



**Rosebank School**  
*Learning together, celebrating success*

## **SCHOOL COMPLAINTS PROCEDURE**

<b>DATE OF THIS POLICY:</b>	<b>September 2018</b>
<b>Ratified by Governors:</b>	18/09/2018
<b>Frequency of update:</b>	Every 2 years
<b>Due for revision:</b>	<b>September 2020</b>
<b>Person responsible:</b>	Headteacher

## ROSEBANK SCHOOL COMPLAINTS PROCEDURE

### RATIONALE

Under Section 29 of the [Education Act 2002](#), Governing Bodies of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be publicised.

There is a difference between a concern and a complaint; taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. The formal procedures will need to be invoked only when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The school follows DfE guidance (2016) in defining concerns and complaints. A concern being defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought.” A complaint being defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

This complaints procedure covers complaints about provisions of facilities or services that the school provides. There are matters outside the scope of this procedure, which must be addressed using separate (statutory) procedures. These are listed within Annex A.

### AIMS

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

Our complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial and non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress;
- Provide **information** to the school’s senior management team and governors so that services can be improved

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this we will ensure we publicise the existence of this policy and make it available on the school website.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions) – see annex A.

## **GUIDELINES**

A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenges or disagreements over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may wish to use recording devices to ensure the complaint is able to access and review the discussions at a later point.

### **For a general complaint:**

**Step 1** If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

**Step 2** Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the head teacher. The head teacher will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

**Step 3** Only when an informal complaint fails to be resolved by the head teacher should a formal complaint be made to the governing body. Wherever possible this complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the chair of governors via the clerk to governors via the school office. A template form can be found as Annex C.

### **For a complaint about the head teacher or a governor:**

**Step 1** If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

**Step 2** Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the chair of the governing body. The chair will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

**Step 3** Only when an informal complaint fails to be resolved by the chair should a formal complaint be made to the governing body. Wherever possible this complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the governing body via the clerk to the governors, Annex C can be used by the complainant.

Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk of the Governing Body.

## **Governing body complaints committee**

The governing body must consider all written complaints **within 21 school working days** of receipt.

The chair of governors will nominate a governor to co-ordinate the procedure and will appoint a **complaints panel** consisting of 3 governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The clerk, in conjunction with the co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five school working days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The head teacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 school working days before the meeting. (If it is a complaint about the head teacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or Chair of Governors) receives a copy 2 school working days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help.

Complainants also have the right to request an independent panel if they believe there is likely to be a bias in the proceedings. The school will consider such requests but ultimately the decision will be made by the governors.

## **Check list for a panel hearing**

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;
- the head teacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo, witnesses or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 school working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on 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.

A copy of the findings and recommendations will also be made available for the headteacher.

### **Investigating Complaints** (steps 1 and 2)

At each stage, the person investigating the complaint will make sure that they:

- 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;
- 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.

### **Resolving Complaints**

At each stage in the procedure we will look for a way in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may 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 event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.

### **Serial and Persistent Complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, and

- the complainant has been given a clear statement of the school's position and their options (if any), and
- the complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- there is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants raising an entirely new, separate complaint, will be responded to in accordance with the complaints procedure and that the school acts reasonably.

### **Record-Keeping**

The school 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, on the review panel or for the purposes of administration.

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 of access request under Data Protection regulations, 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 and the school's data protection policy.

### **Unresolved complaints**

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
 School Complaints Unit  
 2nd Floor, Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD

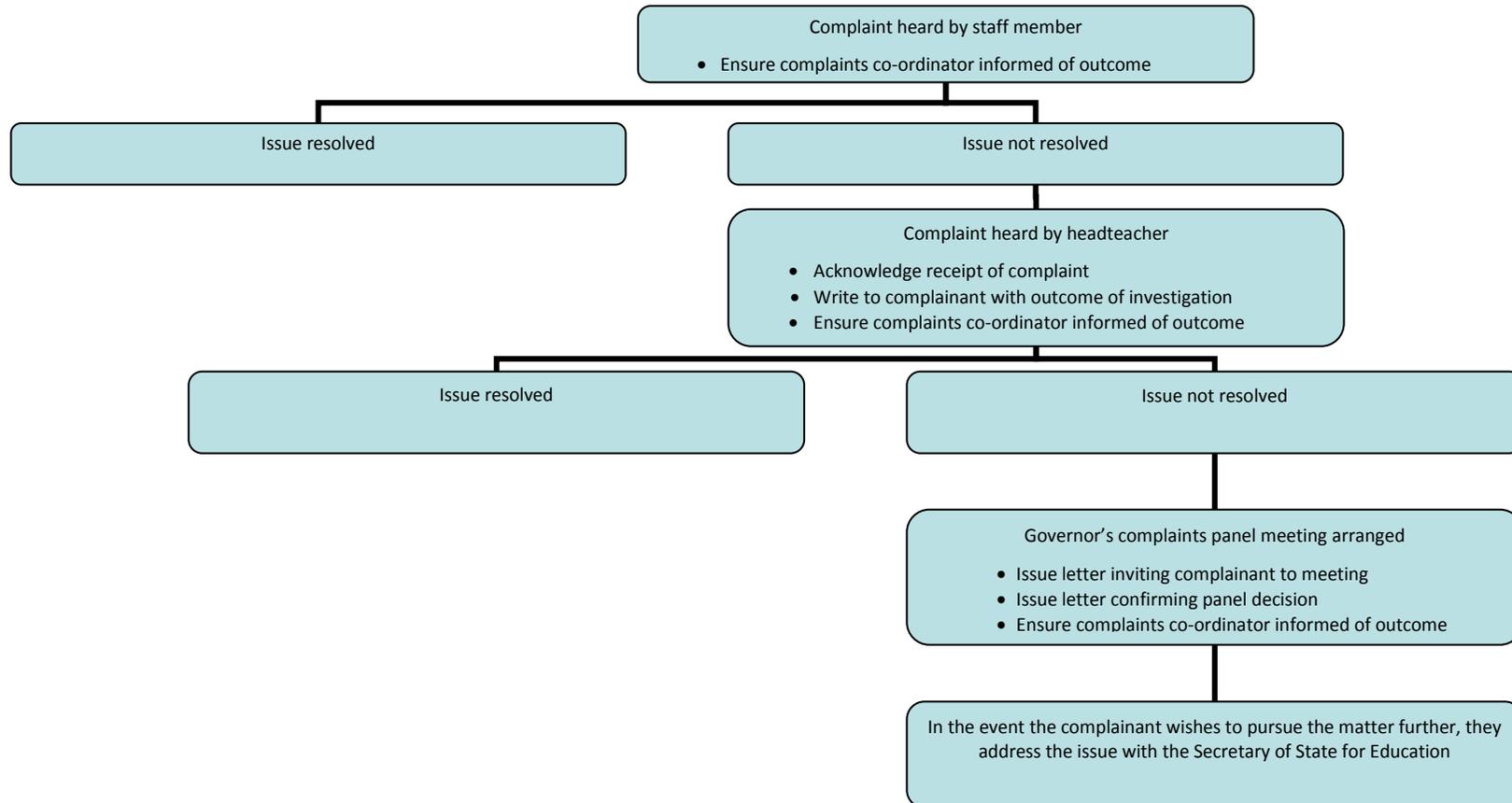
## Annex A: Matters Outside the Scope of the Complaints Procedure

The complaints procedure covers all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

