



Complaints (Parents) Policy

Reviewed by Headteacher

Date: May 2019

Approved by Board of Trustees on:

Review Date: May 2021

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Bristol Steiner School Complaints (Parents) Policy

1. Rationale

Bristol Steiner School (BSS) is committed to providing the highest quality care and education for children attending the School by holding the principles of welfare and achievement at the heart of its work. We will endeavour to ensure pupils are happy during their time at the School and that parents are pleased and satisfied with the quality of our service. We will listen and take seriously any concerns or issues raised by parents and take appropriate steps to resolve any problems. If parents do have a concern or complaint about any aspect or area of the School, they can expect it to be treated by the School in accordance with the following procedure. If a formal complaint is raised, a formal response will be given. Parents can be assured that all concerns and complaints will be treated seriously and confidentially.

Our Complaints policy is an essential part of our Safeguarding practice. BSS is committed to safeguarding and promoting the welfare of young people and vulnerable adults. We believe the welfare of the child is paramount and that no child should suffer harm of any form, either at home or at school. Everyone who works at or visits our school has the responsibility to make sure all our children are safe.

For the purposes of this policy, 'staff' also includes agency staff, volunteers, and students working in our Schools, and 'parents' includes carers and legal guardians – unless this is clarified further within the text.

2. Aims

BSS aims in this policy to clarify the processes regarding complaints in order to ensure that communication between our School and the parents who use it is high quality and benefits all concerned. BSS therefore aims to:

- continually seek to improve its work;
- build non-judgmental, respectful and professional relationships with the families who use the School;
- welcome comments and suggestions as they help School review and, if necessary, change what it does;
- encourage parents to be fully involved in the School and to inform the School if they are not satisfied with any of the services that we provide;
- respect the right of parents to speak to any member of the staff team with whom they feel comfortable to share problems and concerns;
- communicate clearly as misunderstandings often arise through a simple breakdown in communication;
- ensure staff are available to attend case conferences, reviews and hospital appointments with families;
- provide private space for parents that can always be found for conversation and support;
- resolve concerns at the earliest possible stage;
- support parents to resolve any concerns.

Working closely with families in this way ensures that problems or concerns can be resolved quickly and effectively.

3. Implementation

This policy is the responsibility of everyone who works at, volunteers for or visits BSS. The Headteacher will ensure that arrangements will be made to bring this policy to the notice of all staff (including new, temporary, and part-time employees), agency and other contract staff, volunteers, visitors and students during Induction and throughout their time at the School so that they fulfill their duties to co-operate with this policy. This policy and procedure will apply in all these contexts, including School activities taking place offsite. BSS delivers services at various venues, and this policy will apply in all these contexts. BSS expects services delivered by partner organisations to have complaints procedures in place. This policy should appear on the School website. A copy of the “Parents – Ofsted contact details” poster must also be displayed in the School.

4. Other policies

This policy works in conjunction with the following School related policies and procedures:

1. *Admissions*
2. *Anti-bullying*
3. *Behaviour*
4. *Code of conduct (staff)*
5. *Equalities*
6. *eSafety*
7. *Finance*
8. *Health and Safety*
9. *Lettings*
10. *Parent Handbook*
11. *Parent Prospectus*
12. *Safeguarding and Child Protection*
13. *Staffing*
14. *SEN, disability, SEND, and Inclusion*
15. *Whistleblowing*

5. Monitoring and Review

BSS will seek to continually improve all its related safeguarding policies, procedures and guidelines. BSS will review this policy on a regular basis to confirm that content and approach is still appropriate. The review will take place whenever there are significant changes and not later than 12 months from the previous review date.

6. Law and Guidance

Correspondence, statements and records will 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.

7. Procedure: Stage 1 Informal Resolution

If parents have a concern or complaint they **must** in the first place contact the Head teacher who would normally contact their child’s teacher or other member of staff directly. In most cases the matter will be resolved straightaway by this means. If this cannot resolve the matter alone, it may be necessary for them to consult another colleague who teaches the class. A straightforward informal discussion between those involved may be all that is needed to set things right. It is hoped that the majority of complaints will be resolved informally and satisfactorily through direct discussions with the staff member it involves.

8. Procedure: Stage 2 Informal Resolution with the Headteacher

If a parent complaint is not resolved by speaking informally to staff, parents can arrange an informal meeting with the Headteacher. If the Headteacher is the subject of the complaint, they should contact the Chair of Trustees. No timescale is set out for resolution at this point, given the importance of dialogue through informal discussion. In the event that the parties concerned fail to reach a satisfactory resolution by informal means, then parents will be advised to proceed with their complaint in accordance with the formal complaints procedure.

9. Procedure: Stage 3 Formal written complaints

If a parent complaint has not been resolved by way of informal discussion with staff members or the Headteacher, they should set out their complaint in writing addressed to the Chair of Trustees, making sure it includes:

- the precise nature of the complaint;
- dates, times if appropriate;
- what previous steps have been taken to resolve the issue.

The Chair of Trustees will issue a letter of receipt to the parents, acknowledging the complaint, within 3 working days of receiving it. If there is any delay, the Chair of Trustees will advise you of this and offer an explanation. If the complaint is about a general matter, for example, an explanation about a policy, the Chair of Trustees, having taken advice from the school, may be able to respond immediately. If the complaint is about a specific incident action or event or the conduct of a member of staff, the Chair of Trustees will appoint a person to carry out an investigation. Details of how investigations should be managed is set out in section 10 below.

10. Investigation of complaints

Complaints which relate to specific actions or events are likely to need a further investigation in order to clarify the facts. The Chair of Trustees, or the person they nominate, will ask to meet with parents in order to clarify the precise nature of the complaint and to discuss the ways in which the matter might be investigated and resolved. An investigation will normally be undertaken either by a trustee or by someone she/he may nominate from the School to investigate on their behalf. Sometimes the Chair of Trustees may feel that the matter will be better if a complaint is investigated by someone outside the School and they should tell parents if this is the case. If the complaint is about the conduct of a member of staff they should usually be given a copy of the written complaint, advised to contact their Trades Union for further advice and be given an opportunity to give a response to the complaints. The member of staff should also be advised that they may be accompanied by a friend at any subsequent interview or hearing. The investigation team will hear all concerns that the complainant may have. All parties (including witnesses) will be asked to provide written comments as part of the investigation. If at any time during the investigation there is a prima facie case for disciplinary action, the School's disciplinary procedures must be followed and no further action taken under this Complaints procedure. The investigation will need to establish whether the substance of the complaint has been proven or not, and what action should be taken if any, including any recommendations, action plan, or disciplinary consequences. Once the report has been completed, it will be communicated to the Chair of Trustees and a decision will be made. The investigation should normally be completed within 15 working days of receipt of the complaint, unless there are exceptional circumstances. The Chair of Trustees must tell parents about the outcome of their investigation, and any action they take, or plan to take, as an outcome of the complaint within 10 working days of the report being submitted; this can be verbally or by a letter. If communicated verbally it will always be followed by a letter.

Complaints can also be directed to Ofsted at

**Applications, Regulatory and Contact (ARC) Team Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD**

11. Right to appeal

If the complainant is not satisfied with the decision they can go to an appeal/review panel. The panel will consist of 3 members – 2 trustees plus one independent person. The complainant may attend and be accompanied. Trustees attending should have no previous details of the complaint. The panel will make findings and recommendations and stipulate that a copy of those recommendations is provided to the complainant and where relevant, the person complained about. These will be available for inspection on the school premises by the Trustees and the Headteacher.

12. Safeguarding Complaints

If a complaint is about the conduct of a member of staff and concerns a Safeguarding matter, the Headteacher must seek to clarify the nature of the concerns by asking the parent if the member of staff has:

- behaved in a way that has harmed a child, or may have harmed a child?
- possibly committed a criminal offence against or related to a child?
- behaved in an inappropriate way towards a child which may have indicated the he or she is unsuitable to work with children?

Or simply: does the child feel safe? If not, why not?

