



# Poplar House School

## COMPLAINTS POLICY

Signed by:

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## 1. Mission Statement

Educ8 is an organisation with social purpose that seeks to transform the lives of children and young people. Our approach is grounded in the lived experience of the children and young people we support and by valuing their contribution. As experts by experience, we ensure the services they receive are personal to them.

Our Mission Statement is supported by Educ8 Essential Standards that set out the organisations commitment to safeguard and promote student's welfare.

The key Essential Standards in relation to our school's complaint policy are as follows:

- **Dignity and respect** - Educ8 will ensure children and young people have privacy when needed and wanted, are treated as equals, are given appropriate support to help them to be independent to fulfil their potential, and to be involved in their respective local communities.
- **Equality** - Educ8 is an inclusive organisation that works hard to ensure that children and young people are safeguarded and have the same protection regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation. Your Chapter is committed to anti-discriminatory practice. In so doing, Educ8 recognise the additional needs of children from minority ethnic groups and disabled children including the barriers they face.'
- **Safety** - Educ8 will ensure that appropriate safeguarding practice is in place so that children and young people do not receive unsafe care or treatment or be put at risk of any potential harm. A robust risk assessment strategy will be in place to minimise harm during activities and delivery of care and support. Educ8 will ensure children and staff have the appropriate knowledge, qualifications, experience, competence, and skills to keep children and young people safe through appropriate learning and development opportunities.
- **Safeguarding from abuse** - Children and young people have an entitlement to receive care and support without suffering any form of abuse or improper care. This includes disproportionate restraint, unnecessary or inappropriate restrictions on freedom, bullying, neglect, and free from abuse from their peers, carers, and all professionals involved in their care.
- **Complaints** - Educ8 will ensure that the systems in place for handling complaints are followed by staff to make sure that all complaints are considered seriously, handled, and responded to sensitively. Complaints investigation will be comprehensive and conducted in a timely manner including informing the complainant about the outcome of their complaint. Any areas for learning will be identified and discussed so that appropriate action can be taken.
- **Whistleblowing** - Educ8 have a robust whistleblowing policy that is known by all staff and is supported by staff training. We encourage the active reporting of any concerns raised by our staff or by our children and young people and we ensure that all such concerns are addressed in a timely manner. Any learning from such reports will be embedded in continuing professional development and will inform professional practice.

- **Good governance** - Educ8 has a robust governance system is robust that enables robust and effective monitoring of all its services. Good governance will help to improve the delivery of services, as well as identify and minimise risk to children and young people's health, safety, and wellbeing.
- **Legislative Framework** - Educ8 will ensure that it complies with regulatory standards, regulations, and government guidance that underpins its services relating to children's homes, fostering services, and schools in England and Wales.

## **Introduction**

At Poplar House School we have a vested interest and are committed to ensuring that children are happy, thriving and that they have a range of ways that they can raise their concerns about things that worry them. We recognise the importance of listening to children's experiences and views about their school, particularly if they are unhappy. Additionally, we want to respond to parents, where appropriate, carers and others and will use the issues raised to support the ongoing development of our school.

Complaints will be dealt with in a way that is most suitable to the issues and not just according to a set of procedures although recognising the importance that a clear policy and procedures play in the process. This means addressing the complaint will take into account:

- The complainants' views
- The nature of the complaint
- The potential implication for the complainant
- The potential implications for Educ8

Our primary is making sure that everyone, children, parents, and others, have and feel confident in the complaint process and that we take their complaints/concerns seriously.

## 2. Aims

Our school aims to meet its statutory obligations when responding to complaints from students, parents, where appropriate and carers of students 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 identified within the complains and provide an effective and prompt response
  - Respect the complainants' desire for confidentiality, although if the complaint relates to the safeguarding matter the complainants will be informed of our duty to safeguard children and therefore the information will need to be shared with the relevant agencies in line with our Safeguarding policy, and Keeping Children Safe in Education 2022
  - Treat complainants with respect and courtesy, where the complainant is the pupil, it is important that we take account of their age, understanding, and ability.
- Ensure that any decisions we make are lawful, rational, reasonable, fair, and proportionate, in line with the principles of our Essential Standards, the need to safeguard and promote student's welfare and in line with the regulatory requirements.
- Keep complainants informed at all stages of the complaints process including any delays.
  - We will use the learning and outcomes from complaints to assist us to develop and improve our practice

We aim to resolve all concerns and complaints in a timely manner and through informal process wherever possible. Where this is not possible, formal procedures will be followed.

