

Calderdale Pupil Referral Unit

Policy Name:	Complaints Policy and Complaints Procedure
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Links to:	
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Person Responsible:	Headteacher
Approved By:	PRU Management Committee
For Action By	All Staff
For Information to:	All Staff Parents / Carers Pupils

Calderdale Pupil Referral Unit Complaints Policy

1 Purpose and scope of this policy

- 1.1 This policy sets out how the PRU will deal with most general complaints that the school is likely to receive from parents, carers and other stakeholders in Calderdale PRU. Other stakeholders can include neighbours of the PRU or other members of the local community.
- 1.2 It covers general complaints. Complaints relating to permanent exclusions, complaints by staff, safeguarding referrals and pupil admissions are dealt with under different arrangements – see **Appendix 5**–Exceptions and Who to Contact.
- 1.3 Calderdale PRU is required to have a complaints procedure under Section 29 of the Education Act 2002 and to comply with their obligations under the Equality Act 2010, Data Protection Act and Freedom of Information Act. This policy and procedure follows guidance on Department for Education website.

2 Guiding principles

- 2.1 Calderdale PRU is committed to resolving any complaints at the earliest possible stage and the purpose of this policy is to address and resolve concerns and complaints. The aim of this complaints procedure is to:
 - 2.1.1 encourage resolution of problems and concerns by informal means wherever possible
 - 2.1.2 be easily accessible and publicised
 - 2.1.3 be simple to understand and use
 - 2.1.4 be impartial and non-adversarial
 - 2.1.5 allow swift handling with established time-limits for action and keeping people informed of the progress
 - 2.1.6 ensure a full and fair investigation by an independent person where necessary
 - 2.1.7 respect confidentiality
 - 2.1.8 address the concerns raised and provide an effective response and appropriate redress, where necessary
 - 2.1.9 provide information to senior leaders about where improvements can be made, having reflected on the content and outcome of a complaint

3 Equality issues

- 3.1 The PRU will take appropriate steps to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This will include making arrangements for helping people with different needs and ensuring any chosen venue is accessible.

4 Safeguarding referrals

- 4.1 Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authority (LA) children's

social care services, if they have a concern about the welfare of a child. It is not for the PRU to investigate, or make a judgment about, possible abuse or neglect and they must refer any concerns they may have. Any response to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the information available at the time and in accordance with the safeguarding policy.

5 Cut-off Limits

- 5.1 It is reasonable to expect complaints to be made as soon as possible after an incident arises. Sometimes there may be good reasons for delay, for example, the complainant was gathering further information to support their complaint or was not fully aware of the implications of an incident until a later date. Three months is generally considered to be an acceptable time frame in which to lodge a complaint. A complaint will not normally be considered more than 12 months after a decision or action is taken unless there are exceptional circumstances.

6 Serial and Persistent Complaints

- 6.1 The majority of people pursue their complaints about the PRU in a way that is reasonable. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work, allow the PRU a reasonable time to respond to a complaint.
- 6.2 However, occasionally, despite all stages of the procedure having been followed, the complainant remains unhappy. It may be that the PRU was not able to resolve all aspects of their complaint and, the complainant repeatedly tries to re-open the same issue. It is a poor use of PRU's time and resources to make substantially the same points repeatedly in response.
- 6.3 If the correspondence or complaint is viewed as 'serial' or 'persistent', the Pru may choose not to respond provided that the complainant has completed the procedure. The Chair of Governors may inform them in writing that the procedures have been exhausted and the matter is now closed. There will be no obligation on the part of the PRU to respond unless the complainant raises an entirely new, separate complaint which must be responded to in accordance with the complaints procedure and treated on its own merits. The PRU will adopt a proportionate approach and will not stop responding just because an individual is difficult to deal with or asks complex questions.

7 Physical or verbal aggression

- 7.1 On rare occasions, the unreasonable behaviour of a complainant can pose a threat to the PRU community. This can occur either while a complaint is being investigated or once the investigation has finished. If this occurs, a warning letter to the complainant threatening to ban him or her from the premises should help to deter any abusive or aggressive behavior. In the most extreme case, it may be necessary to impose an actual ban on the person and the PRU may wish to seek legal advice on how to do this.

