

# Complaints Policy

**Adopted Date:** 01/09/2023

**Review Date:** 01/09/2024

## **Equality and Inclusion Statement:**

We include our equality statement in the beginning of all policies to emphasise our commitment to equality and inclusion.

At Apex Specialist Education we are committed to promoting equality of opportunity, eliminating discrimination and harassment, valuing diversity and promoting positive relationships. We provide an inclusive education which enables all pupils to develop their full potential meeting the requirements of the Equality Act 2010 and Special Educational Needs and Disability Code of Practice 2014.

At Apex Specialist Education, we believe that diversity is a strength which should be respected and celebrated by all those who learn, teach and visit us.

In line with the public sector equality duty (PSED) standards, Apex Specialist Education will have due regard to the need to:

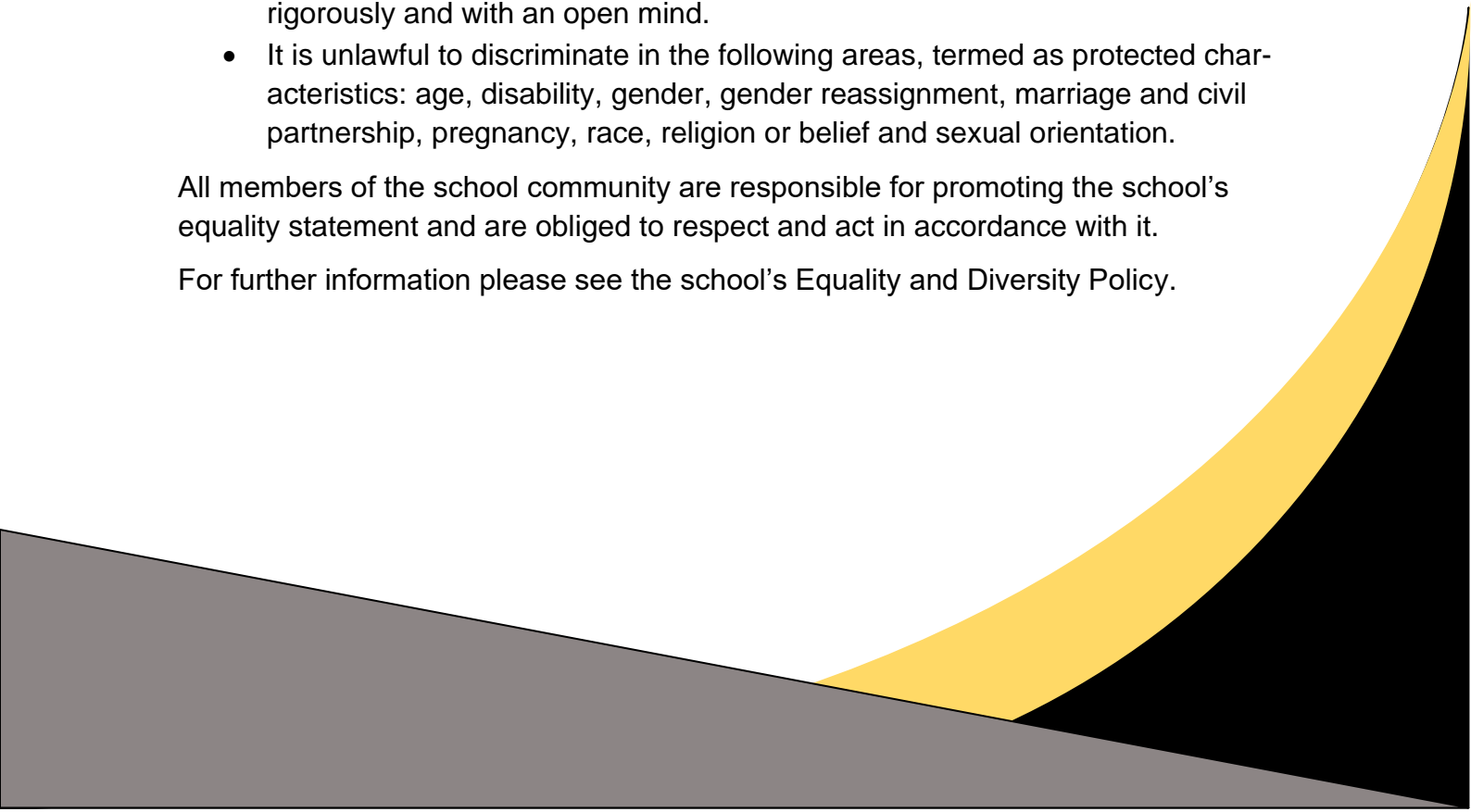
- Eliminate discrimination.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations across all characteristics, between people who share a protected characteristic and people who do not share it.

In practice, due regard means that the governing board and the leadership team will:

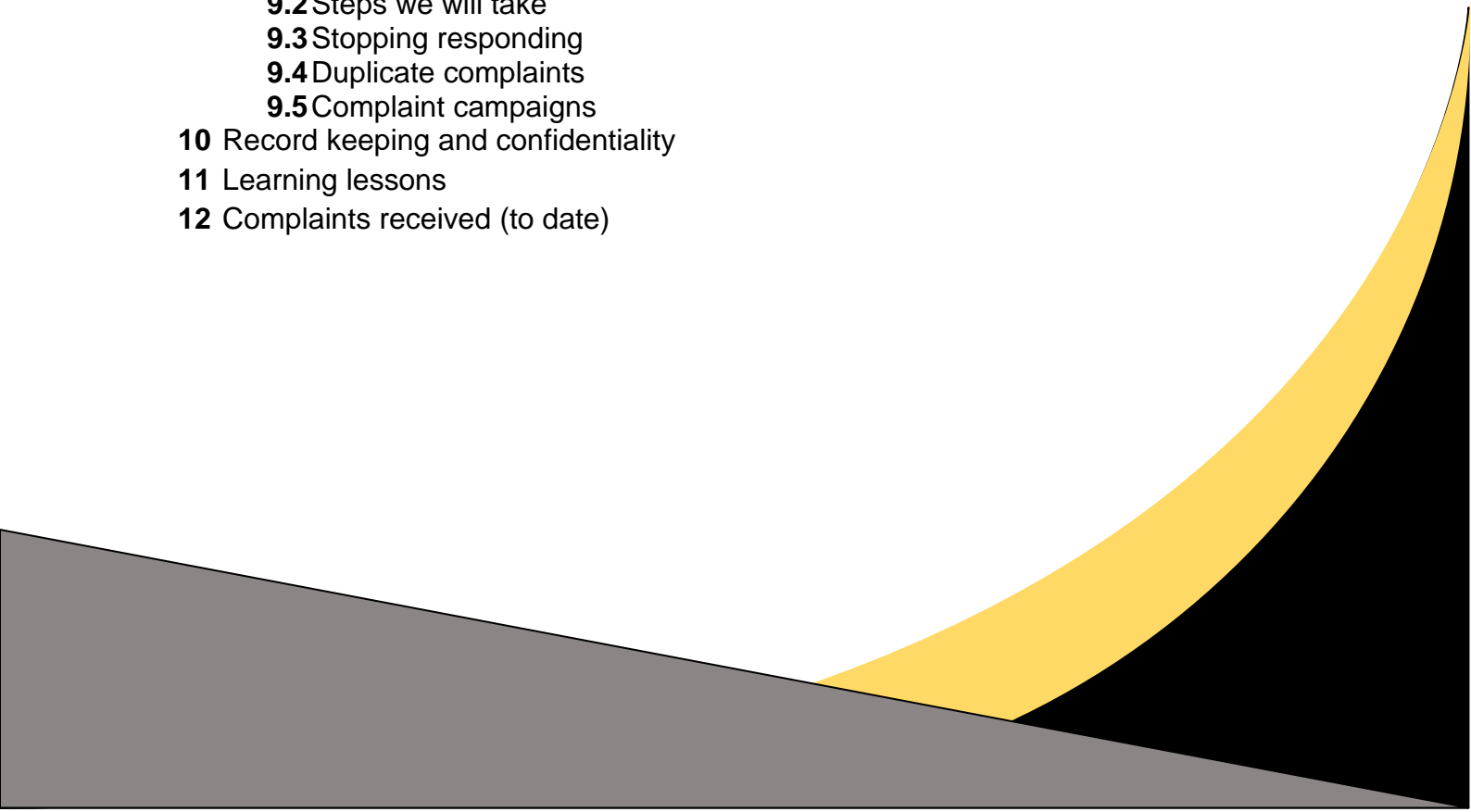
- Be aware of the duty to have due regard when making decisions or taking action and will assess whether it may have implications for people with particular protected characteristics.
- Consider equality implications before and at the time that they develop policies and take decisions, not as an afterthought and keep them under review on a continuing basis.
- Integrate PSED into the implementation of all school functions and ensure that the analysis necessary to comply with the duty is carried out seriously, rigorously and with an open mind.
- It is unlawful to discriminate in the following areas, termed as protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy, race, religion or belief and sexual orientation.

