies connected with the complaint.

(3) 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.

Making a complaint to the DfE should only happen once other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education.

5. Roles and Responsibilities

5.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- cooperate 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.

5.2 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 complaints co-ordinator 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 appeal - be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

5.3 Complaints Co-ordinator

(this could be the principal / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

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

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).

5.4 Clerk to Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- 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)

- 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; paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

5.5 Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- the remit of the committee is explained to the complainant - written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted - they liaise with the Clerk (and complaints coordinator, if the school has one).

5.6 Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that:

- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting - parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting - careful consideration of the atmosphere and proceedings should ensure that the child/ young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.

Date of authorisation:	November 2020
Reviewed by:	Nazene Langfield
Last amended:	October 2021
Date of next review:	October 2022

Signature:	<u>Office Use:</u>
Print Name:	Date Acknowledgement sent:
Date:	By Who:
	Complaint referred to:
	Date: