



Ralph Thoresby School

Schools Complaints Policy and Procedure

Reviewed: November 2017

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Part 1: The School Complaints Policy

Introduction

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

Aims of the Policy

To set out procedures for responding to complaints made against the school. The school operates in line with the Department for of Education School Complaints Toolkit July 2014.

Dealing with complaints – initial concerns

All concerns should be treated seriously. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The school will address informal concerns seriously at the earliest stage in order to reduce the need for lengthy and time-consuming formal procedures.

Dealing with complaints – formal procedures

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Formal complaints should be made in writing using the Schools Complaints Form at Appendix 2.

Who can complain?

This policy applies to complaints made by:

- Parents/carers of students currently or recently (within three months) at the school;
- individuals who either have 'parental responsibility' for a student or who care for them, but are not the student's parents;
- student's aged 18 years or over; and
- third parties concerned about action (or lack of action) taken by the school.

Types of complaints not covered by school complaints procedure

The procedure is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child abuse, staff discipline, special needs assessments, school admissions or exclusions. If this is the case on receipt and review of your complaint, the school will confirm this with the complainant.

Time Limits

The school aims to consider and resolve all complaints as quickly, and efficiently as possible so time limits have been set for each action within each stage. However, where further investigations are necessary, new time limits can be set. The school will keep the person who raised the complaint informed of progress and provide an explanation for any delay.

Formal complaints should be lodged as soon as possible but no later than 3 months after the incident or issue has occurred. The school may consider exceptions to this rule for example if the matter relates to child protection or safe-guarding.

Recording Complaints

The school will record the progress of the complaint and the final outcome. At the end of meetings or telephone calls the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note can be kept and a copy of any written response added to the record.

A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Appendix 2.

Governing Body Review

The Governing Body will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.

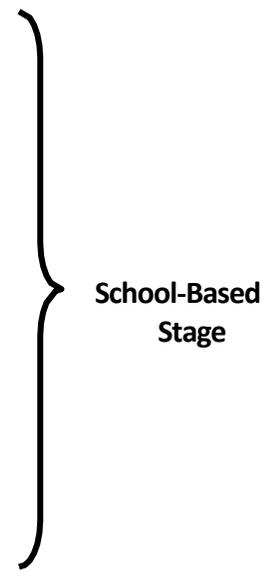
The frequency with which the school complaints procedure must be reviewed is determined by the Governing Body. The Governing Body may delegate responsibility for this to a committee of the governing body, an individual governor or the Headteacher. The revised policy must be ratified by the full Governing Body.

Part 2: The School Complaints Procedure

Stages of the Procedure

- **Informal Stage - dealing with concerns:** initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.
- **Formal Stage 1:** a formal written complaint is considered by the Headteacher/Investigating Officer, or - **if the complaint is about the head teacher** – by the Chair of Governors or nominated governor. The decision of the Headteacher or Chair of Governors at this stage is usually final.
- **Formal Stage 2:** If Stage 1 has been worked through and the complainant is unhappy with ***the way in which their complaint has been handled***, the case can be referred to a panel of three governors. The panel will carry out a **review** of the investigation carried out at formal stage one to consider the way the complaint has been investigated and handled by the school. This stage **does not** involve a rehearing of the complaint.

- **Secretary of State Review:** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.



Informal Stage - Your initial contact with the school

1. Many concerns can be dealt with informally. The first point of contact should be the pupil's form tutor, head of year, subject teacher or pastoral leader.
2. The school will consider the appropriate person to investigate the complaint. Arrangements will be made to meet, make contact by telephone, or in writing, as soon as possible. The member of staff dealing with the issue should make a brief note of the concerns and an indication of the outcome of the discussion including any agreed actions.
3. It may be necessary to take advice before responding to a concern. If so, the school will endeavour to provide an update on the progress of their enquiries as quickly as possible.
4. If the complainant remains dissatisfied following this informal approach, they may raise a formal complaint.

Formal Stage 1 - Formal consideration of your complaint

1. Where a person has not been able to resolve a concern informally, they are entitled to progress to the formal stage.
2. Formal complaints should be lodged as soon as possible but no later than 3 months after the incident or issue has occurred. (The school may consider exceptions to this rule for example if the matter relates to child protection or safe-guarding).
3. Formal complaints should, where possible, be put in writing to the Headteacher, using the Complaints Form (Appendix 2). The form should include details of the complaint, action already taken to resolve it and actions that may help to resolve the problem. If the complaint concerns the Headteacher, it should be sent to the Chair of Governors. If the complaint is about the Chair of Governors it should be made in writing to the Vice-Chair of Governors. The school will acknowledge the complaint in writing within 3 school days of receiving it.
4. The Headteacher/Investigating Officer will investigate the complaint. If the complaint is regarding the Headteacher, the Chair of Governors will appoint an Investigating Officer to investigate the complaint. If the complaint is about the Chair of Governors the Vice Chair of Governors will appoint an Investigating Officer to investigate the complaint. The school may appoint an appropriate staff member, governor, HR representative or independent person to investigate. The person investigating the complaint should not have had any prior involvement with the case.
5. During the investigation Headteacher/Investigating Officer should contact the complainant to clarify the details of the complaint as necessary. Complainants will be allowed the opportunity to meet with the investigating officer. If they wish, they may ask someone (not acting in a legal capacity) to accompany them at the meeting for support and to help them to explain the reasons for their complaint. The choice of person is the complainants own but it may be preferable to involve someone in whom they have confidence but who is not directly connected with the school.
6. The Headteacher/Investigating Officer will, where necessary, talk to witnesses and take statements from others involved.

7. If the complaint involves a pupil, his/her parent/carer should be contacted and, if interviewed, ideally a parent/carer should be present. In some cases this might not be possible and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, should attend the interview. Parents should be told if their child is to be interviewed.
8. Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. However, the parties to a complaint should be aware that some information may have to be shared in order to carry out a thorough investigation.
9. Once the Headteacher/Investigating Officer has established all the relevant facts, they will provide a written response to the complaint. This will give an explanation of the Headteacher/Investigating Officer's decision and the reasons for it. If follow-up action is needed, the school will indicate, where appropriate, what they are proposing to do. The complainant may be invited to a meeting to discuss the outcome.
10. The school will aim to respond to formal complaints within a further 15 school days. If this is not possible the School will write to the complainant to ensure they are kept informed of their progress in addressing their complaint.
- 11.
12. The decision at this stage will usually be final, however, if the complainant is dissatisfied with the way in which their complaint was investigated at Stage 1 they may proceed to Stage 2, as described below. This should be done by writing within 10 school days of receipt of the Stage 1 letter.

Formal Stage 2 - Consideration by a Governors Appeal Panel

1. If the complaint has already been through Stage 1 and the complainant is unhappy with the way in which it has been handled, they may take it to Formal Stage 2. This comprises a hearing before a Governors Appeal Panel. This is a formal process and the ultimate recourse at school level.
2. An appeal to Formal Stage 2 must be made to the Chair of Governors within 10 school days of the receipt of the outcome of Stage 1 of the procedure.
3. The school will aim to convene the appeal hearing within a further 20 school days. The complainant, the Headteacher/Investigating Officer, the governors and any other relevant parties will be informed of the date, time and venue of the appeal hearing. Any documentation relating to the hearing will be sent to the parties 5 school days in advance of the hearing.
4. The purpose of the appeal hearing is to give the complainant the chance to present their concerns with regards to whether the investigation has been conducted fairly and the correct procedures followed. This will be done before a panel of governors who will have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

The panel will consist of three persons not directly involved in the matters detailed in the complaint.

5. The aim of a Panel is not to rehear the complaint: they will not go through the case again. Their role is to review the way in which the complaint has been investigated and to determine whether this has been done fairly and that the correct procedure has been followed. It will also make appropriate recommendations.
6. The complainant may ask someone (not acting in a legal capacity) to accompany them to the meeting for support and to help them to explain the reasons for their complaint. The choice of person is the complainant's own but it is preferable to involve someone in whom they have confidence but who is not directly connected with the school.
7. The Panel will hear the report of the Headteacher/Investigating Officer at Stage 1 and any submissions on that report by the complainant. The review should not entail a rehearing of the case.
8. The Panel may:
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur
9. A decision will be made within 3 school days. This will be communicated in writing. The decision of the panel is final.

Secretary of State Review

1. The final stage of appeal is to the Secretary of State for Education. Complainants should write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate Manchester M1 2WD.
2. If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
3. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

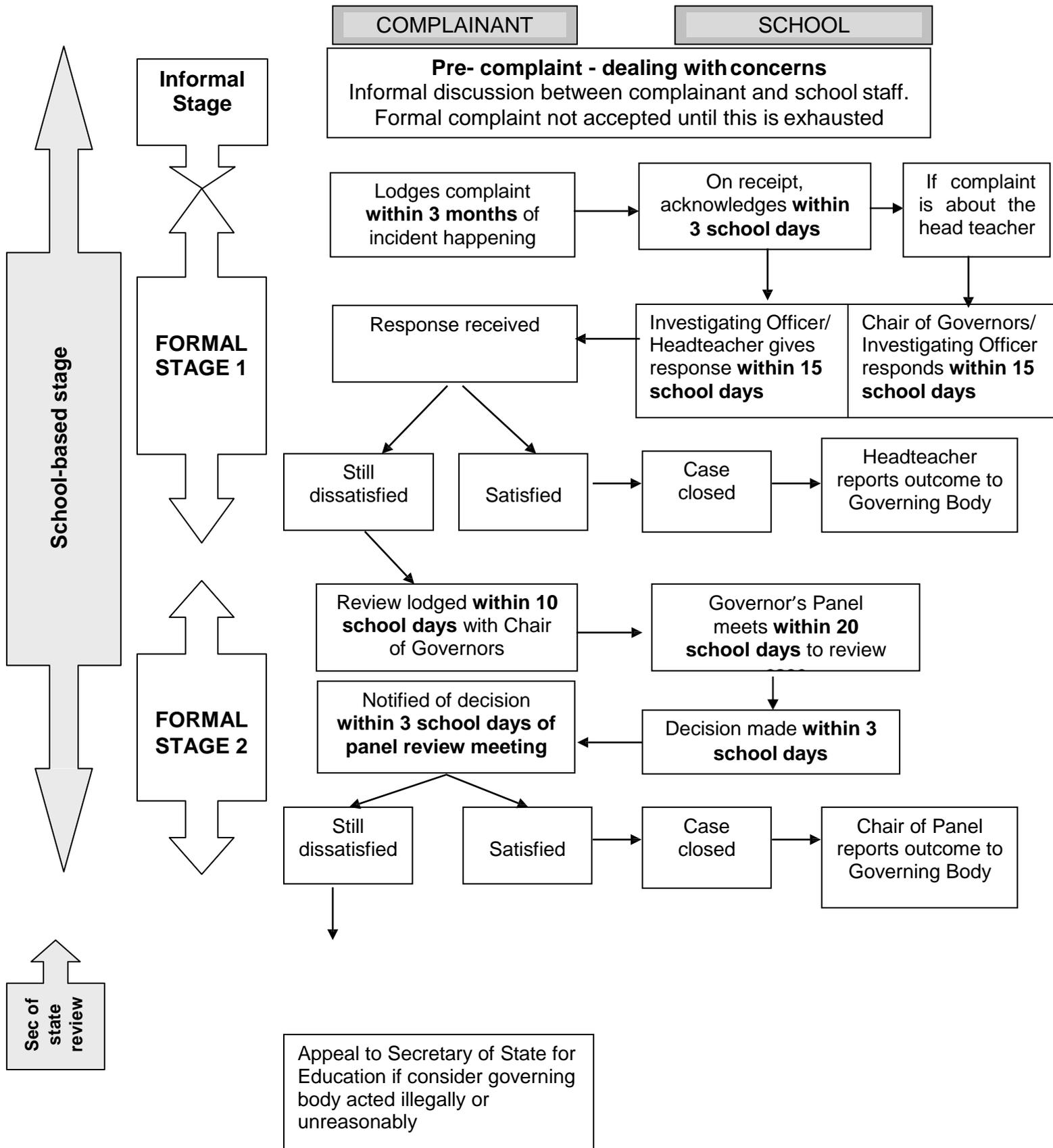
Closure of Complaints

1. Very occasionally, the school may feel that, regretfully, they need to close a complaint despite the complainant remaining dissatisfied. The school will do all they can to help to resolve a

complaint but it may simply not possible to meet all of the complainant's wishes. Sometimes it may be a case of 'agreeing to disagree'.

2. Persistent representations can detract from key responsibilities in school. For this reason the school reserves the right to close a complaint and cease correspondence where all reasonable action has been taken to resolve the complaint and the official process has been exhausted.
3. If the complainant continues to make representations to the school or attempts to re-open the same issue, then the correspondence may be recognised as vexatious and the Chair of Governors will inform them in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed. There will be no obligation on the part of the school to engage in any further correspondence.

Appendix 1 – School Complaints Flowchart



Appendix 2 – Schools Complaint Form

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.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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:

Appendix 3 – The Investigation

The Headteacher/Investigating Officer should:-

- Establish **what** has happened so far, and **who** has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Appendix 4 – Appeals Hearing Procedure

1. Introductions are made.
2. The complainant is invited to explain their complaint, and be followed by their witnesses.
3. The Headteacher/Investigating Officer may question both the complainant and the witnesses after each has spoken.
4. The Headteacher/Investigating Officer will then explain the school's actions, this may be followed by the school's witnesses.
5. The complainant may question both the Headteacher/Investigating Officer and the witnesses after each has spoken.
6. The Panel members may ask questions at any point.
7. The complainant is then invited to sum up their complaint.
8. The Headteacher/Investigating Officer is then invited to sum up the school's actions and response to the complaint.
9. Both parties leave together while the panel decides on the issues.
10. The parties will reconvene for the Panel's decision to be made. If it is not possible to reach a decision that day a decision will be made within 3 schools days.
11. The decision will be confirmed in writing to the complainant within 3 school days.
12. The hearing should not be unnecessarily formalised.
13. The complainant may be accompanied at the hearing them at the meeting (not acting in a legal capacity). The Headteacher/Investigating Officer may also be accompanied by a suitable person.
14. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Further information

Useful resources and external organisations

- National Governors Association

Other relevant departmental advice and statutory guidance

- Section 29 of the Education Act 2002
- Governors Handbook

Other departmental resources

- How to complain about a school - Advice for complainants
- Department for of Education School Complaints Toolkit July 2014