All members of the school community are responsible for promoting the school's equality statement and are obliged to respect and act in accordance with it.

For further information please see the school's Equality and Diversity Policy.



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## 1. Aims

Apex Specialist Education aims to meet its statutory obligations when responding to complaints from any person; this includes (not limited to) parents, carers, and members of the public Unless complaints are dealt with under separate statutory procedures (such as appeals relating to suspensions or admissions), we will use this complaints procedure..

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
- Make sure 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

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

Apex Specialist Education will aim to give the complainant the opportunity to complete the complaints procedure in full.

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

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 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 parents of pupils at the school.

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

#### 3.1 Definitions

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

#### 3.2 Scope

Apex Specialist Education 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:

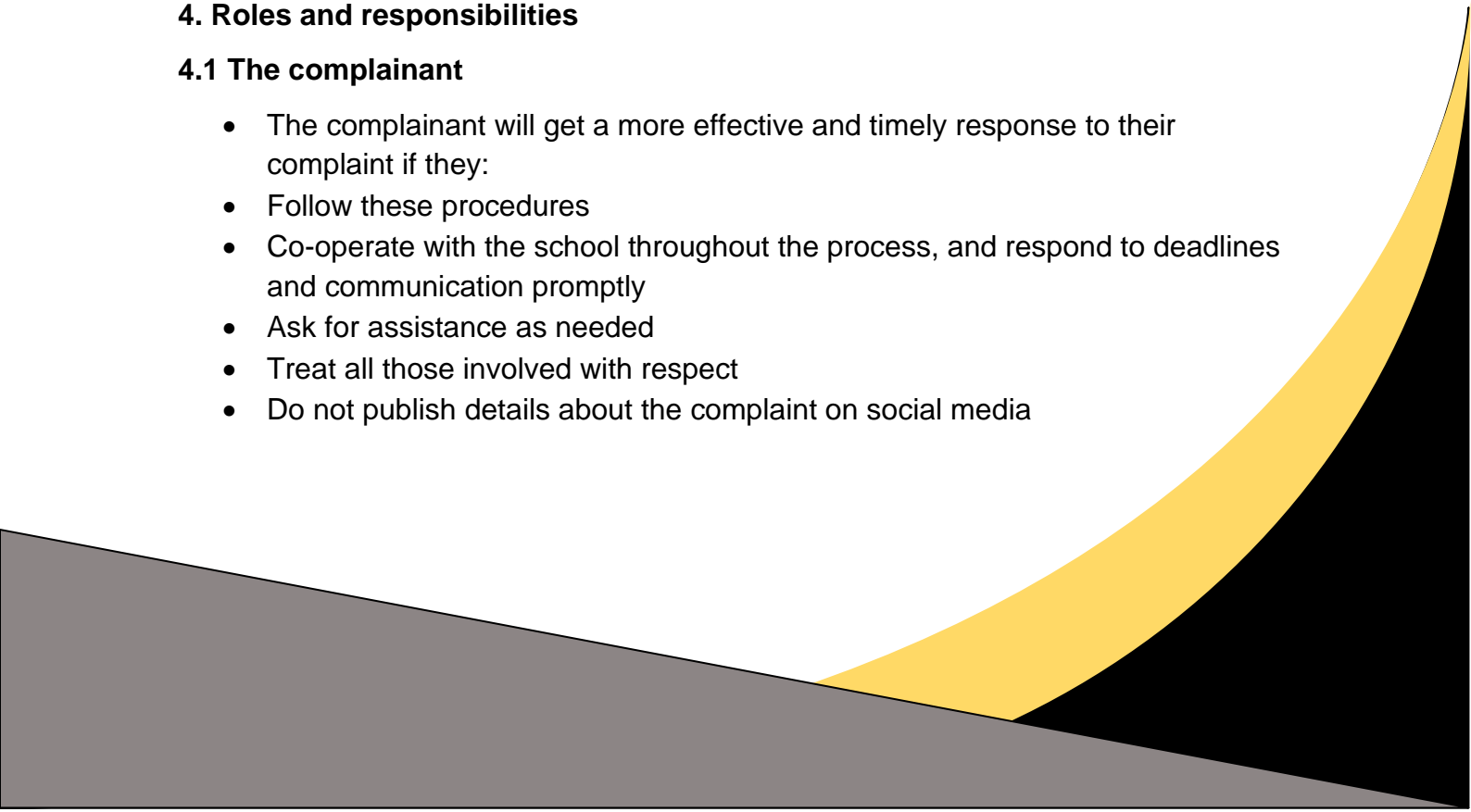
- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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