Calderdale Pupil Referral Unit Complaints Procedure

8 The Four Stage Complaints Procedure- introduction

- 8.1 Calderdale PRU has a four stage procedure for dealing with concerns and complaints, where Stage 1 is the informal raising of a concern with a member of staff. For ease of reference the flow chart at **Appendix 1** details the procedure for handling concerns and complaints.
- 8.2 **Appendix 2** is detailed guidance for Parents, carers or others making a complaint (the complainant). **Appendix 3** is the formal complaint form. This can be handed or mailed to a complainant to complete, sign and return. It can also be completed by a member of staff who is taking a formal complaint by phone, who will then send it to the complainant to sign/amend and sign, then return.
- 8.3 As the Headteacher has responsibility for the day-to-day running of the PRU, they have responsibility for the implementation of the complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various stages in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.
- 8.4 The Headteacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. If they are involved at STAGE 1, then STAGE2 should be carried out by another senior leader.
- 8.5 The Headteacher will nominate a Complaints Coordinator. Their role is to monitor and record the outcome of complaints and to maintain continued contact with the complainant throughout the procedure.
- 8.5.1 Procedural guidance for staff is at **Appendix 4**

9 STAGE 1(Informal): initial contact with school staff

- 9.1 The vast majority of concerns can be resolved informally and straight away by discussion with staff at the PRU. Simple concerns may be resolved with one discussion: more complex issues may take more than one discussion. It is in everyone's interest to resolve complaints at the earliest possible stage.
- 9.2 All stakeholders, particularly parents must feel able to raise a concern with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether the complainant is asking a question or expressing an opinion, rather than making a complaint. It may also be appropriate for someone to act on behalf of the person raising a concern or complaint and it may be in everyone's interest to have a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- 9.3 Members of staff dealing with a concern should:
- 9.3.1 record the nature of the concern and steps taken to resolve it.
- 9.3.2 at the earliest stage, ask the complainant what they think might resolve the issue in order to find a satisfactory outcome for all parties.

- 9.3.3 Make an initial response or acknowledgement to the concern within 24 hours. Where this is not possible, an explanation must be given for the reason for delay and the Complaints Coordinator informed.
- 9.4 If the complainant is not satisfied by the actions taken to resolve the issue at this informal stage should follow the formal complaints process.
- 9.5 On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 9.6 If the concern relates to the Headteacher and is not resolved at this stage it will escalate to STAGE 3 and the Chair of Governors will be involved.
- 9.7 The staff member dealing with the concern must make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 9.8 Where no satisfactory solution has been found within 10 school days, the complainant must be asked if they wish their concern to be considered further. If so they must be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

10 STAGE 2 (Formal) consideration by Headteacher

- 10.1 At this stage it has become clear that the concern is unresolved, and is a definite complaint. The complainant should confirm this to the Headteacher either in writing, by telephone, or in person having arranged to meet with them. **Appendix 2** is a Complaint Form which should be completed to record the formal complaint. The complaint coordinator will ensure that the complainant is supported – if support is needed - to record / agree and sign the record of the formal complaint.
- 10.2 The Headteacher or their nominated representative will acknowledge and investigate the complaint. That investigation may include correspondence or a meeting with the complainant to establish the nature of the complaint, what has already been discussed with a member of staff and any actions arising from that meeting; why the complainant is still unhappy and what outcome the complainant is seeking.
- 10.3 The Headteacher will keep records of all meetings and telephone conversations and other documentation related to the complaint.
- 10.4 The Headteacher will send the complainant a written response giving his / her decision and the reasons for it within an agreed timescale which will normally be within 10 schools days of his / her receiving the formal complaint. If it is not possible to meet the agreed timescale, the Headteacher will contact the complainant to explain the reason(s) and agree a new date.
- 10.5 It is hoped that the Headteacher's response concludes the process and that most problems are resolved and that the complaint can be closed at this point.

11 STAGE 3 (Formal): Complaint considered by Chair of Governors

- 11.1 If the complainant is unhappy following STAGE 2 and wishes to take the complaint further they can write to The Chair of Governors at Calderdale Pupil Referral Unit, The Whitley Phoenix Centre, Moorbottom Road, Halifax, HX2 9SR marked 'Private and Confidential' - For the attention of the Chair of Governors.
- 11.2 The Chair of Governors will acknowledge your complaint and arrange for it to be investigated. He / she will try to resolve the issue through dialogue with the school. The Chair of Governors can delegate the investigation to the Vice Chair or commission an independent investigator if considered appropriate in the circumstances.
- 11.3 The Chair / investigator will contact the complainant within an agreed timescale (normally 15 school days) to let the complainant know the outcome of their investigation and what actions they recommend. If it is not possible to meet the agreed timescale, they will contact the complainant to explain the reason(s) and agree a new date.
- 11.4 Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

12 STAGE 4 (Formal): Governors' Complaints Panel

- 12.1 This is the final stage in the PRU's complaints procedure.
- 12.2 If the Headteacher and Chair of Governors have been unable to resolve the complaint, this is the last stage of the PRU's process. The governors on the Panel will have had no previous involvement or knowledge of the case, and they will consider it afresh. The Panel is not convened merely to confirm previous decisions.
- 12.3 The complainant can write to the Clerk to the Governing Body, giving details of their complaint and why they are still unhappy and asking it to be put before the Panel.
- 12.4 The governors will usually choose to deal with it by holding a hearing but in some cases, it may be possible for the Chair to resolve the issue with the complainant by other means without the need for the Complaints Panel to meet.
- 12.5 The procedure adopted by the Panel for hearing appeals is part of the school's complaints procedure.
- 12.6 The aim of the Panel is to resolve the complaint and achieve reconciliation between the PRU and the complainant. However, it may only be possible to establish facts and make recommendations to demonstrate that the PRU has taken the complaint seriously.

Procedure for hearing appeals

- 12.6.1 The Panel will consist of three or five people who have had no prior involvement in the complaint.
- 12.6.2 The hearing will be held in private and the meeting will be clerked.
- 12.6.3 The Clerk will set the date, time and venue for the meeting in agreement with the parties and forward any written material in advance. Both the complainant and the Headteacher can attend and be accompanied if they wish.
- 12.6.4 Both parties will be given an opportunity to make representations. Please note that the process is intended to be investigatory rather than adversarial. The complainant will be treated politely and with respect and will be expected to treat school staff in the same way.
- 12.6.5 The Chair of the Panel will aim to ensure that the setting is welcoming and informal.

Remit of the Panel

- 12.6.6 The Clerk will notify the complainant of the Panel's decision in writing, normally within five school days. The Panel can-
- dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part; and
 - decide on any action to be taken as a result of the complaint and recommend changes to the school's systems or procedures to ensure that similar problems do not recur.

13 Taking the complaint further

Local Authority

- 13.1 STAGE 4 is the final stage in the PRU's complaints procedure.
- 13.2 If a complainant feels the PRU has not followed this complaints procedure properly or has not acted fairly or reasonably in responding to the complaint, the complainant may refer the matter to the Local Authority, Calderdale Council for independent review.
- 13.3 The Local Authority has no duty to deal with most complaints about schools but may provide advice to the parent / carer / member of the community and the governing body about the process followed, if a complainant has exhausted the school's procedure.

Department for Education

- 13.4 If having exhausted the local procedures, the complainant thinks that the school's governing body has acted unlawfully or unreasonably, they can call the School Complaints Unit National Helpline on 0370 000 2288 or access the online form: <https://www.gov.uk/complain-about-school> or write to:

The Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD.

- 13.5 The DfE will examine policies and procedures to see if they comply with legislation and have been properly followed. They will not normally re-investigate the substance of the complaint or intervene unless it is expedient or practical to do so

