

Complaints Policy

Introduction

Rossett School aims to provide an outstanding service to the community it serves. We are committed to working in partnership with stakeholders to ensure we continue to improve. Occasionally there may be a need to express a complaint and our Complaints Policy explains how they will be resolved.

Background

The Education Act 2002 requires governing bodies of schools to have a procedure to deal with complaints about the school and any facilities or services that the school provides. The procedure must also be publicised. The school has accordingly adopted a complaints procedure in accordance with the following principles.

Please note: all complaints will remain confidential except where the Secretary of State or inspecting body requires access to such information.

Definition of a complaint

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides.

Principles of the procedure

- **Informal resolution** - if possible, complaints will be resolved through informal discussion and negotiation.
- **The procedure will be easy to understand and to use** - the language will be simple and can be made available in different languages and formats where necessary.
- **Publicity and accessibility** - the procedure will be available on the school website.
- **Impartiality and confidentiality** - all complaints will be dealt with impartially and subject to the need to investigate the matter fully, in confidence.
- **Time limits** - complaints will be dealt with within clear time limits and everyone will be kept fully informed.
- **Support** - complainants will be encouraged to be supported by a friend or adviser.
- **Full and fair investigation** -
 - the complaint will be fully investigated
 - if necessary and at the discretion of the Chair of Governors an independent person will be appointed by the Chair to conduct the investigation
 - the principles of fairness and impartiality will be fully observed at all times
 - if the complaint is justified appropriate redress will be offered
- **Addressing any problems** - any issues identified through the investigation of the complaint as requiring action will be addressed.
- **Support for staff** - staff will be given the same level of support as the complainant
- **Anonymous complaints** - will be investigated but only insofar as it is possible and practicable.
- **Vexatious complaints** - will be assessed to decide whether any new issues have been raised. If so then these will be investigated in accordance with the Complaints Procedure.
- **Training** - all staff will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.
- **Persistent complainants** - complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.



Complaints Procedure

This procedure does not cover those areas of school life for which other procedures exist including:

- Staff grievance and capability procedures
- Staff disciplinary procedures
- Child protection investigations
- Admissions appeals
- Exclusions appeals
- Appeals against the decisions of the LA about a child's special education needs and provisions

In cases of complaints involving the following areas, the Headteacher may seek advice from the school's lawyers:

- Human Rights
- Race Relations
- Sex Discrimination
- Disability Discrimination
- Age Discrimination

Procedure

Informal Stage

- Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's class teacher, year team or a senior member of staff. Everything possible will be done at this stage to resolve the matter.
- If the concern cannot be resolved by informal means then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with a copy of this procedure.

Formal Complaint - Stage One - Investigation by a designated member of staff/Headteacher¹

- Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear;
- If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Headteacher who will make a written note of the complaint and agree it with the complainant;
- Where the complainant's first approach is made to a Governor on any issue of complaint, the Governor will refer the complainant to the appropriate contact person, usually the Headteacher, and advise the complainant about the procedure. The Governor will then inform the Chair of Governors of the initial approach.
- The designated member of staff/Headteacher will send an acknowledgement within 5 working days of receiving the written complaint and will confirm:
 - details of the complaint to be investigated
 - who will be investigating the complaint
 - that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale
- The complaint will be recorded;
- The designated member of staff/Headteacher will investigate the complaint in accordance with the principles of the Complaints Policy;
- The designated member of staff/Headteacher will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The school will seek guidance from its lawyers before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of Governors and how to do this.

Formal Complaint - Stage Two - The Chair of the Governing Body

- Requests for a stage two investigation must be in writing and addressed to the Chair of Governors at the school;
- The Chair will send an acknowledgement within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The request will be recorded;
- The Chair will investigate the complaint in accordance with the principles of the Complaints Policy;

¹ If the complaint is about the Headteacher then the complaint should be dealt with by the Chair of Governors. In the event of the complainant remaining dissatisfied the complaint should then proceed to stage three.

- The Chair will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek guidance from the school's lawyers before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Committee and how to do it.

