



# Complaints Policy

**New Direction School**

<b>Reviewed Date:</b>	<b>Reviewed By:</b>	<b>List of changes</b>	<b>Next Review</b>
August 2021	Luke Collins	<ul style="list-style-type: none"> <li>Reviewed staff structure for complaints process</li> </ul>	August 2022
July 2022	Luke Collins	<ul style="list-style-type: none"> <li>Reviewed with no changes needed</li> </ul>	July 2023
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### 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at New Direction, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure 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.

New Direction will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on New Direction website.

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

### 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at New Direction.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

### 3. Definitions and scope

#### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

New Direction 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.

At New Direction all of our students who attend have an EHC plan and therefore identified SEN. Any complaints surrounding our support for students with SEN should first be made to the Proprietor, Yvonne Evans, they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 4. Roles and responsibilities

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with New Direction throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

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

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## **6. Stages of complaint**

### **6.1 Stage 1: informal**

New Direction 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 either Luke Collins or Hannah Oliver, 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 New Direction office on 01246 810456

New Direction will acknowledge informal complaints within 3 school days, and investigate and provide a response within 20 school days.

The informal stage will involve a meeting between the complainant, Luke Collins and Hannah Oliver.

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

### **6.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint to the Proprietor (Yvonne Evans) in writing.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact New Direction office 01246 810456

The Proprietor (or other person appointed by the proprietor for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure they should respond in writing to the decision of the Proprietor requesting a review within 20 school days.

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

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 must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least one of the panel members will be independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress.

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.

The complainant/Parent will be allowed to attend the review panel hearing if they wish. They may be accompanied by a person of their choice if they wish.

At the review panel meeting, the complainant and representatives from New Direction, as appropriate, will be present. 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 panel, the complainant and New Direction 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.

New Direction will inform those involved of the decision in writing within 30 school days.

## **7. Referring complaints on completion of New Direction's procedure**

If the complainant is unsatisfied with the outcome of New Direction's complaints procedure and the complaint is regarding New Direction 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 New Direction deals with serious failings.

For more information or to refer a complaint, see the following webpage:

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

If the complaint is about the delivery, assessment or general running of an external qualification then the complaint could be escalated to the awarding body of the qualification (Pearson, AQA, JCQ, ASDAN, Princes Trust, Pony Club).

## **8. 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 New Direction's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure

- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- 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 New Direction 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.

### **8.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and 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.

### **8.3 Complaint campaigns**



Where New Direction receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with New Direction, we may respond to these complaints by:

- Publishing a single response on New Direction website
- Sending a template response to all of the complainants

If complainants are not satisfied with New Direction's response, or wish to pursue the complaint further, the normal procedures will apply.

## **9. Record keeping**

New Direction 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. A template for recording complaints is attached in Appendix A.

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 kept will detail how the complaint was resolved (Informal, Formal or panel hearing) and any action taken as a result of the complaint (regardless of whether they are upheld).

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

## **10. Learning lessons**

Yvonne Evans will review any underlying issues raised by complaints with the Luke Collins and Hannah Oliver where appropriate, and respecting confidentiality, to determine whether there are any improvements that New Direction can make to its procedures or practice to help prevent similar events in the future.

## **11. Complaints from the previous academic Year**

In the last Academic year we have had no Formal Complaints

## Appendix A - Complaint Log Template

Date Complaint Made	Name of Complainant	Format of Complaint (Written, verbal)	Action Taken	Stage of Complaint	Outcome