

The Divergent School Harborough COMPLAINTS PROCEDURE

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All policies and procedures are underpinned by the critical thread of SAFEGUARDING
All policies stem from The Divergent School Harborough's VALUES and MISSION

THE DIVERGENT SCHOOL GROUP VALUES

All children deserve an education which is just the right fit for them

For children to thrive both their talents and needs must be catered to

The curriculum is most effective when it's delivery is individualised

In order to learn we must first be safe and feel safe

To make school accessible, quality emotional, sensory & communication support are needed

Effective practice is based on innovation and contemporary evidence

Crucial understanding comes from the bio-psycho-social and psycho-neurological models

Everyone benefits when mainstream and special school communities are integrated

THE DIVERGENT SCHOOL GROUP MISSION

Our mission is to provide a model of education which is just the right fit for children in the missing middle.

We inspire personal development and curriculum progress so that pupils can be safe, feel safe, be well, learn and thrive.

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FOREWORD

Review

We have designed this procedure with a **commitment to ongoing improvement and collaboration** at its core. It is our belief that by continuously refining our approach, we can ensure that our school provides the best possible experience for our students.

To achieve this, we follow a structured process:

1. Regular review and refinement under the guidance of the Headteacher.
2. Immediate full review in case of urgent matters.
3. Annual formal review by the Advisory Board, in consultation with pupils, parents, teaching staff, and the Headteacher.

Ensuring all staff are well-informed through effective communication, which includes the following steps:

- a. Holding meetings to discuss changes.
- b. Providing training on any changes.
- c. Sharing written copies of changes electronically.
- d. Assessing staff's understanding informally, with the Headteacher ensuring clarity.
- e. Ongoing monitoring by the Headteacher to ensure changes are implemented, and adjustments are made promptly if necessary.

We recognize that clear and timely communication is essential in maintaining a successful educational environment. Through this policy, we aim to foster a culture of continuous improvement and transparent communication among all stakeholders.

Contact

If you have any questions, concerns or ideas related to the Complaints Procedure please contact the Chief Education Officer to discuss on:

Amy Creatura
0707808 773 941
Amy.Creatura@thedivergentschoolgroup.com

PURPOSE OF PROCEDURE

School Mission

The Divergent School Harborough is dedicated to ensuring that pupils **are safe** and **feel safe** at school.

We then help pupils to develop skills for **sensory regulation, emotional regulation, and communication**.

This work is critical in making school accessible so that pupils are able to **develop personally** and **progress through the curriculum**. As a result of this they can be **well, learn** and **thrive**.

Procedure Mission

From time to time something may go wrong and where concerns are raised, the school aims to resolve them as quickly and as efficiently as possible. Usually, concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff.

Where a parent or pupil may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

The objectives of this policy are to:

- **Ensure that pupils are safe and feel safe**
- **Promote an understanding** of:
 - The process for raising a complaint
 - How to respond effectively to a complaint
- **Generate a culture** where:
 - Pupils being safe and feeling safe is the top priority
 - Relationships with pupils and their families valued as vital to the school's work
 - Complaints are responded to with warmth and compassion
- Communicate the **roles and responsibilities of school staff**, in the parameters of their own role, to respond effectively to complaints
- Make the Complaints Procedure available to parents and pupils



PRINCIPLES AROUND COMPLAINTS

Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – even if all the response entails are an explanation of why something happens in the way that it does.

The **key principles** of this policy are:

- This procedure for is intended to allow parents/carers to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances, such as Child Protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not, except in exceptional circumstances, be considered.
- Investigation of any complaint or review request will begin and be completed within the recommended timescales given in this document, except in exceptional circumstances.
- Details of information, related to the outcome of complaints, will be released with regard to the employee's employment and/or data protection rights.
- If a complainant believes that the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may request that the Advisory Board reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted. 3
- The school will treat the concern/complaint with a high degree of confidentiality and asks the complainant to do likewise.
- A record of complaints is maintained and monitored, and all conversations/meetings minuted.
- Any Advisory Board members involved in the investigation of an allegation, or a complaint will have received prior training for their role.