Formal Complaint - Stage Three - Complaints Review Committee Hearing

- Requests for a stage three hearing must be in writing and addressed to the Clerk to the Governing Body at the school;
- The Clerk will acknowledge the request within 5 working days of receiving the request.
- The Complaints Review Committee will consist of at least 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 aim of the Committee will always be to establish the facts and resolve the complaint and achieve reconciliation between the school and the complainant.
- The investigator at Stage 1 will be invited to attend the hearing to present the school's case.
- If written submissions are to be made by the Headteacher they should be submitted to the Clerk at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.
- At least 7 working days prior to the meeting the clerk will:
 - notify all parties of the date, time and place of the hearing;
 - the complainant will be informed that they may attend and be accompanied at the panel hearing if they wish;
 - provide all parties with a copy of any written representations submitted;
 - provide all parties with details of the format of the hearing;
 - ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
 - confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.
- The Chair of the Complaints Review Committee (CRC) will ensure that:
 - the considerations and findings of the CRC are recorded by a clerk or suitably qualified person;
 - the remit of the CRC is explained to all parties and each party has the opportunity of putting its case without undue interruption;
 - the issues are addressed;
 - key findings of fact are made;
 - parents and others attending, who may not be used to speaking at such a hearing, are put at ease;
 - the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - the panel is open minded and acts independently;
 - no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
 - each side is given the opportunity to state its case and ask questions;
 - written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;

- The panel will ensure that:
 - the hearing respects the rights of all parties;
 - witnesses are only required to attend for the part of the hearing in which they give their evidence;
 - after introductions, the complainant is invited to explain the complaint and be followed by any witnesses;
 - the Headteacher may question both the complainant and the witnesses after each has spoken;
 - the Headteacher is then invited to explain the school's actions and be followed by any witnesses;
 - the complainant may question both the Headteacher and the witnesses after each has spoken;
 - the panel may ask questions at any point;
 - the complainant is then invited to sum up the complaint;
 - the Headteacher is then invited to sum up the school's actions and response to the complaint;
 - the Chair explains that both parties will hear from the panel within a set time scale;
 - both parties will leave the hearing together whilst the panel decides on the issues.
- Within 5 working days following the hearing the clerk shall:
 - inform all the parties concerned in writing of the findings and recommendations of the Committee;
 - the findings and recommendations will be available for inspection on the school premises by the governing body and the Headteacher
 - if the Committee has agreed to request the lawyers to review the process by which the committee arrived at its decision then all parties will be informed of this;
 - the complainant will also be informed that if he/she remains dissatisfied then they may contact the Education Funding Agency (EFA). Details of the EFA's procedure can be found on the 'Complaints about academies' page on the Department for Education (DfE) website. Complaints can be sent in writing to the Academies Central Unit (Academies Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry CV1 3BH or by telephone to the DfE Public Communications Unit on 0370 000 2288.
 - the Secretary of State is not required to intervene in every case that is brought to his attention but will always consider whether, in light of the information provided to him by a complainant, he should exercise his powers;
 - the Secretary of State cannot intervene just because he would have made a different decision to that of the school and will only do so where he is of the view that there is some practical value or worth or purpose to be served in doing so
- If the complainant has exhausted all avenues of appeal and tries to reopen the same issue, the Chair of Governors will inform him/her in writing that the procedure has been exhausted and that the matter is now closed.

Recording Complaints

- The Headteacher will ensure that the formal complaints are recorded and reported to Governors.
- A written record will be kept of all complaints and of whether they are resolved at the preliminary state or proceed to a panel hearing



It will help us if you use this form to make your complaint but please write a letter if you prefer, covering all the points on the form. Please continue your answers on a separate sheet if there is not enough space on this form. When you have filled in the form, send it to The Headteacher, Rossett School, Green Lane, Harrogate, HG2 9JP. If you need any help completing this form please contact the Headteacher. We will only process your personal data in order to respond to your complaints. In general it will be used for administrative and statistical purposes.

Your name	Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other		
	First name (BLOCK CAPITALS)		
	Surname (BLOCK CAPITALS)		
Your address	Postcode:		
Daytime tel. no.		Mobile tel. no.	
Email address			
Do you have any special requirements for example if English is not your first language, disabilities?			
Have you contacted the school about this matter before?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, who did you contact, when and how?			
Have you received a reply?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If so, when was this?			

Your complaint: (Please tick if attaching a letter <input type="checkbox"/>)

How would you like to see the matter resolved? Please use additional sheets if required

If you have any documents to support your complaint, please send them with this form. Please tick the box if you would like them returned to you.