If the concern is raised by a parent who wishes to be anonymous, the Headteacher should encourage formal complaints which will clarify the investigation process by seeking to:

- avoid making blanket promises of confidentiality from the outset;
- point out that while they understand the complainant's desire to remain anonymous, normally no action will be taken in the event of an allegation being made anonymously (but there may, however, be exceptional circumstances where the Headteacher deems it appropriate to take action or investigate a matter on the basis of an anonymous complaint relating to safeguarding);
- talk about the support they can offer the complainant;
- make it clear that they might have an obligation to disclose the child's identity in the course of investigating the matter, because of overriding safeguarding obligations;
- make clear their obligations to act and investigate and find out what's going on and put to the reluctant allegation that 'Your perspective will be very helpful to enable us to do that';
- point out that, 'Your child may not be the first, or the last child who has been subjected to the behaviour that you're making an allegation about and so our obligations are not only to you, and to support you in your request to remain anonymous, but we have wider obligations here to our other children who may be at risk';
- make it clear that all allegations will be investigated, formal or not, and that the complainant's identity may need to be disclosed to the respondent regardless of whether the allegation is made informally due to overriding obligations around procedural fairness.

Also good practice when dealing with an allegation:

- parents should not be given the false impression that they are "in charge" of the allegation;
- the obligation to investigate remains even when a complainant seeks to withdraw an existing allegation;
- parents should be offered liaison with a member of staff of different gender if appropriate;
- use of external/independent investigators when allegations should be made so parents/ know their concern will be handled in an objective/independent manner;
- reference should be made to policies and procedures on allegations and parents' complaints, if relevant.

Having received an allegation, the Headteacher must judge the level of risk it presents. If it appears that a member of staff has clearly behaved in a way that has harmed a child, or may have harmed a child; or possibly committed a criminal offence against or related to a child; or behaved in an inappropriate way towards a child which may have indicated the he or she is unsuitable to work with children, then the following procedures must be followed.

At the earliest opportunity, the Headteacher should contact the DST and the Local Authority Designated Officer (LADO) within the local authority. The LADO should then be given a signed and dated written record of the concerns. Staff should maintain confidentiality and guard against publicity while an allegation is being considered or investigated and follow local information sharing protocols. The School should then follow the LADO's advice on how to deal with allegations against staff. If appropriate, BCC Social Care and/or the police will be informed by the LADO. Relevant evidence and information will be given to the School if required by the LADO.

In some cases the possible risk of harm to children posed by an accused person will require the School to consider suspending the person until the case is resolved. Suspension must not be an automatic response when an allegation is reported. If the School is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone. The LADO or the police cannot require the School to suspend a member of staff, although the School should give appropriate weight to their advice.

If the allegation is less serious and/or the situation less clear, statutory guidance allows for 'common sense' in managing cases that may not meet thresholds and 'in these cases, local arrangements should be followed to resolve case without delay' (from 'Keeping Children Safe in Education 2018'). This means that BSS is free to devise its own approach. Further actions made by the Headteacher can be planned with regard to the specific nature of the allegation could therefore include:

- considering the ongoing level of risk and how this can be managed;
- checking policy and guidance;
- discussing confidentially with the SMT and the DST;
- contacting the LADO for advice on how to proceed with the investigation planning an investigation;
- contacting the parent or reporting staff member within 24 hours to inform them of the action to be taken – if any.

An internal investigation can then take place by:

- checking of the Single Central Register for DBS, safeguarding training records, notes on file, and that references and testimonials show no note of concern that the staff member should not be working with children;
- finding out more information from key witnesses, including the child/ren if appropriate (and on the advice of the LADO);
- speaking to the person to whom allegations have been made.

After the internal investigation:

- reporting back to the parent or reporting staff member with the result of the investigation within 14 days (if the parent or reporting staff member provides additional information at this stage another decision regarding risk can then take place; if they are dissatisfied with the actions of the DSL they should be offered the School's Complaints Policy);
- providing a written account of the incident and filing this appropriately;
- reviewing the incident with the SMT and DST;
- following the School's disciplinary procedures if necessary;
- reporting the safeguarding referral to the Trustees in general terms.

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Social Care, and/or the police as appropriate, should consider what support the child or children involved may need. If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to Social Care services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the Headteacher should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must be investigated as a priority so as to avoid any delay. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months and all but the most exceptional cases should be completed within 12 months. For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence, appropriate action should be taken by the School within 3 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

13. Complaints about the Headteacher

Where the Headteacher is the subject of the complaint, formal written complaints must be sent to the BSS Chair of Trustees. The complaint will then be investigated using the same procedures that apply to other staff members.