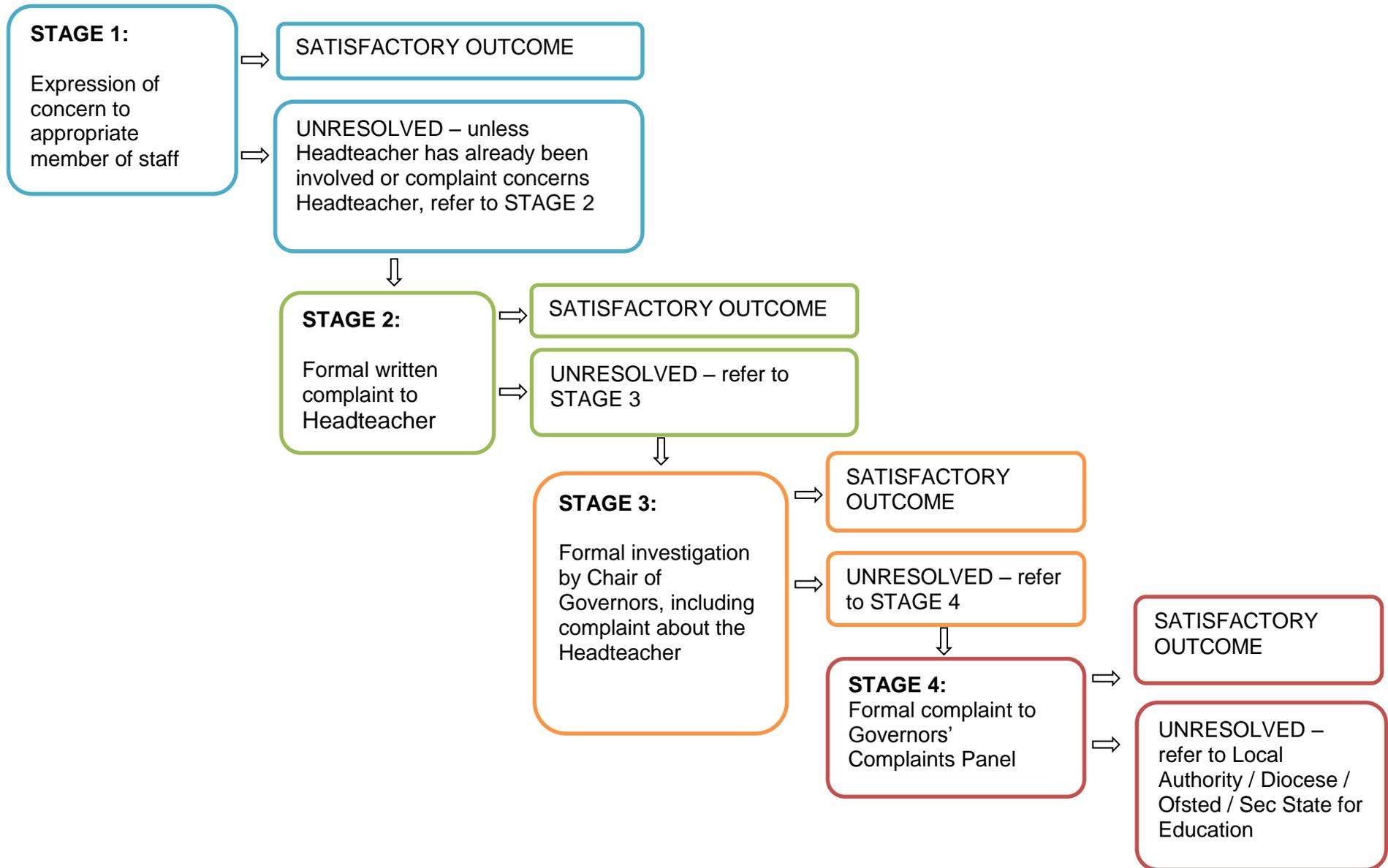
Ofsted

- 13.6 The complainant can complain to Ofsted about a state school (maintained, academy, free school) if there is a problem that affects the whole school. Ofsted will not investigate cases to do with individual pupils. Ofsted will investigate problems such as the quality of education or poor management. Ofsted will not usually consider a complaint if they have not first followed the complaints procedure of the school or academy, local authority or Education Funding Agency.

enquiries@ofsted.gov.uk Telephone: 0300 1234234

Appendix 1

FLOWCHART OF PROCEDURE FOR HANDLING CONCERNS AND COMPLAINTS



Appendix 2

Guidance for Parents / Carers and Others – how to make a complaint

If you have a concern about your child's school, you can let the PRU know about your concern by speaking to a member of staff either in person or by telephone. Most concerns are handled quickly by school staff without the need to follow the formal procedure. However, if you are not happy with the outcome of your discussion, you can put your concerns in writing and follow the school's complaints procedure, taking your complaint to the governing body. The procedure used and the resolution of each complaint are the responsibility of the governing body and not the local authority.

The school complaints procedure consists of four stages and enables complaints to be considered by:

STAGE 1: Appropriate member of PRU staff

STAGE 2: Headteacher

STAGE 3: Chair of Governors

STAGE 4: Governors' Complaints Panel

Can I complain to Calderdale Council?

If, having exhausted the school complaints procedure, you feel that the PRU has not handled your complaint fairly and in accordance with their complaints policy, you can ask the local authority to review the way your complaint has been handled. This will not provide a formal route for looking again at the substance of the complaint or an appeal. Complaints to the Council can be submitted in writing to the following address:

The Director of Children and Young People's Service
Town Hall
PO Box 51
Halifax
HX1 1TP

The written complaint must include details of the original complaint and your reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaints procedure.

What will the Department for Education do?

If you have exhausted the local procedure and believe that the school has acted unreasonably in dealing with your complaint, you can ask the Secretary of State for Education to review the policy followed and the way your complaint has been handled. They will not re-investigate the substance of the complaint. This remains the responsibility of schools. You can write to:-

The Department for Education
School Complaints Unit
2nd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Can I complain to Ofsted?

Ofsted will not usually consider a complaint if you have not first followed the relevant complaints procedure of the school / academy, the local authority or the Education Funding Agency.

Ofsted's powers relate to 'whole-school' issues and they will not investigate cases concerning individual pupils. They are not able to consider a complaint when there are other statutory ways of pursuing it, for example admission procedures, exclusion of pupils, special educational needs, religious education or temporary changes to the curriculum.

You can complain to Ofsted about issues like the quality of education or poor management. However, Ofsted will not investigate alleged incidents, review how your complaint has been handled or mediate between you and a school to resolve a dispute. If your complaint is about these issues, you can pursue your complaint following the process set out above.

Ofsted can be contacted by emailing: enquiries@ofsted.gov.uk or you can write to: Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD.

Appendix 3
Complaint Form – Formal Complaint

Please complete and return to..... who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

E-mail:

Please give details of your complaint:

What action have you taken to try and resolve your complaint?
(Whom did you speak to and what was the response?)

What outcome are you seeking?

If you are attaching any paperwork, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 4 Guidance For Staff – Dealing With Complaints

STAGE 1 – (Informal) Complaint to staff member

- Ensure Complaints Coordinator informed of outcome
- Offer escalation to STAGE 2 if unhappy-
 - Hand a copy of the complaints policy and procedure. Take complainant through Appendix 2 and 3 in particular.

STAGE 2 – (Formal) Complaint to Headteacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure Complaints Coordinator informed of outcome
- Offer escalation to STAGE 3 if unhappy.

STAGE 3 - Complaint to Chair of Governors

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure Complaints Coordinator informed of outcome
- Offer escalation to STAGE 4 if unhappy.

STAGE 4 – Governor’s Complaints Panel

- Issue letter inviting complainant to hearing (where considered appropriate)
- Issue letter confirming Panel’s decision
- Ensure Complaints Coordinator informed of outcome
- Advise on any further recourse.

Procedure for Governors’ Complaints Panel

It is important that the Governors’ Complaints Panel acts independently and impartially and it is seen to do so. No governor may sit on the Panel if they have had a prior involvement in the complaint.

The hearing will be held in private and the aim will be to resolve the complaint and achieve reconciliation between the school and the complainant. The complainant might not be satisfied if the outcome does not go in their favour. However, it is important to establish the facts and show the complainant that his or her complaint has been taken seriously.

The Panel Chair should try to ensure that the proceedings are as welcoming as possible for the participants, informal but structured, and not adversarial. The complainant must be allowed to attend and can be accompanied if they wish. Extra care needs to be taken about the tone of the meeting if a child attends.

It is recommended that the Panel hearing is clerked and the Clerk would be the contact point for the complainant. The Clerk would make the arrangements for the meeting, collating any written material and send it out at least five school days in advance of the hearing. The Clerk would take notes and notify everyone of the Panel's decision.

Checklist for a Panel hearing

- The Chair introduces everyone and explains the remit of the Panel and that it acts independently. The Chair has a key role in the conduct of the meeting, ensuring that parties treat others politely and with respect and that each has the opportunity to state their case without interruption.
- Any witnesses are only required to attend while giving evidence and must leave when they have done so, unless invited to stay by the panel.
- Written material must be seen by all parties and if a new issue arises, fairness requires that all parties are given the opportunity to consider and comment on it.
- The complainant is invited to explain their complaint. The Headteacher and the Panel may ask questions. The Panel has discretion whether questions are put directly or through the Chair.
- The Headteacher is invited to explain the school's actions. The complainant and the Panel may ask questions. The Panel has discretion whether questions are put directly or through the Chair.
- The complainant and the Headteacher are each invited to sum up their case.
- The Chair explains that both parties will receive a written decision normally within five school days. Both parties leave together and the Panel withdraws to make their findings and reach a decision.

Further information

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387342/Complaints_to_Ofsted_about_schools.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766939/Model_complaints_procedure.odt

Appendix 5

Exceptions and who to contact

This complaints policy covers all complaints about any provision of facilities or services that the PRU provides with the exceptions listed below, for which there are separate (statutory) procedures

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a Child Protection Investigation	Concerns should be raised directly with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: https://www.gov.uk/government/publications/school-exclusion
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.