



## **COMPLAINTS POLICY & PROCEDURE**

Written by	S Mackintosh
Date of policy review	October 2018
Next review date	October 2018

## **Introduction**

Roxeth Mead School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. The school endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the proprietors of Roxeth Mead School have approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, we will make the complaints policy available to parents of pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

## **Raising concerns**

The majority of concerns can be dealt with without resorting to the complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher. He/she may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## **What Constitutes a Complaint?**

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the school as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the school is within the scope of this procedure.

A complaint is likely to arise if a parent believes that the school has done something wrong, failed to do something that it should have done or has acted unfairly.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The school is here for your child and you can be assured that your child will not be penalised for a complaint that you or your child raises in good faith.

## **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy, which can be found on the school's website.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, Roxeth Mead School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

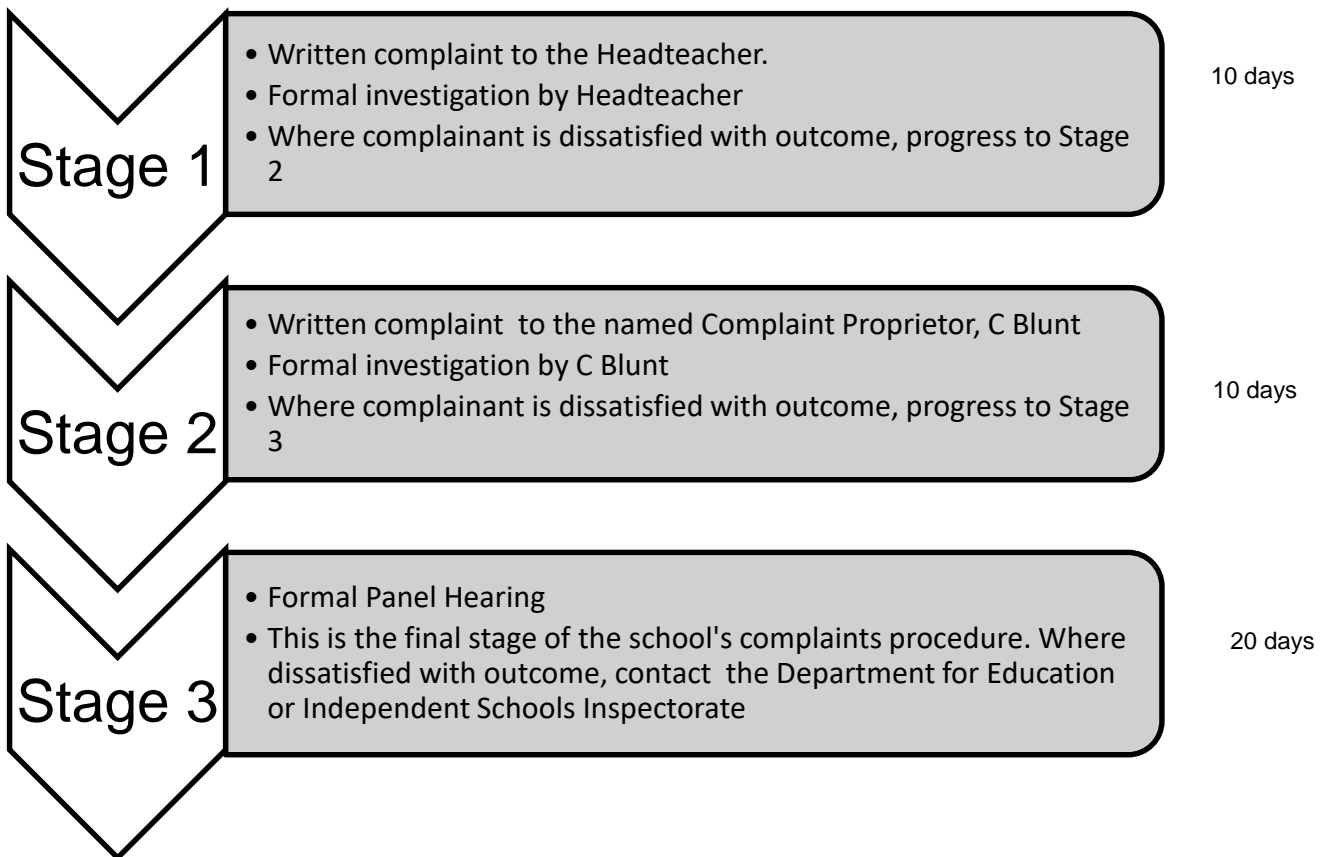
### Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

### Procedure

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

### Timeline for formal complaints



**All timescales in this document refer to school working days ie excluding weekends, school holidays, inset days etc.**

### Timeframes

The School will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Roxeth Mead School reserves the right not to follow this procedure if

- a) The pupil is no longer registered at Roxeth Mead unless, the complaint was initially raised while they were still enrolled
- b) Time has elapsed over three months between the events complained of and the complaint being presented, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification

for why the complainant has been unable to raise the complaint before this time. In such circumstances the Headteacher will review the situation and decide whether or not to enact the complaints procedure.

### **Who should I approach?**

**Educational matters:** Class Teacher

**Pastoral care:** Class Teacher

**Disciplinary matters:** Class Teacher

**Complaint about a staff member's conduct:** direct approach to the staff member themselves, or where this is thought inappropriate/ does not resolve the situation, the Headteacher should be approached.

### **Complaints about the Headteacher**

Where a complaint concerns the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher in the first instance, they should notify the other Co-Headteacher.

In exceptional circumstances the Proprietors may appoint an independent investigator to look into the concerns.

### **Formal Stages of the Complaint Procedure**

#### **Stage 1 – Investigation by the Headteacher**

If it has not been possible to reach a resolution at the informal stage, the complainant may progress to the formal complaint procedure. In doing so, the following steps will be followed:

1. Complainant contacts the Headteacher
2. The complainant must explain in writing
  - Details of the complaint
  - Action taken so far and solutions offered
  - Why the complaint remains unresolved
  - What action they would like to be taken to resolve the problem.
3. Receipt of the complaint will be acknowledged. It is likely that the complainant will be invited to meet with the Headteacher to discuss the matter.
4. At the meeting the concerns will be discussed and resolution will be sought. If agreement can be reached at that point on a way forward which is satisfactory to all parties, this will be confirmed in writing following the meeting. If the issues are not resolved by the end of the meeting, the will then commence a full investigation.
5. The Headteacher will provide the complainant with written confirmation of the outcome of their investigation within 10 days of receipt of the written complaint. If the complainant is not satisfied with the outcome, he/she is able to progress to stage 2 of the complaints process.
6. The Headteacher will make and retain a record of the concern and the outcomes of the investigation.

#### **Stage 2 – Investigation by the Complaints Proprietor**

The complainant should submit a Stage 2 complaint form to the Complaints Proprietor using the form in appendix 2. The form is important as it ensures that relevant information is communicated at the outset. It must identify the reasons why they feel that the complaint has not been fully investigated thus far, which element(s) of their complaint remain unresolved, and what outcome they are seeking from the Stage 2 Complaint.

1. Receipt of the complaint form will be acknowledged.
2. The Complaints Proprietor will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
  - a statement from the complainant
  - where relevant a meeting with/ statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents from all parties
  - interview with / statements anyone related to the complaint
5. After considering the available evidence, the Complaints Proprietor may:
- Uphold the complaint and direct that certain action to be taken to resolve it
  - Not uphold the complaint
  - Uphold the complaint in part: in other words, the she may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
6. The Proprietor should inform the complainant of their decision in writing within 10 days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint.
7. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act.

### **Stage 3 – Formal Panel Hearing**

In order to proceed to Stage 3, the complainant must complete the Stage 3 Formal Complaints Form (see Appendix) identifying the reasons why they feel that the complaint has not been fully investigated thus far, which element(s) of their complaint remain unresolved, and what outcome they are seeking from the Stage 3 Complaint Panel. The complainant must complete and return the form within 10 days of receiving the Proprietor's decision or it will not be considered, except in exceptional circumstances.

The panel will consist of three people who have not been directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the school.

The complainant can be accompanied to the hearing if they wish.

The aim of the Complaint Panel is to review how the school has managed the complaint at each stage, not to reinvestigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1 and 2 and evaluating whether the school has followed its policies and procedures. Consideration should also be given to achieving reconciliation between the school and the complainant however, it has to be recognised that this is not always possible.

The Panel will consider information from the following parties, where applicable:

- the complainant
- the Headteacher /s
- the Proprietor
- relevant witnesses

The Independent Chair can make the following decisions:

- 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.

A copy of the Panel's findings and recommendations will be given to the complainant, in writing within 20 days, and a copy (where relevant) of the person complained about.

A copy of the findings and recommendations will be made available for inspection at the school

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see details on page 8. The school will not consider the complaint beyond this.

### **Retention**

The complaint investigator should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act. The complainant should be informed that this will be done.

### **Unreasonable complaints and serial and persistent complainants**

Roxeth Mead School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;

- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Executive Headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School site.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Proprietors have a responsibility to ensure for the wellbeing of pupils and staff, and will therefore act to ensure that schools remain a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied permission to be on school premises has been temporarily revoked. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Executive Headteacher. However, complaints about barring cannot be escalated to the Department of Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

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

If the complainant feels that the school has acted unreasonably in the handling of the complaint, he/she can complain to the Department for Education or the Independent Schools Inspectorate 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 or authority would act in the same circumstances.

**The Department for Education (DfE)** can't investigate individual complaints about private schools. But it has certain powers as a regulator if the school is not meeting standards set by DfE for:

- education
- pupil welfare and health and safety
- school premises
- staff suitability
- making information available to parents
- spiritual, moral, social or cultural development of students

DfE will consider any reports of a major failure to meet the standards. It can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure serious failings are dealt with. The DfE can ask the school inspectorates to take minor complaints into account when the school is next inspected.

You can complain to the DfE by filling in the online form school complaints form.

[https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen)

Or by telephoning **DfE helpline** 0370 000 2288, Monday to Friday, 9am to 5pm

**The Independent Schools Inspectorate (ISI)** is a government approved inspectorate responsible for the inspection of Association independent schools. It gets its authority from **Section 162A Education Act 2002**. The Independent Schools Inspectorate cannot investigate individual cases or disputes about fees. It cannot investigate complaints for children who no longer attend the school.

Independent Schools Inspectorate  
CAP House  
9-12 Long Lane  
London EC1A 9HA

concerns@isi.net or call 020 7600 0100

[www.isi.net/parents-and-pupils/concerns-about-a-school](http://www.isi.net/parents-and-pupils/concerns-about-a-school)



**Appendix A**

**Roxeth Mead School Formal Complaints Form Stage 2**

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i> Date received:	Signed:
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**Appendix B**

**Roxeth Mead School Formal Complaints Form Stage 3 (please circle as appropriate)**

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email address	
Reasons for requesting a Stage 3 Complaint Review / Panel (reasons why you feel your concerns have not been fully addressed so far and any evidence that you feel has not been fully considered)	
Which element(s) of your complaint remain unresolved from the previous stage?	
What outcome are you seeking from the Stage 3 Complaint Review / Panel?	

Signed:

Date:

<p><i>Official use</i> Date received:</p>	<p>Signed:</p>
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