



Simul autem et crescere luceat
Together we grow and shine

Fountain Head House School Complaints Policy and Procedures

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Reviewed by	Thereza de Lucca Headteacher
Approved by	Julie Smith Chair of the Board

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Aims

Our school aims to meet its statutory obligations when responding to complaints from parents / carers 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.

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 and carers 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).

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

Definitions and scope

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”

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.

Roles and responsibilities

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

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

The complaints co-ordinator

The complaints co-ordinator can be:

- The Headteacher
- 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, the Chair of the Board
- 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
- 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

Complaints panel chair

The panel 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

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

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

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and 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 and carers of children attending the setting on a regular basis.

Stages of complaint (not complaints against the headteacher or governors)

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 Headteacher, by completing the FHHS – Complaints Form (see Appendix 1) which can be handed in in person or sent via email. If the complainant is unclear who to contact or how to contact them, they should contact the school via phone (01752853891) or email (info@fhhschool.co.uk).

The school will acknowledge informal complaints within 10 school days, and investigate and provide a response within 15 school days from the date of acknowledging the complaint.

The informal stage will involve a meeting between the complainant and the Headteacher.

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

Stage 2: formal

Formal complaints can be raised:

- By letter or email
- By the complainant or 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.

The Headteacher 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 Headteacher 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 will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days from the meeting.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Headteacher via letter or email within 10 school days of receiving the written conclusion of this investigation. The Headteacher will inform the Chair of the Board of the complainant's wish to proceed to the next stage of the procedure within 10 days of receiving the complainant's information.

How to escalate a complaint

Complaints can be escalated by contacting the Chair of the Board:

- By letter or email
- Through a third party acting on behalf of the complainant

The Chair of the Board 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 from the date when the complaint was received.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of the Board in writing within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The Chair of the Board will acknowledge receipt of the request within 10 school days.

Stage 3: submit the complaint to an independent reviewer

The independent reviewer is appointed by or on behalf of the proprietor. 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, proprietor and Headteacher, 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 15 school days from 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 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 a companion.

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(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 Headteacher.

The outcome

The panel can:

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

If the complaint is upheld, the panel 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 15 school days from receiving the outcome.

Complaints against the Headteacher, a governor, or the School Board

Stage 1: informal

Complaints made against the Headteacher, a governor, or the School Board be directed to the Chair of the Board in the first instance. The complainant should raise the complaint as soon as possible with the Chair of the Board in the first instance, by completing the FHHS – Complaints Form (see Appendix 1) which can be handed in in person or sent via email. If the complainant is unclear who to contact or how to contact them, they should contact the school via phone (01752853891) or email (info@fhhschool.co.uk).

If the complaint is about the Headteacher or a member of the School Board, including the Chair of the Board, a suitably skilled and impartial governor will carry out the steps at stage 1.

Stage 2: formal

If the complaint is:

- Jointly about the Chair of the Board or
- The majority of the School Board or
- The entire School Board

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

Stage 3: review panel

- Jointly about the Chair of the Board or
- The majority of the School Board or
- The entire School Board

A committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority and will carry out the steps at stage 3.

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>

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
- 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

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

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.

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.

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.

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.

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

Learning lessons

The School 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.

Monitoring arrangements

The School Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The School Board will track the number and nature of complaints, and review any underlying issues.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher every 3 years.

At each review, the policy will be approved by the Chair of the Board.

Links to other policies

- FHHS - Safeguarding and Child Protection Policy
- FHHS - Admissions Policy
- FHHS - Whistleblowing Policy
- FHHS - Exclusion Policy
- FHHS – Equality, Diversity and Inclusion Policy
- FHHS - Special Educational Needs and Disability Policy

Appendix 2 – FHHS – Complaints Log per school year

FHHS – Complaints Log						
Number of Complaints – School Year 2022-2023						
Two complaints were submitted during the School Year 2022-2023						
Complaint	Stage 1 – informal		Stage 2 – formal		Stage 3 – independent review	
Submission date 30/06/23	Response date 01/07/23		Response date 03/07/23		not applicable	
Complaint related documents kept on file following appropriate GDPR	Resolved?		Resolved?		Resolved?	
If 'NO' Next Step	Yes	No	Yes	No	Yes	No
		✓	✓			
Complaint	Stage 1 – informal		Stage 2 – formal		Stage 3 – independent review	
Submission date 06/07/23	not applicable		Response date 06/07/23		not applicable	
Complaint related documents kept on file following appropriate GDPR			Resolved?		Resolved?	
If 'NO' Next Step			Yes	No	Yes	No
			✓			

FHHS – Complaints Log

Number of Complaints – School Year 2021-2022

No complaints were submitted during the School Year 2021-2022

Complaint not applicable	Stage 1 – informal	Stage 2 – formal		Stage 3 – independent review		
Submission date ___/___/___	Response date ___/___/___	Response date ___/___/___		Response date ___/___/___		
Complaint related documents kept on file following appropriate GDPR	Resolved?		Resolved?		Resolved?	
If 'NO' Next Step	Yes	No	Yes	No	Yes	No
Complaint not applicable	Stage 1 – informal	Stage 2 – formal		Stage 3 – independent review		
Submission date ___/___/___	Response date ___/___/___	Response date ___/___/___		Response date ___/___/___		
Complaint related documents kept on file following appropriate GDPR	Resolved?		Resolved?		Resolved?	
If 'NO' Next Step	Yes	No	Yes	No	Yes	No
Complaint not applicable	Stage 1 – informal	Stage 2 – formal		Stage 3 – independent review		
Submission date ___/___/___	Response date ___/___/___	Response date ___/___/___		Response date ___/___/___		
Complaint related documents kept on file following appropriate GDPR	Resolved?		Resolved?		Resolved?	
If 'NO' Next Step	Yes	No	Yes	No	Yes	No