



IWYS

Alternative Education Complaints Procedure

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1. Aims

Our Provision aims to meet its statutory obligations when responding to complaints from parents of pupils at IWYS Alternative Provision, and others.

When responding to complaints, we aim to:

- › Be impartial and non-adversarial
- › Facilitate a full and fair investigation by an independent person or panel, where necessary
- › Address all the points at issue and provide an effective and prompt response
- › Respect complainants' desire for confidentiality
- › Treat complainants with respect and courtesy
- › Make sure 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.

IWYS Alternative Provision will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on IWYS Alternative Provision 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. Definitions and scope

2.1 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”

2.2 Scope

IWYS Alternative Provision 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.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

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

3. Roles and responsibilities

3.1 The complainant

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

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- Do not publish details about the complaint on social media

3.2 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 proprietor or complaints committee, which includes the facts and potential solutions

3.3 The complaints co-ordinator

The complaints co-ordinator can be:

- › The proprietor
- › Any other staff member providing administrative support

The complaints co-ordinator will:

- › Keep the complainant up to date at each stage in the procedure
- › Make sure the process runs smoothly by liaising with staff members and the LA if necessary
- › Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- › Keep records

3.4 Committee chair

The committee chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

4. 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

4.1 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 timeframe 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 timescales 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

5. Stages of complaint (not complaints against the head of provision)

5.1 Stage 1: informal

IWYS Alternative Provision 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 the relevant member of staff or the Head of Provision as appropriate, 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 IWYS Alternative Provision – Tel: 07341214173 or email charmaine@iwys.co.uk or info@iwys.co.uk

IWYS Alternative Provision will acknowledge informal complaints within 5 school days, and investigate and provide a response within 15 school days.

The informal stage will involve a meeting between the complainant and the Head of Provision.

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

5.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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

If complainants need assistance raising a formal complaint, they can contact IWYS Alternative Provision on Tel: 07865 023268 or email charmaine@iwys.co.uk

The Head of Provision will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Head of Provision (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting and should inform IWYS Alternative Provision of the identity of their companion in advance.

In certain circumstances, IWYS Alternative Provision may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, IWYS Alternative Provision will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head of Provision (or other person appointed by the Head of Provision for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Proprietor within 15 school days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The proprietor/clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the head of provision in writing within 15 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The head of provision will acknowledge receipt of the request within 5 school days.

5.3 Stage 3: submit the complaint to the review panel

Convening the panel

IWYS alternative Provision will work with the LA and other schools who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from IWYS Alternative Provision, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

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 IWYS Alternative Provision representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting 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 subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Head of Provision.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to IWYS Alternative Provision's systems or procedures to prevent similar issues in the future.

IWYS Alternative Provision will inform those involved of the decision in writing within 15 school days.

6. Complaints against the Head of Provision

6.1 Stage 1: informal

Complaints made against the Head of Provision, or any member of staff should be directed to the Proprietor in the first instance who will notify the local authority.

If the complaint is about the Head of Provision a suitably skilled and impartial LA will be contacted to carry out the steps at stage 1 (set out in section 6 above).

6.2 Stage 2: formal

IWYS Alternative Provision will consult the LA to appoint an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed to write a formal response at the end of their investigation.

7. Referring complaints on completion of IWYS Alternative Provision's procedure

If the complainant is unsatisfied with the outcome of IWYS Alternative Provision's complaints procedure and the complaint is regarding IWYS Alternative Provision not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the LA and 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 IWYS Alternative Provision deals with serious failings.

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

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

8. Persistent complaints

8.1 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 IWYS Alternative Provision's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- › 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 timeframes it sets out
- › 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 IWYS Alternative Provision 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 that 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 IWYS Alternative Provision receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with IWYS Alternative Provision, IWYS Alternative Provision may respond to these complaints by:

- › Publishing a single response on IWYS Alternative Provision website
- › Sending a template response to all of the complainants

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

9. Record keeping

IWYS Alternative Provision 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.

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 of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices [IWYS-Privacy-Notice-for-Parents-and-Carers---Use-of-Your-Personal-Data.pdf](#)

10. Learning lessons

The Head of Provision will review any underlying issues where appropriate, and respecting confidentiality, to determine whether there are any improvements that IWYS Alternative Provision can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Head of Provision and SLT will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Head of Provision will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Charmaine Baines – Head of Provision.

This policy will be reviewed by the Head of Provision – Charmaine Baines and Jordan Baines (Business Manager) every once every 2 to 3 years as recommended by the DfE.

At each review, the policy will be approved by the Head of Provision and the Business Manager

12. Links with other policies

Policies dealing with other forms of complaints include:

- › Child protection and safeguarding policy and procedures
- › Admissions policy
- › Suspension and permanent exclusion policy
- › Staff grievance procedures
- › Staff disciplinary procedures
- › SEN policy and information report
- › Privacy notices

Complaint Form

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

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: