

SVS Complaints and Concerns Procedures



Approval and review dates

Policy	Date of last review	Date of next review
SVS Complaints and Concerns Procedures	September 2022	September 2023

1 Aims

SVS 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
- 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.

The school 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.

SVS take complaints extremely seriously and will endeavour to answer complaints as effectively and efficiently as possible within the guidelines below. Jennifer Hall is the Complaints Co-ordinator. It is in everyone's interest that complaints are resolved at the earliest possible stage.



The experience of the first contact between the complainant and Sandwell Valley School is crucial in determining whether the complaint will escalate.

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

The school 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
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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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
- Not publish details about the complaint on social media

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 principal or complaints committee which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinators:

- Assistant Business Manager, Fortune Onyebuchi (fonyebuchi@svs.sandwell.sch.uk)
- Office Manager, Kavita Kaur (email kkaur@svs.sandwell.sch.uk)

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 principal and chair of governors.

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

4.4 Committee chair

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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 Time scales

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 time frame 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 time scales 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 principal or governors)

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 principal 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 by phone at 0121 6797522 or email jhall@svs.sandwell.sch.uk or kkaur@svs.sandwell.sch.uk.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

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Stage 1: Informal Resolution

- It is hoped that most complaints and concerns will be resolved quickly and informally
- If parents have a complaint they should normally contact their child's Complaints Co-ordinator. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Complaints Co-ordinator cannot resolve the matter alone it may be necessary for him/her to consult the Principal.
- Complaints made directly to the Principal will usually be referred to the relevant Complaints Co-ordinator unless the Principal deems it appropriate to deal with the matter personally
- The Complaints Co-ordinator will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within 10 school days or in the event that the Complaints Co-ordinator and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this procedure
- If, however, the complaint is against the Principal, parents should make their complaint directly to the Chair of Governors

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 0121 6797522 or email jhall@svs.sandwell.sch.uk or kkaur@svs.sandwell.sch.uk

The principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

The principal 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

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school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The principal or other person appointed by the principal for this purpose will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

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

How to escalate a complaint

Complaints can be escalated by contacting the Chair of Governors to the governing board:

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

The Chair of the Governors 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 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of the Governors in writing within 5 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

The Chair of the Governors will acknowledge receipt of the request within 5 school days.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from among themselves.

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

The complainant must have reasonable notice of the date of the review panel. The Chair of Governors will aim to find a date within 15 school days of the request, where possible.

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If the complainant rejects the offer of 3 proposed dates without good reason, the Chair of Governors 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 5 school days before the date of the meeting.

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 principal.

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

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

6.3 Stage 3: submit the complaint to an independent reviewer

The independent reviewer is appointed by or on behalf of the Governors. This person must not, at any time, have been a governor of the school, or a member of staff or supply staff at the school, and must not have been the parent of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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 independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The complainant, governors and principal, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

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

7 Complaints against the principal, a governor or the governing board

7.1 Stage 1: informal

Complaints made against the principal or any member of the governing board should be directed to the Chair of Governors to the governing board in the first instance.

If the complaint is about the principal or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

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An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board, and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools and the local authority and will carry out the steps at stage 3 (set out in section 6 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:

<https://www.gov.uk/complain-about-school>

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/or ISI:

- Ofsted may be contacted on 0300 1234 234 or by email: enquiries@ofsted.gov.uk
- ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net

9 Persistent complaints

9.1 Unreasonably persistent complaints

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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 time frames 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

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

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

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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.

9.2 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.

9.3 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

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 held centrally, 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.

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Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Data Management policy.

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

Where the governing 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 governing board, who will not unreasonably withhold consent.

11 Learning lessons

The governing board will review any underlying issues raised by complaints with the principal, 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 Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Head of Operations.

This policy will be reviewed by the principal and governing board every year. At each review, the policy will be approved by the principal.

13 Links with other policies

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Behaviour policy
- Staff grievance procedures and Staff disciplinary procedures
- SEN policy
- Privacy notices
- Data Management Policy



Appendix 1: Complaints procedure

AREAS		WHAT TO COVER
<input type="checkbox"/>	Policy introduction	What is the purpose of the procedure? What legislation does it comply with? How does it help the school meet its aims and values? You may also want to explain what the procedure does not cover, for example staff grievances.
<input type="checkbox"/>	The stages of the complaints procedure	<p>SVS's complaints procedure must consist of at least three stages: an informal stage, a formal stage and a panel hearing.</p> <p>The procedure could include more than three stages. The informal stage normally involves a meeting with the complainant and the formal stage involves the complaint being put in writing.</p> <p>Complaints are escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.</p>
<input type="checkbox"/>	Timescales	<p>The procedure must set out clear timescales for managing complaints.</p> <p>This could include timescales for responding to, investigating and coming to conclusions about complaints at each stage (informal, formal and panel hearing).</p>
<input type="checkbox"/>	Details of how the complaints panel will be made up	<p>The procedure must make it clear that the panel must consist of at least three people who were not directly involved in the matters detailed in the complaint.</p> <p>The panel must also include at least one member who is independent of the management and running of the SVS.</p> <p>The panel cannot be made up solely of governing body members, as they are not independent of the management and running of the SVS.</p>
<input type="checkbox"/>	Arrangements for the panel hearing	<p>The complainant must be allowed to attend the panel hearing and be accompanied if he/she wishes. This must be set out in the procedure.</p> <p>The procedure should ensure complainants are given reasonable notice of the panel hearing date.</p>

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<input type="checkbox"/>	<p>Findings and recommendations</p>	<p>The complaints policy must require the panel to make findings and recommendations.</p> <p>It must also require the panel to provide a copy of the findings and recommendations to the complainant and, where relevant, the person complained about, and make a copy of the findings and recommendations available for inspection by the Governors and principal.</p>
<input type="checkbox"/>	<p>Record keeping</p>	<p>The complaints procedure must require a written record to be kept of all formal complaints, including:</p> <ul style="list-style-type: none"> • Whether they were resolved at stage two or progressed to a stage three panel hearing • What action was taken by the SVS as a result of those complaints (whether or not the complaints were upheld)
<input type="checkbox"/>	<p>Confidentiality</p>	<p>The complaints procedure must say that correspondence, statements and records relating to individual complaints must be kept confidential, except where the secretary of state (or someone acting on his/her behalf) requests access to them.</p>
<input type="checkbox"/>	<p>Complaints made by people who are not parents</p>	<p>The procedure should make clear how the SVS will deal with complaints from people who are not parents of attending pupils.</p> <p>You may wish to use the same procedure you use for complaints from parents, or you may wish to develop a different one.</p> <p>You may also wish to set out how the school will respond to correspondence from local MPs, as MPs often use written correspondence they have received to brief or inform their constituents.</p>
<input type="checkbox"/>	<p>Staff training</p>	<p>The policy should set out how the SVS will make sure that staff likely to be involved in handling complaints are suitably trained to do so.</p>





Appendix 2: Complaints Form

If you need help to fill in this form please ask a member of Sandwell Valley School

Please forward to: Sandwell Valley School

Complainant Details (This section is to be completed by all complainants)

Name:			
Address:			
Telephone Number:		Mobile No:	
Email:			

Equality and Diversity Information

Complainant							
Student		Parent		Employer		Other	

Age							
Under 16		16 -18		19-25		25+	Prefer not to say

Mode of Attendance							
Full-time		Part-time		Work Place		N/A	

Disability				Gender			
Y		N	Prefer not to say	Female		Male	Prefer not to say

Ethnicity							
Bangladeshi		Black African		Black Caribbean		Black Other	Chinese
Indian		Mixed Race		Other Asian		Pakistani	White

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Secondary Complainant Details

Name:			
Address:			
Telephone Number:		Mobile No:	
Email:			

Preferred Contact Details – please circle/indicate
Please contact me by Phone/Email/In Writing
Please contact the person above on my behalf by Phone/Email/In Writing

Complaint Details

Please give a clear overview of the issue, including details such as how/what/when/where/who etc.


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Please detail who you believe to be at fault and why:

Please state what course of action you believe should be taken:

Do you have any further comments or suggestions you would like to add?

Signed:

Date:

Sandwell Valley School

Data Protection Act 1998

Sandwell Valley School has a duty to protect the personal data it processes. To comply with this legislation, information must be collected and used fairly, stored safely and not disclosed to any person unlawfully.



