



MacIntyre  
Providing support...your way



# MacIntyre School

# Complaints Policy

**Issue Date: February 2017**  
**Ratified by Local Advisory Board: January 17**  
**Review Date: January 18**

## **Complaints Policy**

Complaints, Comments and Feedback Guidance – Appendix 2  
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**Background / Introduction:**

Feedback is an important ingredient in self-evaluation, school improvement and raising standards. Everyone should feel they can raise their concerns or complaints and that they will be considered seriously. Wherever possible the school will aim to resolve any concerns at the earliest opportunity without the need to make the complaint formal. Where the school is unsuccessful in achieving this, any stakeholder has the right to make a formal complaint. The school takes complaints very seriously and endeavours to ensure that all are responded to in a reasonable manner, result in appropriate action and; where errors are made to learn from them. We subscribe to the Health Service Ombudsman's Principles of Good Complaint Handling:

1. Getting it right
2. Being customer focused
3. Being open and accountable
4. Acting fairly and proportionately
5. Putting things right
6. Seeking continuous improvement

This document sets out how feedback, including comments and complaints, will be handled. MacIntyre School is concerned with meeting the needs of children and young people, parents and other stakeholders.

**Purpose / Aims**

MacIntyre School wants all children and young people and their families to be happy with the education and care we offer and the policies and procedures we follow. The school aims for all concerns to be dealt with promptly, openly, fairly and without prejudice. Most queries or concerns can be resolved satisfactorily through discussion or by providing clarification or further information. However, when a more serious concern is raised, the school has adopted a procedure that explains how to complain and what to expect in response.

Our aim when dealing with feedback is to:

- Encourage resolution of problems by informal means where possible
- Provide a clear, accessible and well publicised procedure for handling feedback
- Ensure concerns are dealt with quickly, fully, fairly, confidentially and without prejudice
- Ensure a timely resolution

**Scope:**

This policy may be used by anyone who has a complaint about any aspect of the school. In the main this will be from

- Students
- Parents
- Staff
- Public

Issues relating to safeguarding, criminal investigation and employee grievances and disciplinary procedures will be handled separately.

The Local Advisory Board requires that third party providers offering community facilities or services through the school premises, or using school facilities, will have their own complaints procedures in place.

Complaints, Comments and Feedback Guidance – Appendix 2

No student, parent, member of staff or member of the public will be subject to any reprisal for making a complaint.

In line with 2015 No.541 Social Care, England, Children and Young Persons England, The Children's Homes (England) 2015 the following guidelines must be adhered to:

- the procedure must provide that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.
- The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation.
- The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.

The policy is limited to matters that can be reasonably investigated and therefore complaints should relate to matters that have occurred within the last 12 months.

### **Definitions**

The difference between a concern and a complaint is defined in the DfE document Best Practice Advice for School Complaints Procedures 2016:

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 generally defined ***'an expression of dissatisfaction however made, about actions taken or a lack of action'***.

For the purposes of this policy MacIntyre School refers to the school and its on-site registered children's home and Hillside children's home in Leighton Buzzard

### **Roles & responsibilities**

#### **Responsibilities of Trustees**

- To delegate responsibility for approving this policy to the Local Advisory Board

#### **Responsibilities of Directors**

- To approve the policy and procedures with respect to its content reflecting MacIntyre's Complaint's Policy and Procedures

#### **Responsibilities of the Local Advisory Board**

- To approve this policy.
- To ensure this policy meets all School and Children's Homes legislation, guidance and best practice advice.
- The Chair of the Local Advisory Board will appoint a committee to hear any appeal against the outcome of a complaint.
- To monitor the level, nature and outcomes of complaints.
- To ensure all staff are familiar with this policy and comply with procedures within it

#### **The responsibilities of the Principal and Senior Leadership Team**

- To appoint an investigating manager and monitoring all complaints.
- To submit a summary of complaints at each meeting of the Local Advisory Board.

- To ensure that the Complaints Log is completed and submitted to MacIntyre as required.

### **The responsibilities of the staff**

- To ensure the Principal is aware of all complaints
- To complete any investigations in line with this policy

### **Timeframes**

Complaints should be raised as soon as possible. The school reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, unless there are exceptional circumstances. The Principal will review the situation and make the decision whether or not to enact the complaints procedure, the LAB will also be advised of the decision. The school will aim to acknowledge any complaint within 2 days of receipt. Wherever possible we endeavour to complete the investigation and specify action that will be taken within ten days of receipt of the complaint. These timescales apply during term time and additional time may be required over the school holiday periods.

### **Exceptional circumstances may include:**

- Where the school is unable to comply with the timescales for reasons beyond its control such as the complexity of the complaint or the availability of witnesses, the school will inform the complainant, within seven calendar days of receipt of the complaint
- New evidence has come to light
- The complaint is of an especially serious matter
- There is reasonable justification for why the complainant has been unable to raise the complaint before this time.

### **Summary of Procedure:**

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will talk to you and seek to establish a solution. If you are not satisfied with this response and believe that the issue has not been resolved, please use the following procedure.

1. Seek to resolve concerns raised informally
2. Complaint added to the MacIntyre Complaints Log with details of the nature of complaint (appendix one)
3. If it is not possible to resolve a complaint informally the complainant should provide school or their line manager with written details of their complaint.
4. Receipt of formal complaint (if it is a comment seek clarification if complaint)
5. Written correspondence to complainant acknowledging complaint (appendix 3 & 4)
6. Principal (or chair of Local Advisory Board if concerns the principal) appoint investigating manager
7. Investigating manager speaks to complainant and interviews all relevant people
8. Written report completed including recommendations (based on appendix five)
9. Copy of report is sent to relevant external parties (eg Local Authority, parents etc.)
10. Final response letter sent to complainant
11. The complainant may either treat matter as resolved or appeal to the Chair of Local Advisory Board
12. If resolved the outcome is recorded and the complaint is closed.
13. All documentation relating to the complaint will be kept confidentially on file for seven years and will be available for inspection purposes for inspections under section 162A of the Education Act 2002 or to the Secretary of State if requested.
14. The school will annually publish details of the number of complaints received on its website

**Appeals:**

If the complainant is unsatisfied with the outcome of the investigation they have the right to appeal to the Chair of the Local Advisory Board who represents both the local governing body and MacIntyre Charity.

1. The Chair of Local Advisory Board appoints a panel of one person from the Local Advisory Board, one from MacIntyre Charity, and one person independent from the management of the school that will host a hearing within two weeks of the receipt of appeal request.
2. The complainant will be given the opportunity to attend the appeal and explain their complaint. They will be informed of their right to be supported at the appeal.
3. The Principal will be given the opportunity to explain the outcome of the school's investigation.
4. The committee will write to confirm the outcome of the hearing within 5 working days.

**Outcomes could include**

- an explanation or clarification or an apology from either party;
- an assurance, where appropriate, that the same thing will not happen again,
- actions implemented to put matters right
- Review of relevant policies

**Success Criteria**

- All complaints are dealt with quickly and fairly and wherever possible a resolution is identified.

**Unreasonable complaints – vexatious complaints**

If a complaint is made that raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not re-investigate to complaint unless there are exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Principal will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school's relevant procedures
- the complainant changes the basis of the complaint as the complaint progresses
- the complainant seeks an unrealistic outcome
- excessive demands are made on the time of staff and school Advisory Board members and is clearly intended to aggravate
- the complainant acts in a way that is abusive or offensive.

The Principal will use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the LAB must be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the LAB deems it appropriate to, they can redirect the Principal to investigate the complaint. The full complaints procedure will then commence.

If the LAB upholds the Principal's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to MacIntyre Charity at

MacIntyre Head Office at: **602 South Seventh Street, Milton Keynes MK9 2JA**

Or Telephone the local MacIntyre office, or the Head Office on **01908 230100**

Or Email your complaint to **customer.solutions@macintyrecharity.org**

**Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.**

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the LAB, MacIntyre Charity
- If the complainant feels that the LAB has acted "unreasonably" in the handling of the complaint, they can complain to MacIntyre Charity, refer to details above, after the complaints procedure has been exhausted. Please note that "unreasonable" is used in a legal sense and means acting in a way that no "reasonable" school would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- [Ofsted will also consider complaints about schools.](#)

**Relevant legislation and guidance**

The ELocal Advisory Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education Best Practice advice for school complaints procedures <https://www.gov.uk/government/publications/school-complaints-procedures>

**References and Links to other policies**

- Education Act 2002
- Admissions Policy
- Best Practice Advice for School Complaints Procedures 2016
- Complaints and Compliments about MacIntyre

**Appendices:**

- MacIntyre Complaints, Compliments and Comments Document
- Easy Read Complaints and Comments Form



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### MacIntyre School Complaints and Comments Form

Form number: <i>(Head of Service/Teacher to complete)</i>	
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**Section 1: To be completed by/with/for the person complaining/commenting**

Name of person making complaint/comment:	
Status of person making comment: <i>(e.g. child/young person, relative, professional)</i>	
Name of person completing this form: <i>(if not person above)</i>	
Date and time:	
Place/service:	

**What is the complaint/comment?** *(please attach another piece of paper if there is not enough room here or if the person writes separately)*

**What would you like us to do to put things right?**

Signature: <i>(person complaining or commenting)</i>	
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Signature: <i>(person completing form - if not person above)</i>	
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*Now pass this form on to your Head of Service/Teacher*

<b>Section 2: To be completed by Head of Service/Teacher</b>					
Date received by HoS/Teacher:		HoS/Teacher name:			
<b>Actions taken in response to complaint/comment:</b>					
Date of first response by HoS/Teacher:		Form of response (letter, phone, meeting)			
<b>Is the complaint (tick)</b>	Satisfactorily resolved at Stage 1?		Referred on to Area Manager for Stage 2?		Entered on to the service Complaints Log?
<i>Please tick people whom the complaint/comment has been reported to:</i>					
Family		Advocate		CQC	Care Manager
LA Protection		Landlord		Other (state):	
<b>Signed:</b>			<b>Date:</b>		
<i>Now copy/fax this form and any other documentation related to the complaint/comment to the appropriate Deputy Principal/ Registered Manager (Hillside) or Principal</i>					

<b>Section 3: To be completed by Principal/Deputy Principal/Registered Manager</b>			
Date received:		Name:	
Has the comment been entered on to the school Complaints Log?			
<b>Principal/Deputy Principal/Registered Manager comments/actions:</b>			
If the complaint was not fully resolved locally at Stage 1, give brief details of the resolution process and where records of that process are stored.			
<b>Signed:</b>		<b>Date:</b>	
<i>SL and Schools: Now send a copy back to the Head of Service, and file this form in the office Complaints and Comments File.</i>			