UNDERPINNING

Government guidance and legislation underpins this policy:

- Education Act 2002
- Keeping Children Safe in Education, 2021
- The Equity Act, 2021
- The Independent School Standards, 2014
- Data Protection Act

The section 29 of the 2002 Education Act requires Governing bodies to establish procedures for dealing with all complaints relating to the school or to provision of facilities or services (other than complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision) and to publicise these procedures.

In establishing and publicising those procedures the Advisory Board must “have regard” to Guidance given by the Secretary of State. Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Advisory Board (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act.

Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

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SAFETY

Safety is the priority of The Divergent School Harborough. Work to ensure pupils are safe and feel safe is critical in all aspects of this policy.

To be safe we need to be free from the threat of physical or mental harm. But, to feel safe we need to be free from the perception of threat of physical or mental harm.

Everyone has the basic human right to be be safe and feel safe.

As a school, we have a critical duty to maintain the rights of our pupils to be safe and feel safe. All information and procedures in the Complaints Procedure work towards this.

ROLES & RESPONSIBILITIES

The Advisory Board are responsible for providing governance in the effective implementation of the Complaints Procedure. This includes:

- Monitoring records related to behaviour, and the emotional experience beyond behaviour, at least on a half termly basis (as part of a holistic view), or contemporaneously if needed
- Reviewing the effectiveness of the Complaints Procedure in relation to its purpose, at least annually, or contemporaneously if needed
- Keeping safeguarding pupils as their number one priority
- Upholding the values of the school in all work undertaken

The Chief Education Officer is responsible for overseeing and supporting effective implementation of the Complaints Procedure. This includes:

- Overseeing and supporting the response of the Headteacher to all formal complaints received
- Monitoring records of complaints
- Reviewing the effectiveness of the Complaints Procedure in relation to its purpose, at least annually, or contemporaneously if needed
- Keeping safeguarding pupils as their number one priority
- Upholding the values of the school in all work undertaken

The Headteacher is responsible for implementing the Complaints Procedure consistently throughout the school. This includes:

- Safeguarding pupils as their number one priority
- Upholding the values of the school in all work undertaken
- Responding to complaints received
- Sharing all complaints received with the Chief Education Officer
- Referring the complaints to the Chief Education Officer to action if appropriate
- Ask for further support if they do not understand anything relating to this policy
- Ask for further support if they need support to put into practice this policy

School staff are responsible for implementing the Complaints Procedure. This includes:

- Respond with warmth and compassion when fielding complaints
- Working pro-actively to resolve complaints informally
- Referring complaints to Headteacher when informal resolution is not possible or not appropriate
- Upholding the values of the school in all work undertaken
- Implement the procedure consistently within the parameters of their role.
- Ask for further support if they do not understand anything relating to this policy
- Ask for further support if needed to put into practice this policy

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Nature of Complaint	Appropriate person to receive contact	Relevant Policy/Procedure
Complaint about Advisory Board Policy (content or application of)	Chair of Advisory Board	Complaints Procedure
Unreasonable exercise of discretion of Headteacher	Headteacher or Chief Education Officer (if allegation is against headteacher)	Complaints Procedure
Discrimination on the grounds of race, religion, gender, age, disability	Headteacher or Chief Education Officer (if allegation is against headteacher)	Complaints Procedure
Allegation about conduct of a member of staff	Headteacher or Chief Education Officer (if allegation is against headteacher)	Staff Code of Conduct (Confidential to School and Employee)
Allegation about capability of a member of staff	Headteacher or Chief Education Officer (if allegation is against headteacher)	School Competence Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Headteacher (as DSL) or Chief Education Officer (if allegation is against headteacher)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Discipline of a pupil	Headteacher or Senior member of staff	Beyond Behaviour Policy
Conduct of another pupil (e.g Bullying)	Headteacher or Senior member of staff	Beyond Behaviour Policy
Failure to provide NC Entitlement or Inappropriate curriculum	Headteacher Clark to GB LA	Curriculum Policy LA Procedure
Content of/Failure to maintain an EHCP	Headteacher LA	LA Procedure
Decisions about exam entries	Headteacher or Exam Officer	Coursework Appeals Procedure

In each of these cases the responsibility for action lies with the school. In some cases, a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaint's procedure.