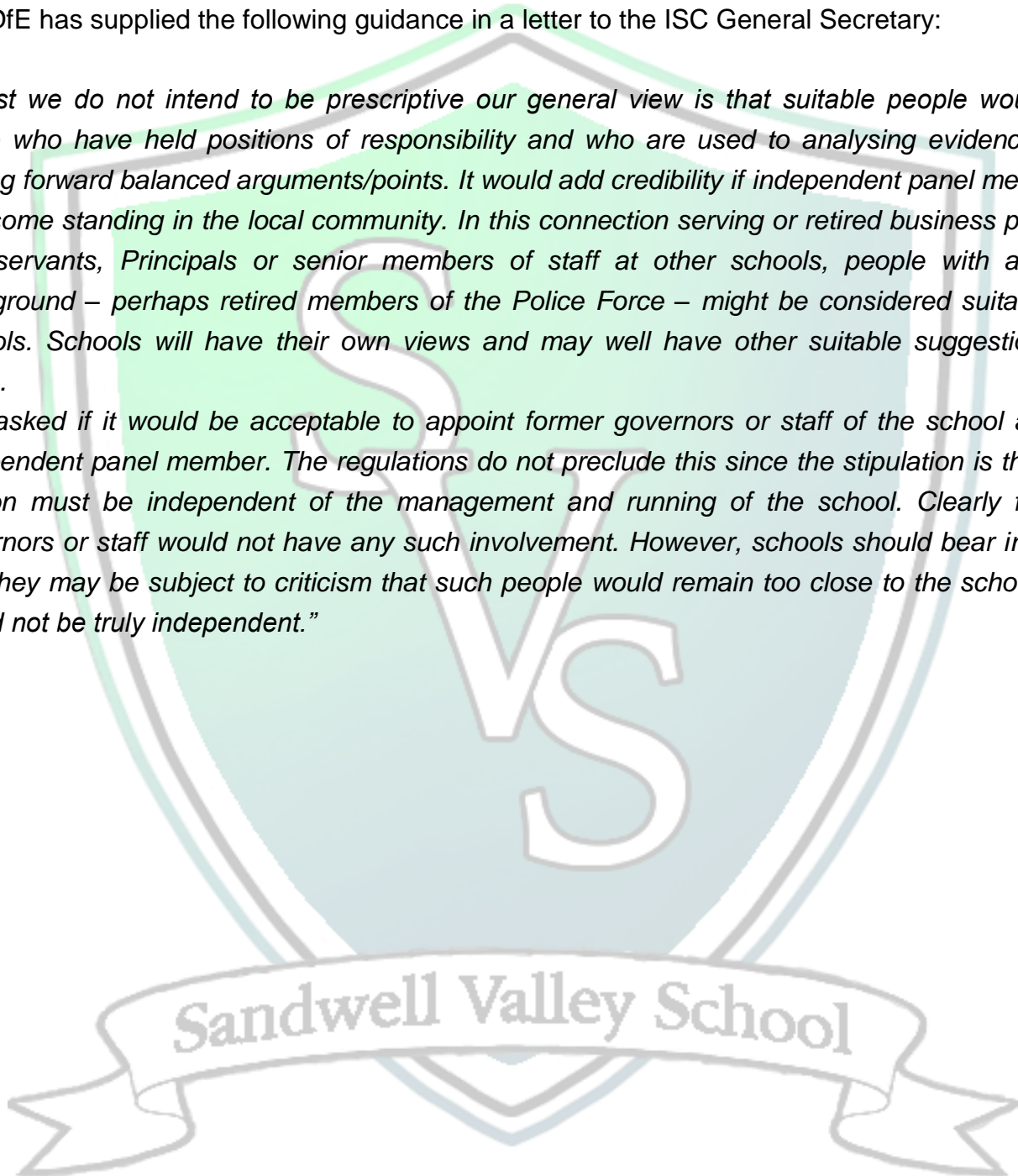
Appendix 3:

Complaints Procedure: Independent Member of the Panel

The DfE has supplied the following guidance in a letter to the ISC General Secretary:

“Whilst we do not intend to be prescriptive our general view is that suitable people would be those who have held positions of responsibility and who are used to analysing evidence and putting forward balanced arguments/points. It would add credibility if independent panel members had some standing in the local community. In this connection serving or retired business people, civil servants, Principals or senior members of staff at other schools, people with a legal background – perhaps retired members of the Police Force – might be considered suitable by schools. Schools will have their own views and may well have other suitable suggestions to make.

You asked if it would be acceptable to appoint former governors or staff of the school as the independent panel member. The regulations do not preclude this since the stipulation is that the person must be independent of the management and running of the school. Clearly former governors or staff would not have any such involvement. However, schools should bear in mind that they may be subject to criticism that such people would remain too close to the school and would not be truly independent.”





Appendix 4: Goddard Enquiry

The Goddard inquiry was launched at the beginning of July 2015. The inquiry will investigate whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse in England and Wales.

Judge Goddard makes very clear in her opening statement the importance of retaining records. She has written to institutions including local authorities and religious organisations on the subject of retaining records but she has confirmed that the content of those letters should be taken to apply to all institutions which have had responsibility for the care of children.

In view of Judge Goddard's clear direction to institutions not to destroy records the School will not destroy student records after the customary seven year period, as determined by the DPC in accordance with the Data Protection Principles published by the Information Commissioner's Office, but will retain them and all staff records until the enquiry has concluded. The Goddard enquiry 'trumps' any data protection legislation.

Recording Log

The Complaints recording log can be found on the shared drive in the complaints folder.

