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*ReFocus Ltd*

*Appeals and Complaints Policy 2021/2022*

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The following policy has been approved by the Executive Head Teacher and agreed by the management team.

The policy will be reviewed on an annual basis unless circumstances arise requiring the policy to be reviewed earlier.

Date: September 2021

Review date: January 2022

Signed: *PTucker*

Review Record:

Name (Print): H Perry Name (signature): H Perry Date: January 2022	Name (Print): Name (signature): Date:
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- This policy covers the Appeals and Complaints procedures for ReFocus Ltd.
- This policy is not stand alone and should be used with other ReFocus policies including, but not limited to: Safeguarding policy, E Safety Policy, the Staff handbook, and Code of Conduct.

*Employable, Sociable, READY*



- When referring to staff members this includes all full-time staff members, volunteers, support staff and supply staff.

Parents/Carers are encouraged, through the procedures outlined here and through the Pastoral structure, to make complaints or raise concerns easily and without anxiety and in the knowledge that complaints, and concerns will be treated seriously and impartially. All complaints and concerns will be treated confidentially unless disclosure is legally required.

## **1. ReFocus Ltd Complaints Procedure**

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to ReFocus Ltd about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **The difference between a concern and a 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 complaint's procedure. ReFocus Ltd 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 Executive Head Teacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern the Executive Head Teacher 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, ReFocus Ltd will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.



## **How to raise a concern or make a complaint**

A concern or complaint can be made in person, or in writing. They may also be made by a third party acting on behalf on a complainant if they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Executive Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure

Complaints against school staff (except the Executive Head Teacher) should be made in the first instance, to the Executive Head Teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Head Teacher should be addressed to the Chair of Governors - James Alcock, via the school office. Please mark them as Private and Confidential.

Complaints that involve family members or members of staff that are otherwise linked can be directed to an impartial staff member of the complainants choosing. Restricted to senior management. (DSL, Deputy Head, Chair of governors, Safeguarding Governor, Headteacher). If needed, LADO can be contacted.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **2. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Executive Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.



### **3. Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **4. Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **5. Complaints received about family members**

A complaint about a member of staff should not be referred to a ReFocus Ltd employee who is related to or deemed a close friend. An appropriate alternative will be provided.

Any complaints about staff members that are relatives should be addressed to the Chair of Governors. (James Alcock)

### **6. Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by ReFocus Ltd, other than complaints that are dealt with under other statutory procedures including those listed below:

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation
<ul style="list-style-type: none"><li>• School reorganisation proposals</li></ul>	Proposals should be raised with Northamptonshire County Council



<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>MASH – 0300 126 1000 LADO – 01604 362633</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-disciplineexclusions/exclusions">www.gov.uk/school-disciplineexclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure. <a href="http://www.RefocusLTD.co.uk">www.RefocusLTD.co.uk</a></i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>



<ul style="list-style-type: none"><li>• Staff conduct</li></ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities</li></ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"><li>• National Curriculum - content</li></ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against ReFocus Ltd in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **Complaints that may meet the harms threshold**

In the event of allegations that might indicate a person will pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. The government guidance from keeping children safe in education 2021 will be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child or may have harmed a child and/or.
- possibly committed a criminal offence against or related to a child and/or.
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or



- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If needed ReFocus Ltd will seek advice from the local authority designated officer (LADO).

A “case manager” will lead any investigation. This will be either the headteacher (Paula Tucker) or, where the headteacher is the subject of an allegation, the chair of governors (James Alcock) or chair of the management committee and in an independent school it will be the proprietor.

### **Concerns that do not meet the harms threshold**

Complaints that do not meet the harms threshold are not viewed as insignificant, it means that the behaviour towards a child does not meet the threshold set out above. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the school or college may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children.
- having favourites.
- taking photographs of children on their mobile phone.
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse. It is crucial that any such concerns, including those which do not meet the allegation/harm threshold (see Part Four - Section one of KCSIE 2021), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.



## **7. Resolving complaints**

At each stage in the procedure, ReFocus Ltd wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made an undertaking to review school policies considering the complaint
- an apology.

## **8. Complaint Procedure**

### **Stage 1 – Informal**

Informal complaints are completed through discussion (written or verbal) and should always be attempted before moving into the formal complaint process if appropriate to do so.

The issue(s) raised will be taken seriously and will be investigated once received along with any required evidence.

Dependent on the nature of the issue raised it will be investigated by the responsible person for the area(s) of concern.

Mediation may be appropriate at this point as a mechanism to resolve any issues raised and to encourage communication.

### **Stage 2 - Formal**

Formal complaints must be made to the Executive Head Teacher (unless they are about the Executive Head Teacher), via the school office. This will be done in writing (preferably on the Complaint Form).

The Executive Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.



Within this response, the Executive Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Executive Head Teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Executive Head Teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Executive Head Teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Executive Head Teacher will provide a formal written response within 20 working days of the date of receipt of the complaint.

If the Executive Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions ReFocus Ltd will take to resolve the complaint.

The Executive Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Executive Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Executive Head Teacher or member of the governing body must be made to the Chair of Governors – James Alcock.

[governor@refocusltd.co.uk](mailto:governor@refocusltd.co.uk)

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- most of the governing body



Stage 2 will be considered by an independent investigator appointed by the governing body or at the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Stage 3 – Formal complaints panel**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee, which will be formed of the first three governors available and an additional impartial person. This is the final stage of the complaint's procedure.

A request to escalate to Stage 3 must be made to the Chair of Governors, via the school office, within 14 school days of receipt of the Stage 2 response.

The Chair of Governors will record the date the escalation of complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair of Governors will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 7 working days of receipt of the Stage 3 request. If this is not possible, the Chair of Governors will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair of Governors will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties. The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from ReFocus Ltd available, the Chair will source an additional, impartial governor through another local school to make up the committee. To appoint a governor from another school onto a complaints panel there is no formal arrangement in place.

Whilst ReFocus recognise that the Governing Body are impartial, an independent person will be appointed to ensure no connection to ReFocus. The focus is aimed at their suitability of skill set and can demonstrate their independence.



The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Chair will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all

parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 2 of the procedure.

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 must be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented.  
The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and ReFocus Ltd with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by ReFocus Ltd.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- most of the governing body

Stage 3 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions ReFocus Ltd will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next Steps**

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 ReFocus Ltd. They will consider whether ReFocus

### **9. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Next Steps**

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 ReFocus Ltd. They will consider whether ReFocus Ltd 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](http://www.education.gov.uk/contactus), by telephone

on 0370 000 2288 or by writing to: Department for Education,  
Piccadilly Gate, Stores Street, Manchester, M1 2WD.

### **Complaint Form**

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

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

**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 whom:**

**Complaint referred to:**

**Date:**