PRACTICE

Informal or Formal Complaint

Most issues and complaints can be successfully dealt with informally, we aim to do this in the first instance.

However, for those situations where this is not the case, there is a more formal process to investigate and deal with complaints. It also provides the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

Where the parent is not satisfied with the response generated in the informal process, a written, complaint may be made to the appropriate person by email (see table above). Once a written complaint is received, the complaint has been raised formally.

When we receive a formal complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what has happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach the interview with warmth, compassion and an open mind
- Keep notes.

It is important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur with an explanation of action taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen may help resolve the situation at any stage.

However, it may also be the case that the outcome, at any stage of the procedure, may conclude that:

- There is insufficient evidence to reach a conclusion, so that that complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was sustained in part or full. Some details may then be given of action the school may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act.

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A good procedure will enable swift handling of the complaint with clear time scales and will also ensure a full and fair investigation that respects the confidentiality of the complainant whilst recognising the requirements of the Data Protection Act.

Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given. It also provides schools with a clear approach to complaint handling.

Where the following procedure refers to Headteacher, the Headteacher may delegate any of these functions to the Deputy Headteacher, if appropriate.

In exceptional circumstances, the Headteacher may commission an independent investigator, with enhanced CRB clearance, to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the Local Authority on how to arrange this.

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Informal concern or complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure.

The Divergent School Harborough takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member.

Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case The Divergent School Harborough will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

- We would hope that parent or pupil concerns can be resolved by the school providing simple clarification or information and it is anticipated that most complaints will be resolved by this informal stage.
- It may be helpful to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.
- Should the complaint be about a teacher, or if it is inappropriate for anyone below the role of Headteacher to respond, the Headteacher or Deputy Headteacher will respond to a complaint directly under the Stage 2 guidelines in the first instance.
- In the case of serious concerns, it may be appropriate to address them directly to the Headteacher (or to the Chair of the Advisory Board, if the complaint is about the Headteacher).
- The Headteacher may escalate the complaint to any stage of the process if they feel that it is appropriate
- An unreasonable refusal by a complainant to attempt an informal resolution may result in the procedure being terminated, and this will be confirmed in writing.

The response should be provided within a maximum of 15 school days from the date of receipt. If it is not possible to respond within the time scale, the complainant will be informed before the deadline, giving a reason for any delay and a new reasonable deadline for reply.

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The response may be oral or in writing, as deemed appropriate to the situation, however details of the complaint should be retained for monitoring purposes. As part of the response, the complainant should be advised of the next stage of the procedure in case they are not satisfied with the outcome.

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Formal Stage One - Complaint to the Headteacher

If this stage is at the complainant's request, the complaint must be taken up by the complainant within 10 term-time working days following the informal response and given to the Headteacher, (or to the Chief Education Officer, if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately. It is not appropriate for a complaint to be pursued after a long lapse of time.

- The parent/carer is asked to include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents, and what action they would like the school to take to resolve their concern.
- Written acknowledgement of a complaint should be provided within 3 school days of receipt of the complaint and include a target date for response. This should normally be within 20 school days of receipt of the complaint. If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.
- The Headteacher (or Chair) may invite the parent/carer to a meeting to clarify concerns and seek an informal resolution. The parent/carer can be accompanied by a friend to assist in explaining their concerns.
- If the complaint cannot be resolved through this meeting, arrangements will be made for the matter to be fully investigated, using the appropriate procedure.
- The Headteacher should interview any relevant pupils/witnesses. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations and interviews etc.
- When an investigation has been concluded, the parent/carer will be informed in writing of its conclusion. The response should also inform the complainant of the next stage of the procedure in case they are not satisfied with the response
- If the parent/carer is not satisfied with the manner in which the process has been followed, they may request that the Advisory Board reviews the process followed by the school in handling the complaint.
- Any such request must be made in writing to the Clerk to the Advisory Board, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

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Formal Stage Two – Further Consideration

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the Headteacher or Deputy Headteacher.