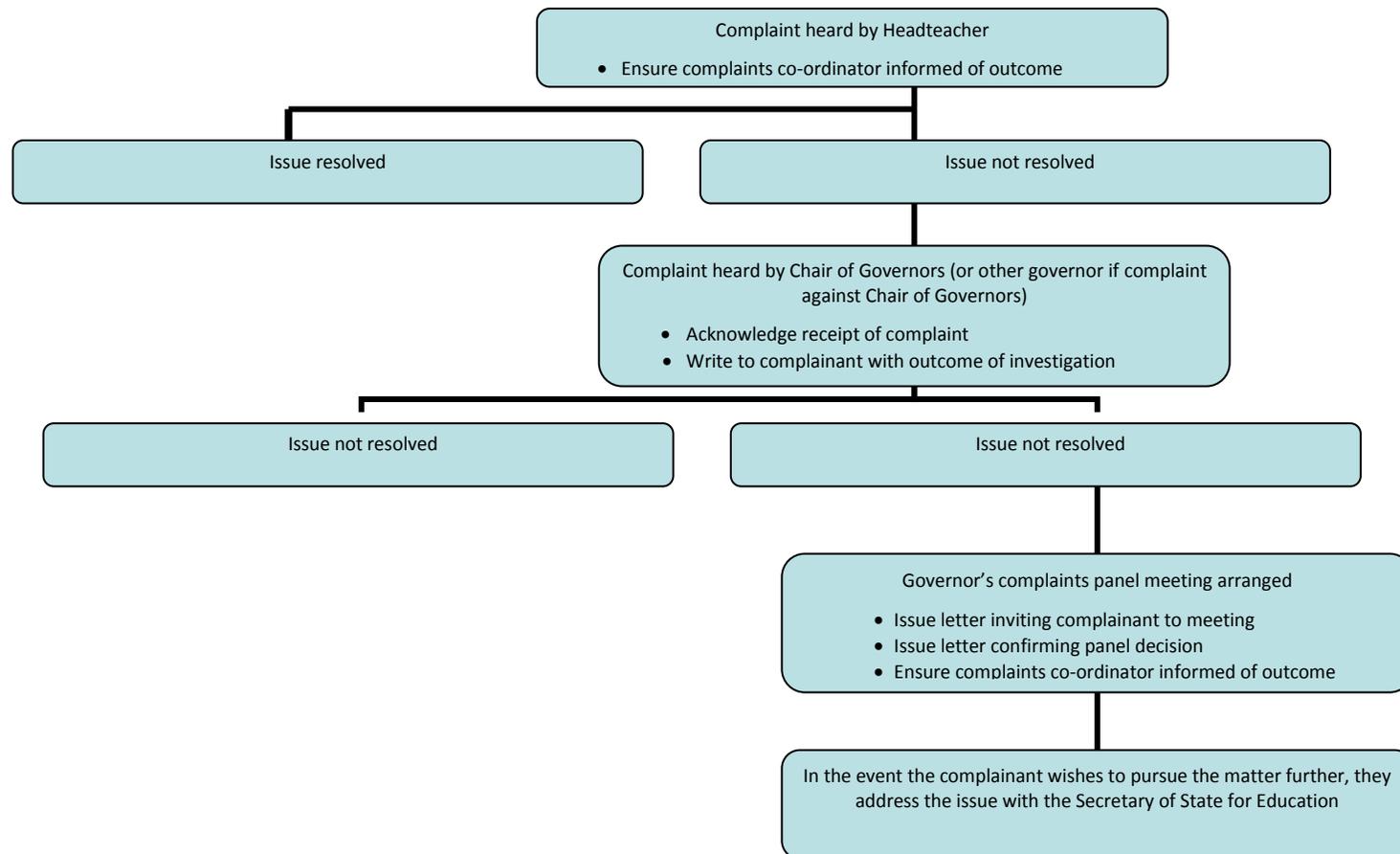
Exception	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## Summary of Dealing with Complaint

### Annex B: Flowcharts



## Summary of Dealing with Complaint against Headteacher or Governor



**Annex C: Complaint Form**

Please complete and return to ..... (Clerk / Complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</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.</b>
<b>What action, if any, have you already taken to try and resolve your complaint.</b>

**(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:**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/ she:

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect

### **The Complaints Co-ordinator – also the Panel Chair (or Headteacher)**

- The Complaints co-ordinator will:
- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure will be aware of legislation around complaints including the Equality Act 2010, Data Protection Regulations and the Freedom of Information Act 2000
- Liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- Keep records
- Be aware of issues regarding:
  - Sharing third party information
  - Additional support – this may be needed by complainants when making a complaint including interpretation support

### **The Panel Chair (also the Complaints Co-ordinator)**

The Panel Chair has a key role in ensuring that:

- The meeting is minuted
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/ carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/ young person
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- The panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- Both the complainant and the school are given the opportunity to state their case and seek clarity
- Written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing
- Liaise with the Clerk/ Complaints co-ordinator

### **The Investigator**

The Investigator is the person involved in stages 1 and 2 of the procedure. The investigator's role can include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - Consideration of records and other relevant information
  - Interviewing staff and children/ young people (if appropriate) and other people relevant to the complaint
  - Analysing information
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- Identifying solutions and recommending courses of action to resolve problems
- Being mindful of the timescales to respond, and
- Responding to the complainant in plain and clear language

The person investigating the complaint should make sure that they:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

### **The Panel Clerk** (this could be the Clerk to the Governors or the Complaints co-ordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- Set the date, time and venue of the hearing, endeavouring to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Circulate the minutes of the panel hearing
- Notify all parties of the panel's decision
- Liaise with the complaints co-ordinator

## **Panel Member**

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it should be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting. Parents/ carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/ young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will ensure that the child/ young person does not feel intimidated. The panel should respect the views of the child/ young person and give them equal consideration to those of adults. If the child/ young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/ young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/ young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/ young person to attend a part of the meeting which the panel considers not to be in the child/ young person's best interests.
- The welfare of the child/ young person is paramount.

## Annex E: Interviewing Best Practice Tips

### **Children/ Young People**

- Children/ young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/ carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere
- Children/ young people should be told what the interview is about and that they can have someone with them.

### **Staff/ Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single not multiple questions, i.e. one question at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator, Headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate