



Emanuel School

# Complaints Policy and Procedures

## Complaints Policy and Procedures

### 1. Introduction

Emanuel School gives high priority to the quality of teaching and pastoral care provided for its pupils. The school recognises its moral and statutory responsibility to safeguard and promote the welfare of all children, is alert to the signs of abuse and neglect and acts in accordance with its policies and procedures to ensure that pupils receive effective support, protection and justice. The school endeavours to provide a safe and welcoming environment where people are respected and valued and to always consider the best interests of the child.

A complaint is an expression of dissatisfaction with a real or perceived problem. Any matter about which a parent is unhappy and seeks action by the school is within the scope of this procedure. A complaint may arise if a parent<sup>1</sup> believes that the school as a whole, a specific department or an individual member of staff has done something wrong, failed to do something that should have been done or has acted unfairly.

Parents can be assured that their child will not be penalised as a result of a complaint and that it is the school's intention to:

- resolve a complaint by informal means if at all possible,
- deal with complaints within clear and reasonable timescales,
- deal with complaints with sensitivity and respect people's desire for confidentiality,
- ensure a thorough, full and fair investigation of all matters giving rise to the complaint, where appropriate,
- address all the points at issue and provide an effective response and appropriate redress, where necessary,
- provide information to the school's senior leadership / management team so that services can be improved and any systemic issues can be identified and addressed; and
- create a culture of safety, equality and protection.

The school is mindful of its obligations under the Equality Act 2010 in the application of this policy.

### 2. Publication and Availability

This policy can be accessed by parents of existing and prospective pupils on the school website, is made available on Firefly or can be requested from the school office.

In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014, Emanuel School will also make available, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of this *Complaints Procedure* and the number of complaints registered under the formal procedure during the preceding year (please refer to point 7 'Number of formal complaints').

This policy can be made available in large print or other accessible format if required and the school will make other reasonable adjustments required to enable complainants to access and complete this procedure, such as holding meetings in accessible locations.

### 3. Scope and Application

This procedure applies only to complaints made by parents. The school has separate grievance and whistleblowing policies to cover concerns that a member of staff may have.

This procedure applies to complaints raised by parents of current pupils or by parents of former pupils if the complaint was initially raised whilst the pupil was still registered at the school.

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<sup>1</sup> Parent(s) includes all biological parents, or any person who, although not a biological parent, has parental responsibility for a child or young person, or a person who has care of a child or young person.

Separate procedures apply if a pupil has been expelled or has been asked to leave the school (see *Suspension and Exclusion Policy*).

The school will not normally investigate anonymous complaints.

If appropriate, the school will acknowledge that a complaint is upheld, wholly or in part. In addition it may offer:

- an explanation;
- an admission that it could have been handled differently or better;
- an assurance that the school will try to ensure that the event complained of will not happen again and an explanation of the steps taken in this respect;
- an undertaking to review policies and / or procedures;
- an apology.

Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the school's complaints procedures.

All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents for reasons of data protection and confidentiality.

There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.

The school encourages anyone else with any concerns about the school's operation to raise them with the school. They are asked to do so by writing to the headmaster or Chair of Governors, setting out their concerns and the action sought.

#### **4. Timeframe for Dealing with Complaints**

It is in everyone's interest to resolve a complaint as speedily as possible. The school will handle all complaints seriously and sensitively and aims to resolve them efficiently and promptly.

- Parents are encouraged to bring any matter causing concern to the school's attention as soon as possible.
- Whenever possible, a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The school will however consider complaints made within up to 12 months if exceptional circumstances apply. A complaint raised after three months should therefore include details of the issues which led to the delay.
- Timescales for each stage of the school's complaints procedure are set out in this policy.
- It is expected that the management of every complaint will progress in a timely manner. Any deviation from the normal timescales for resolving a complaint will only occur on an exceptional basis. Where there are exceptional circumstances resulting in a delay (such as other bodies investigating aspects of the complaint), the school will notify the parent and inform them of the new timescales as soon as possible.
- References to **working days** refer to weekdays (Monday to Friday), when the school is open during term time<sup>2</sup>, excluding bank holidays and half term. Complaints which are raised in the school holidays will usually be deemed to have been received on the first working day after receipt. This means that during school holidays it may take longer to resolve a complaint. In such circumstances, Emanuel School will take sensible steps and do what is reasonably practicable so as to minimise any hardship or unfairness arising from such delays.

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<sup>2</sup> Dates of terms are published on the school website. Please click [here](#) to view Emanuel School's term dates.

## **5. The Three-Stage Complaints Procedure**

The complaints procedure is divided into three stages. Emanuel School hopes and expects to resolve most concerns and complaints quickly and informally without the need to use the formal stages of the complaints procedure.

### **5.1 Informal Resolution (Stage 1)**

- A parent with a complaint shall in the first instance, contact the pupil's form tutor or teacher who shall do everything possible to resolve the matter as soon as reasonably possible to the parent's satisfaction.
- If the form tutor or teacher is not able to resolve the matter alone, assistance from the head of year / head of department or from a deputy head, the senior deputy head or the headmaster should always be sought at the earliest opportunity.
- Where a parent initially contacts a head of year, head of department, deputy head, senior deputy head or the headmaster, they will usually refer the complaint to the pupil's form tutor or teacher unless it is deemed appropriate for them to deal with the matter personally.
- The pupil's form tutor, or relevant colleague (as above), will normally acknowledge receipt of an informal complaint by telephone, email or letter within 2 working days, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.
- The parent will usually receive a response to the complaint within 10 working days of the complaint being made.
- The pupil's form tutor, or relevant colleague (as above) who has addressed and resolved the matter with the parent will upload the relevant communications evidencing this response (pdfs of emails exchanged, including dates, and dated notes of any relevant meetings/phone conversations with the parent).
- Where the parent is not satisfied with the response to their informal complaint, they may, within 15 working days from receipt of the response to their informal complaint, escalate the matter to the formal stage (stage 2) of this complaints procedure using the procedure below.
- If the complaint is against the headmaster, parents may choose to raise the complaint directly with the headmaster if they feel that the matter is capable of resolution informally. The headmaster will seek to resolve the matter by means of direct conversation or a meeting with the parent(s). Alternatively, parents should make their complaint directly to the Chair of Governors whose contact details are available from the school on request.
- Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the clerk to the Governors via the school office. Please mark them as private and confidential.
- Where the complaint concerns the way the school uses and processes personal data, the school's bursar rather than the form tutor will deal with the complaint ([data.protection@emanuel.org.uk](mailto:data.protection@emanuel.org.uk)).

### **5.2 Formal Resolution (Stage 2)**

Complaints will usually only progress to stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.

If a complaint cannot be resolved on an informal basis, the procedure for making a formal complaint should be followed:

- Any parent who wishes to make a formal complaint should put their complaint in writing to the headmaster stating that it is made under stage 2 of the school's complaints procedure. The complaint should include: the complainant's name and full contact details, details of the complaint and who it has previously been raised with, a copy of any relevant documents and the outcome desired.

*The school accepts formal complaints in any written form, but parents might find it helpful to use the complaint form (see appendix 1).*

- A formal complaint will normally be acknowledged within 5 working days. An indication of the action that is being taken and the likely timescales will also be provided.
- The complaint will be investigated in the most appropriate manner. Tasks may be delegated to the senior deputy head, deputy head: pupils/designated safeguarding lead or other members of staff as appropriate and further particulars of the complaint may be requested from the parent(s), if required, including confirmation as to what they think might resolve the issue. The involvement of the Governors may be requested and / or meeting or conversations with others with relevant knowledge of the circumstances may be requested to define the scope of the complaint and / or assist in the investigation.
- In most cases, a conversation and / or meeting with the parent(s) will be held within 10 working days of receipt of the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone else, they will prepare a report on the investigation, which will usually then be considered by the headmaster or other person handling the complaint, if relevant. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.
- Once, so far as is practicable, all the relevant facts have been established, a decision will be made and the parent(s) will be informed of the decision (including the provision of reasons) in writing. This will usually be within 15 working days from receipt of the formal complaint.
- If the complaint is against the headmaster, the complaint should be made to the Chair of Governors and should include the same information requested above. The Chair of Governors or their nominee will acknowledge the complaint within 5 working days of receipt and indicate the action that is being taken and the likely timescale. A full report may be requested from the headmaster, together with all relevant documents. The Chair of Governors or their nominee may also call for a briefing from members of staff and will usually speak to and / or meet with the parent(s) to discuss the matter further. Once the Chair of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. This will usually be within 15 working days from receipt of the formal complaint. The Chair of Governors or their nominee will give reasons for the decision.
- If the parent is not satisfied with the response to their complaint, they can request a panel hearing under stage 3 of this procedure. This should be done within 10 working days of receipt of the stage 2 decision.

### **5.3 Formal Resolution (Stage 3 Panel Hearing)**

#### *5.3.1 Request for a Panel Hearing*

If parents are dissatisfied with the response to their complaint at stage 2, they may, within 10 working days of receipt of the stage 2 decision, write to the Clerk to United Westminster & Grey Coat Foundation requesting a complaints panel hearing.

- A complaints panel hearing is a hearing to review those elements of the decision made at stage 2 about which the parent remains dissatisfied. The panel is not obliged to consider any new complaints at this stage.
- The request should include the complainant's name and full contact details, provide details of those aspects of the complaint about which the parents remain dissatisfied, enclose copies of any relevant documents which the parent would like the panel to consider, and confirm the outcome desired and whether the parent wishes to attend the hearing and if so, whether they propose to be accompanied. If assistance with the request is required, for example because of a disability, please inform the Clerk who will be happy to make appropriate arrangements.
- Receipt of the request will normally be acknowledged by the Clerk within 5 working days.

*Parents might find it helpful to use the complaint form (appendix 1).*

- To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances, the parents should request an extension in writing. Such a request should be made to the Clerk in advance of the original deadline and should confirm the further time period requested and the reason(s) for this.
- Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request.

### 5.3.2 The Panel

The clerk will liaise with the Chair of Governors or, in the case of a complaint against the headmaster, the Vice Chair of Governors, to convene a panel of at least three members who were not directly involved in the matters detailed in the complaint, including at least one member who is independent of the management and running of the school<sup>3</sup>. One member of the panel shall serve as panel chair.

The clerk will notify the parents of the names of the panel members.

The role of the panel is to establish the facts surrounding the complaints that remain in issue by considering the documents provided by both parties and any representations made by the parties, to review the process and the decision reached at stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint. The panel is not empowered to make any financial award, nor to impose sanctions on staff, pupils or parents, although the panel may make recommendations about these issues.

### 5.3.3 Notice of Panel Hearing

A panel hearing will be scheduled to take place as soon as practicable, and normally within 15 working days of receipt of the Clerk receiving the details of an appeal hearing request. The panel will not normally sit during school holidays. The Clerk will send written notification to each party of the date, time and place of the hearing not less than 7 working days before the date of the hearing.

### 5.3.4 Prior to the Panel Hearing

- If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing.

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<sup>3</sup> The school acknowledges that the independent member should not only be outside the school's workforce, and not be a member of the governing body, but also not be otherwise involved with the management of the school (e.g. solicitor who regularly acts for the school). Therefore, the school will follow DfE guidance and consider people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments as suitable independent panel member (e.g. civil servants, members of the Police Force, senior members of other schools).

- Copies of any additional documents that the parent wishes the complaints panel to consider should be sent to Clerk, to be received at least seven working days prior to the hearing.
- The Clerk will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties not later than 5 working days prior to the hearing.
- Where a parent has requested a hearing, it will take place unless the parent later indicates that they are satisfied with the outcome of their complaint and do not wish to proceed further. Unless such notice is given, the panel hearing will proceed even if the parent does not exercise the right to attend. In these circumstances, the panel will consider the parents' complaint in their absence and issue findings on the substance of the complaint.

#### 5.3.5 Attendance at the Panel Hearing

- The parents may attend the hearing and be accompanied by one other person if they wish, this may be a relative, friend or work colleague. The hearing is an internal proceeding, not legal proceedings, and legal representation unnecessary.
- The parent(s) should note that the complaints panel will wish to speak to them directly. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the hearing unless invited to do so by the chair of the complaints panel.
- The panel will decide whether it would be helpful for witnesses to attend.
- The panel may retain the services of a clerk (usually the Clerk to the Governors), who may make written notes of the hearing.

#### 5.3.6 Hearing Procedure

- The manner in which the hearing is conducted shall be at the discretion of the panel.
- The panel will usually hear representations from the Stage 2 decision-maker and the parent(s).
- The hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses to the issues complained of, but may do so and / or may take written statements into account.
- All statements made at the hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- All those present are expected to show courtesy, restraint and good manners. If they fail to do so and after due warning, the hearing may be adjourned or terminated at the discretion of the panel chair. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- The panel chair may, at his / her discretion, otherwise adjourn the hearing if he / she considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and / or considered or for the parties to take legal advice on a specific issue arising.
- If possible, the panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out.
- When the chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the hearing.
- A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press or other media.