We will send an acknowledgement within 5 working days of receiving your communication and will tell you what is happening. If a further response is required, this should reach you within 20 working days.

Signature: _____ Date: _____

FOR OFFICE USE ONLY

Complaint reference

Date Received

Acknowledgement sent

Substantive reply sent

SUMMARY PROCEDURE TIMELINE FOR FORMAL WRITTEN COMPLAINT

Informal stage: Parental concern received by class/form teacher, year team or senior member of staff who deals with the matter informally and tries to resolve the matter

Within 5 working days



Formal Complaint: If the matter cannot be resolved informally a parent has the option of pursuing a formal complaint by completing a complaints form which should be sent to the Headteacher

Acknowledgement to be sent within 5 working days of receipt



The Headteacher will investigate the complaint and give written response. If the parents are satisfied the complaint is concluded. If the parents are not satisfied then they have the right to appeal to the Chair of Governors.

Within 20 working days of receipt



Chair of Governors receives complaint

Acknowledgement to be sent within 5 working days of receipt



Chair of Governors conducts an investigation and reaches a conclusion (if lengthy investigation required then holding reply sent). The Chair of Governors will then respond in writing indicating that if the complainant is dissatisfied with outcome, then they have the right of appeal to governors' Complaints Review Committee (CRC)

Within 20 working days



Parents send their appeal addressed to the Clerk to the Governing Body

Acknowledgement to be sent within 5 working days of receipt



All parties will be informed of the date of the CRC meeting and paperwork sent as per agreed procedures

At least 7 working days prior to the meeting



Complainant receives a written response from CRC

Within 5 working days following the hearing



If complainant feels the governing body is acting or is proposing to act unreasonably he/she should be advised to address their complaint to the Education Funding Agency: northacademiesenquiries@efa.education.gov.uk



Frequently Asked Questions

Bringing your concern or complaint to the attention of the school

Will I have to fill out any forms?

You do not need to fill out any forms to discuss your concern or complaint with either a member of staff, the Headteacher or the Chair of the Governing Body. If you are not satisfied with the outcome of your discussions you can then submit a formal complaint and this will have to be done in writing. The school's Complaints Procedure will tell you how to proceed and it includes a simple form to complete if you wish.

How do I let the school know that I have a concern or complaint?

Contact your child's form tutor or year team staff and let the school know as soon as possible that you have a concern or a complaint and give the school the opportunity to investigate the matter properly. Most concerns or complaints can be sorted out this way. Remember, do not leave it too long to report your concern because it can be difficult to investigate something that happened some time ago. It is also helpful if you can provide a short written statement of your concern or complaint. This will help to avoid any misunderstanding and provides a written record of your concern or complaint.

What if my complaint is about the Headteacher?

You will need to write to the Chair of Governors at the school and explain your complaint. The Chair will investigate your complaint. This may include meeting with you. You may be accompanied at any meeting by a friend or adviser but it is courteous to tell the Chair that you will be accompanied. The Chair will then write to you with the outcome of his/her investigations.

What happens if I make a formal complaint?

The Headteacher or Chair or designated member of staff will investigate your complaint fully. This may include meeting with you to discuss the matter. You may be accompanied by a friend or adviser to any meeting. Once the investigation is completed you will be informed of the outcome in writing.

What if I am not satisfied with the outcome of the investigation?

You can write to the Clerk to the Governing Body at the school and ask that your complaint be considered by the Complaints Review Committee of the Governing Body. The Committee will not include any governor who was involved in the prior investigation of the complaint or who has prior knowledge of the complaint. The Clerk to the Governing Body will arrange a hearing by the committee and you will be invited to attend the hearing (with a friend or adviser) to explain your complaint.

The Clerk will write to you and make sure that you are kept fully informed and guide you through the procedure.

After the hearing the Chair of the committee will write to you and let you know the committee's decision.

If I am still not satisfied is there anything else that I can do?

Once the committee has made its decision then that is the final step in the school's Complaints Procedure. If you feel that the governing body has acted or intends to act unreasonably or that it has failed to discharge its duties then you can contact the Education Funding Agency (EFA)
northacademiesenquiries@efa.education.gov.uk