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

## 3. Legislation and guidance

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

It is also based on <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2020> to support schools during COVID-19 pandemic. This updated guidance from the Department for Education (DfE), makes clear that it is not an expectation that schools will handle new or existing complaints while schools are partially closed during the COVID-19.

However, it is important that we, nevertheless, continue to engage with parents, where appropriate and students where we can.

We are mindful that we will need to further amend this complains procedure once the current decisions to close some school are revoked.

This document meets the requirements set out in part 7 of [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, when appropriate and where appropriate and carers of students at the school. Additionally, the policy also takes account of the Education and Skills Funding Agency (ESFA) document on [creating a complaints procedure that complies with the above regulations](#).

## **4. Definitions and scope**

### **Definitions**

The DfE good practice guidance on complaints provides clarity regarding what is a complaint and a concern. This guidance defines a concern as:

- “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### **4.1 Scope**

The school intends to resolve complaints informally where possible, at the earliest stage. Students, in particular, may not wish for their complaints or concerns to be dealt with formally and may want their complaints/concerns to address quickly. Wherever possible it is important to listen to what students want. However, we recognise that there may be occasions when complainants would like to raise their concerns/complaint formally. This policy outlines the procedure relating to handling such complaints.

## **5. Roles and responsibilities**

### **5.1 The complainant**

The complainant will always secure an effective and timely response to their complaint where they:

- Follow the procedures
- Co-operate with the school throughout the process, and to support the process by responding timely for example, request for more information
- Treat all those involved with respect
- Not publish details about the complaint on social media especially if their complaint mentions other students and their families/carers.

### **5.2 The investigating Officer**

An individual will be appointed to investigate the complaint/concerns 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 Head Teacher and or Director of Education. This report would address the issues investigated and include any learning and or recommendation for improvement as well as where the standard has been breached.

The investigating officer will:

- Be the contact point for the complainant and the Senior Leadership Team, including circulating the relevant papers and evidence before complaints meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

## **6 Principles for investigation**

When investigating a complaint/concern, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### **Time scales**

Where a complaint is from a child this will be addressed within 7 days of the complaint being received. They will be told if there are any delays. This is because a child may not fully understand why their complaint is taking a long time to be resolved. Furthermore, a child, may not want to make a complaint at the time the incident happened, and we must be sensitive to this.

All other complainants 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 are valid reasons for not raising their complaint at the 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 next school day.

If at any point we cannot meet the time scales 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

As most of our children are looked after we will only notify parents where it is safe to do so of concerns raised by their child, but we will always notify the carers. If we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents where appropriate, and carers of the students.

## **7. Stages of complaint (not complaints against the Headteacher or teaching staff)**

### **7.1 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, 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 head office at Admin [admin@Educ8.co.uk](mailto:admin@Educ8.co.uk) 016 1483 1505 or CEO (Virginia.Perkings@Educ8.co.uk) if the complaint/concerns related to Responsible Individual, Director of Education or Headteacher.

Upon receipt of a formal complaint, the Chief Executive Officer and or Director of Education will appoint an Investigating Officer to investigate the complaint.

On receipt of the complaint the member of staff receiving the complaint will then do the following:

- Log the complaint into the Complaints File on the Log Sheet for that month.
- Acknowledge the complaint via a letter
- Hold an initial fact-finding meeting with the complainant and record this.
- Complainants are entitled to bring a representative to this or any other meeting.

- Most complaints can be resolved at this stage. If the complaint is resolved at Stage 1, the complainant will be asked to sign a record of the meeting as an indication of their agreement with the outcome. They will be given a copy of the signed minutes and the school will retain the original.
- The complaints form will clearly indicate “Informal Resolution Agreed”.
- The complaints log will then be completed with the outcomes.
- If the complaint is not resolved informally the Investigating Officer will carry out any subsequent checks / speak to any other staff or students as required and then agree with an outcome.
- An outcome letter will be sent to the complainant with a comments page to be returned to the school.
- Stage 1 should be completed within 14 days from the receipt of the complaint.
- If the complainant is not happy with the outcome, this is then referred to as stage 2.

### **Stage 2:**

Upon initiation of a stage 2 inquiry, the Headteacher will liaise with the Director of Education who will:

- Nominate a stage 2 Investigating Officer, external of the school, will look at the complaint
- Further investigations may take place, with all previous paperwork perused thoroughly.
- Stage 2 should be completed within 14 days of its initiation and in total a maximum of 28 days from the start of Stage 1. A further outcome letter will be sent to the complainant with a comments page to be returned to the school.
- If the complainant is still not happy with the outcome at Stage 2, it will be referred to Stage 3.

### **Stage 3:**

The complainant will be advised of their rights to ask for an independent body such as Ofsted or Children’s Rights to investigate the complaint, and the complainant will be supported through the process.

### **General Notes**

Throughout the stages, all investigations carried out will be documented, recorded, and copied, to be placed into the complaints filed with the complaint as evidence.

Any meetings/discussions held must be signed and dated by all parties involved.

At any time during the complaint investigation, complainants have the right to:

- Withdraw the complaint at any stage
- Refer the complaint to the placing authority where the complaint/concerns relate to safeguarding, ill-treatment of the pupil and or a serious incident impacting on the pupil's welfare
- Refer the complaint to the police, if the nature of the complaint warrants this such as safeguarding and physical or sexual assaults for example.
- Refer the complaint to an independent body such as Ofsted



Complaint outcomes can be of 3 categories and all complaint must be concluded with one of the following categories:

- **Upheld** - there is evidence to support the complaint
- **Partially Upheld** - there is evidence to support aspects of the complaint
- **Not Upheld** - there is no evidence to support the complaint

The complaint raises any safeguarding concern then this should be managed via our safeguarding procedure. Concerns about staff conduct may be addressed by the company through the company Disciplinary and Grievance processes.

Complaints against the Headteacher will be referred directly to the Regional Head Teacher, Director of Education and then to the Chief Executive Office who will make the necessary arrangements to ensure an appropriate, open, and transparent investigation.

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

The panel will be appointed by or on behalf of the proprietor and will consist of at least three (3) people who were not directly involved in the matters detailed in the complaint. At least one (1) panel member is assigned as the independent person not involved with the management and running of the school. The panel will consist of a group of people, not just board members but also individuals independent of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel 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 individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Head Teacher.

## **8. Complaints against the Headteacher and school staff**

### **Stage 1: informal**

Complaints made against the Headteacher, or school staff member should be directed to the Regional Head Teacher/Director of Education.

### **Stage 2: formal**

If the complaint is about the Headteacher or the school staff member an independent investigator will carry out the steps in stage 2 and will write a formal response at the end of their investigation.

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

If the complaint is about the Head Teacher or member of school staff, then the CEO will hear the complaint and will carry out the steps at stage 3.

## 9. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints investigation into their complaint, 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 students

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>

## 10. Persistent complaints

### 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 knowingly provides false information
- Insists on pursuing an unfounded complaint, or out of the scope of the complaint's procedure
- Pursues a valid complaint, but unreasonably e.g. refuses to articulate the complaint, refused to cooperate 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
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on schooltime
- 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 they intend 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.

### **10.1 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 individuals, 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 the local process is complete
- Direct them to the DfE and OFSTED if they are dissatisfied with our original handling of the complaint

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

### **11. 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 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.

### **12. Learning lessons**

We will review any underlying issues raised by complaints with the Director of Education or CEO and then Educ8 and Senior leadership team (SLT), where appropriate, and respecting confidentiality, if and where appropriate to do so, 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 and or to safeguard and promote pupil's welfare.

### **13. Monitoring arrangements**

The complaints records will be logged and managed by the Headteacher.

This policy will be reviewed and approved by CEO and Director of Education, Headteacher and the Quality Assurance Team every 12 months.

### **14. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Employee Handbook
- SEND policy