### 5.3.7 Outcome of the Hearing

- The panel will make findings about each complaint and may make recommendations.
- The panel chair will record the panel's findings and any recommendations in writing, setting out the decision and the reasons for it. A copy of the findings and recommendations will be provided to the complainant and, where relevant, the person complained about, normally within 5 working days of the panel hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing).
- A copy of the panel's findings and recommendations will also be available for inspection on the school premises by the headmaster and Chair of Governors.
- The panel's decision is final. There will be no further opportunity within the school for consideration of the complaint. The completion of stage 3 represents the conclusion of the school's complaints procedure.
- The school will however ensure that the panel decision is recorded appropriately and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate.

## 6. Recording Complaints and Use of Personal Data

All parental concerns and complaints will be treated professionally and confidentially. The school is mindful of its obligations under the data protection law (Data Protection Act 2018/UK GDPR).

The school will keep a written record of all complaints, including whether they are resolved at stage 1 (informal stage)<sup>4</sup>, the formal stage (stage 2) or proceed to a panel hearing (stage 3) and any action taken by the school as a result of the complaint (regardless of whether the complaint is upheld).

Paper records are kept in secure filing cabinets and access to digital records is restricted to authorised staff. These records and any other correspondence or statements relating to individual complaints remain confidential. In addition to where requested by the Secretary of State or a body conducting an inspection under section 109 of the Education Act 2008, there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g. in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

The school processes data in accordance with its privacy notices. When dealing with complaints the school (including any panel member appointed under the stage 3 procedure) may process a range of information, which is likely to include the following:

- date when the issue was raised,
- name of parent,
- name of pupil,
- description of the issue,
- records of all the investigations (as appropriate),
- witness statements (as appropriate),
- name and contact details of members of staff handling the issue at each stage,
- copies of all correspondence on the issue (including emails and records of phone conversations),
- notes/minutes of the hearing, and
- the panels written decision.

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<sup>4</sup> Stage 1 complaints are stored/recorded as secure note on EMA in the file of the pupil whose parent raised the issue.



This may include ‘special category data’ (as further detailed in the school’s *Data Protection Policy*, but potentially including, for instance, information relating to physical or mental health) where it is necessary owing the nature of the complaint.

School staff will ensure that they follow data protection legislation and the school's data protection policies and procedures when handling personal data created in connection with this policy.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances. Records of complaints will be retained for 7 years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances) unless there is a safeguarding implication.

### **7. Persistent Correspondence and Unreasonable Complaints**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain and expects parents to remain courteous and respectful at all times in their dealings with the school regardless of any complaint.

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this may be regarded as vexatious and outside the scope of this policy.

### **8. Number of Formal Complaints**

The school is required to make available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, the number of complaints registered under the formal procedure during the preceding school year.

The school received the following formal complaints during the academic year 2023/24:

- Stage 2 Complaints: 0
- Stage 3 Complaints: 0

### **9. Procedure Review and Approval**

Policy Owner	Headmaster
Date of last review	September 2024
Approved by	Cabinet: 13 November 2024 Full Governing Body: 18 November 2024
Date of next review	Autumn 2025

### **10. Related Policies and Documents**

- Data Protection Policy
- Privacy Notice for Parents/Pupils
- Suspension and Exclusion Policy
- Terms and Conditions (Parent Contract)

## Appendix I

# Complaint Form

To be completed by parents of a current pupil.  
Please read the *Complaints Policy and Procedures* in full before completing this form.

Your name(s)	
Name of pupil(s), year group(s) and your relationship to them	
Your address	
Contact telephone (day)	
Mobile number	
Email address	
Details of the complaint <i>(including details of those aspects about which you remain dissatisfied and why)</i> :	
List of relevant documents that you would like us to consider <i>(please enclose copies when submitting this form)</i> :	
Action taken to date <i>(including the name and role of any staff member who has dealt with or been involved with the complaint so far, including the relevant dates)</i> :	
Your desired outcome:	

The information included in this complaint form is accurate to the best of my knowledge.

I agree to cooperate fully with the *Complaints Policy and Procedures* and acknowledge my ongoing obligation to treat the school and its staff in a reasonable manner at all times.

**Signature:**

**Date:**