This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit in writing a complaint in respect of the Headteacher's investigation to the Chief Education Officer within 5 school days of receiving the Headteacher's written response.

The Chief Education Officer will carry out an investigation and will consider all available evidence. This may include separate interviews with the complainant, the Headteacher and relevant members of school staff if the Chair of The Advisory Board requires additional evidence.

However, it would not be appropriate to question any children if they have been part of any previous investigation.

When the investigation has been concluded the complainant and the Headteacher will be informed in writing of the outcome within 20 school days of receiving the complaint.

If the complainant is not satisfied with the manner in which the process has been followed or considers that the decision of the Chief Education Officer is perverse, or that the Chief Education Officer has acted unreasonably, then the complainant may request that the Advisory Board review the handling of the complaint.

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Formal Stage Three – Complaint to the Advisory Board

If the Chair of the Advisory Board receives a written complaint directly from a parent, they should consult with the Headteacher before taking any action.

It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the 'Further action at Stage 2' part of the procedure above.

The Headteacher or Chief Education Officer may escalate the complaint to the next stage. Complaints rarely reach this level, but the Advisory Board should be prepared to deal with them if necessary.

- Complainants should be advised that complaints at this stage should usually be made in writing and addressed to the Chair of The Advisory Board no later than 10 school days following receipt of a written outcome at Stage 2.
- The Chair of The Advisory Board or Clerk to the Advisory Board will seek similar written responses from the school, where this is necessary, and pass them on to the Panel
- It is important that the The Advisory Board' complaint panel should not only be independent but be seen to be so.
- At least one member of the panel is independent of the management and running of the school
- Individual complaints should not be considered by the Full Advisory Board in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of The Advisory Board. Similarly, some The Advisory Board may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.
- The Clerk to the Advisory Board will convene a panel of 3 The Advisory Board, who have not previously been involved with the complaint.
- Written acknowledgement of the complaint should usually be made within 3 school days of receiving the complaint. This should inform the complainant that their complaint is to be heard by the panel within 20 school days of receiving the complaint.
- The Complaint Panel meeting should be arranged, with enough notice given so that everyone, including the complainant and representative(s) from the school, can make arrangements to attend. This notice period is usually at least 5 school days prior to the date of the panel meeting.
- The school may wish to seek advice from any relevant authority such as the Local Authority
- As the Panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.
- The parent is welcome to be accompanied at the panel, but the person accompanying them may not be a legal representative or company employee
- At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. The Panel would also interview any other people involved in order to collect sufficient information and evidence. Parties involved should

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also be invited to submit any extra evidence that has not been seen during the earlier stages.

- The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.
- A written record and response to the complainant should be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.
- Records must be held by the school, to be available for inspection on the school premises by the proprietor and the Headteacher
- Consideration of the complaint by the Advisory Board and the school, save for any actions that are agreed, will terminate at this point.
- If the parent/carer is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the Advisory Board, with another panel member who is independent of the leadership of the school.

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Formal Stage Four – Complaint to the Department for Education

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Divergent School Harborough. They will consider whether RFHCS has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Monitoring Complaints

The school will monitor complaints:

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken
- Complaints are recorded to indicate which stage(s) of the procedure they have been considered, with the
- outcome for each stage listed as either -
- Upheld
- Not upheld or
- Partially upheld

One complaint can have several stages each with a different outcome. There should also be an indication as to what the response time scale is (dependent on the stage) and whether the response timescales have been met.

Gender, ethnicity, and any disability of complainants will be monitored in order to address any possible equality issues. This information is reported regularly to the Advisory Board.

Records of individual complaints are to be kept confidential, except where the Secretary of State or inspection body (under section 109 of the 2008 Act) request access to them.

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Publicising the Complaints Procedure

Details of the complaint procedure will be publicised in –

- The school prospectus
- School displays
- Information pack to parents/children
- The school website