### 4. Roles and responsibilities

#### 4.1 The complainant

- The complainant will get a more effective and timely response to their complaint if they:
  - Follow these procedures
  - Co-operate with the school throughout the process, and respond to deadlines and communication promptly
  - Ask for assistance as needed
  - Treat all those involved with respect
  - Do not publish details about the complaint on social media
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## 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

## 4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The Headteacher
- The designated complaints board member
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, proprietary board, and any other appropriate party.
- Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records
- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings.
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

## 4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. 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

## **5.1 Timescales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe 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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## **6. Stages of complaint (not complaints against the Headteacher or Proprietary Board)**

### **6.1 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 as appropriate, 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 the school office via [info@apex-specialisteducation.com](mailto:info@apex-specialisteducation.com) or 01706 614 630.

The school will acknowledge informal complaints within **2** school days, and investigate and provide a response within **20** school days.

The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the complaint, as appropriate.

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

### **6.2 Stage 2: formal**

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office via [info@apex-specialisteducation.com](mailto:info@apex-specialisteducation.com) or 01706 614 630.

The Headteacher (or designated member of the senior leadership team) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **2** school days.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **20** school days.

If the Headteacher (or designated member of the senior leadership team) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within **5** school days.

### **6.3 How to escalate a complaint**

Complaints can be escalated by contacting the Headteacher or Proprietary Board.

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The Board (or Headteacher) will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the



procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within **20** school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within **5** school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The Proprietary Board will acknowledge receipt of the request within **2** school days.

## **6.4 Stage 3: submit the complaint to the review panel**

### **6.41 Convening the panel**

The review panel consists of at least 2 members of senior staff who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress; if possible this should consist of at least one member of the Proprietary Board. The panel will select a chair from among themselves.

If not enough impartial senior staff are available, we will seek panel members from other schools, or the local authority. We will make sure the panel members we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The chair will aim to find a date within **20** school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the chair will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least **3** school days before the date of the meeting.

### **6.42 At the meeting**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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 by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

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 will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

### **6.4.3 The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within **5** school days.

## **7. Complaints against the Headteacher, a Proprietor or the Proprietary Board**

The information below is taken from the DfE and ESFA model complaints procedures.

### **7.1 Stage 1: informal**

Complaints made against the Headteacher or any member of the Proprietary Board should be directed to the Proprietary Board in the first instance.

If the complaint is about the headteacher or 1 member of the Board (including the chair), a suitably skilled and impartial Board member will carry out the steps at stage 1 (set out in the section above).

## **7.2 Stage 2: formal**

If the complaint is:

- About the Chair of Proprietary Board or
- The entire Proprietary Board or
- The majority of the Proprietary Board

An independent investigator will carry out the steps in stage 2 (set out in the section above). They will be appointed by the Proprietary Board, and will write a formal response at the end of their investigation.

## **7.3 Stage 3: review panel**

If the complaint is:

- About the Chair of Proprietary Board or
- The entire Proprietary Board or
- The majority of the Proprietary Board

A committee of independent panel members will hear the complaint. They will be sourced from local schools, or the local authority, and will carry out the steps at stage 3 (set out in the section above).

## **8. 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.

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

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

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **9.2 Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### **9.3 Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **9.4 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **9.5 Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record keeping and confidentiality**

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 stored securely, 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 through a subject access request 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 securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

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

Where the Proprietary Board is 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.

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 Proprietary Board, who will not unreasonably withhold consent.

## **11. Learning lessons**

The Proprietary Board will review any underlying issues raised by complaints with the Headteacher, 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.

## **12. Complaints received (to date)**

Please note Apex Specialist Education (inc. Healey Learning Centre) received 0 complaints between 09/2022 – 09/2023.

