

Complaints Policy and Procedure

This Complaints Policy aims to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and that it is resolved as soon as possible to the satisfaction of all concerned. Rosebery School values good home/school relations, therefore the school will do everything it can to establish and maintain them.

This Complaints Policy applies to all concerns and complaints of parents of children at Rosebery School, other than those involving child protection issues or relating to admissions, exclusions and SEND, for which there are statutory procedures. Where a complaint is made against a member of staff depending on the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

General principles

- The school will encourage and carefully consider all feedback, whether positive or negative, and will review policies and practices accordingly.
- All decisions made will be done so as a result of a balanced and considered assessment of the information presented and the reasons underpinning such decisions will be disclosed to all parties involved.
- The school will endeavour to keep parents informed about all aspects of school life in a variety of ways, including parents' evening; reports; newsletters; social media, and will regularly seek parental feedback through a variety of mechanisms, including, questionnaires, information events, workshops in order to mitigate the need for formal complaints to be made.
- The Governing Body expects the school to treat all concerns and complaints seriously and courteously and to ensure that procedures for dealing with complaints are readily available to parents and carers.
- The Governing Body also expects parents and other complainants to behave respectfully towards all members of the school. In particular, any disagreement with the school should be expressed following the procedures laid out in this policy so that it can be rapidly addressed. Complaints made through inappropriate methods, such as via social media will not be considered in the same way.
- Governors and school staff are to be made aware of this policy and will be made familiar with the procedures for dealing with parental concerns and complaints.
- Governors and staff will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or for specific groups.

Process

The school's complaints procedure consists of four stages:

Stage 1: Informal

Stage 2: Formal complaint to the Headteacher

Stage 3: Review of the complaint by the Chair of Governors

Stage 4: Review of the complaint by the Complaint Panel

If a complaint is about the conduct of the Headteacher, the Chair of Governors will investigate the complaint under Stage 2 of this Complaints Policy instead of the Headteacher. The Vice-Chair of Governors will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of Governors. If a complaint is about the conduct of the Chair of Governors, the Headteacher will consider the complaint under Stage 2 of this Complaints Policy as normal,

and the Vice-Chair of Governors will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of Governors.

Resolution

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school.

Outcomes

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed without their consent.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed without their consent.

Stage 1: Informal

The school expects that most concern and difficulties, where a parent or child seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

The complaint should be raised as follows:

Education issue

If the matter relates to the classroom or the curriculum, the complainant should speak to the class teacher or the appropriate middle or senior leader; this might include the Head of Department, the Head of Year, the Assistant Headteacher Inclusion or a Deputy Headteacher. All contact details can be found on the school's website.

Pastoral care issue

If the matter relates to an issue outside the classroom, the complainant should speak to the Form Tutor or Head of Year in the first instance and then a Deputy Headteacher if necessary.

Disciplinary matters

Any complaint about a disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If this is not resolved, then the complainant should address this with the Head of Department or Head of Year, or a Deputy Headteacher if necessary.

Resolution

A record of the complaint should be kept by the member of staff dealing with it, noting the nature of the complaint, the action taken, and the resolution reached. Where resolution has not been achieved within ten working days of the original complaint, then the complainant can submit the complaint under Stage 2 of this policy.

Should a concern or difficulty be raised with a member of staff who believes that they are not the most appropriate person to deal with it, they will refer it to the right person, and they will inform the complainant who will now be managing their complaint.

If a complaint is raised with a member of staff who believes that it raises serious issues which should be dealt with as a formal complaint, the member of staff will advise the complainant to put their complaint in writing to the Headteacher under Stage 2 of this Policy.

Stage 2: Formal complaint to the Headteacher

Any serious matter which requires formal investigation should be set out in writing and sent to the Headteacher at the school. The complainant should set out the complaint, the relevant dates, the full names of the persons involved and what the complainant believes the school should do to resolve the complaint. Any documentation relied upon by the complainant should be attached to the formal complaint.

The formal complaint will be acknowledged within 5 working days of receipt and an investigation will then take place. The Headteacher will personally oversee this, however s/he may delegate aspects of the investigation to a Deputy Headteacher, particularly if there is the need to meet with a number of students or staff members during the investigation. Throughout the investigation, written records will be kept, and any written statements will be signed and dated by the person who has provided it.

Where appropriate the complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

Where a formal complaint has been made under this stage of the policy, the Headteacher will write to the complainant within ten working days from the date that the complaint was received. This will advise of the actions taken by the Headteacher during the investigation and the conclusion reached. The letter will inform the complainant that should they be unhappy about the outcome of the Stage 2 complaint that they should then write to the Clerk to the Governors within five working days, requesting that their complaint be reviewed by the Chair of Governors under Stage 3 of the Complaints Policy.

Stage 3: Review by the Chair of Governors

If the complainant is unsatisfied with the outcome of the complaint investigation under Stage 2 of the Complaints Policy, the complainant may write within five working days of receiving the outcome of the Stage 2 complaint, to the Clerk to the Governors asking for the Stage 2 complaint investigation to be reviewed by the Chair of Governors.

The complainant should not repeat their complaint but should set out how and why they do not accept the findings made under Stage 2.

The complainant's letter will be acknowledged within five working days of receipt. The Chair of Governors will then be provided with all documentation relating to the complaint within five working days of the receipt of the request for a review to be carried out. The Chair of Governors will only speak to the persons involved in the matter to clarify issues which were not confirmed during the Stage 2 investigation.

If the Chair of Governors deems it appropriate the complainant will be offered the opportunity to meet with the Chair to discuss the issues raised. This will usually take place after the review has been completed with the aim of achieving a mutually acceptable resolution.

The Chair of Governors will write to the complainant confirming the outcome of the review within 15 working days of the receipt of the request for a review. This letter will inform the complainant that if they are unhappy about the outcome of the review that they can request a Complaint Panel hearing under Stage 4 of the Complaints Policy.

On occasion the Chair of Governors may delegate the review of the complaint in accordance with the procedure above.

Stage 4: Review by the Complaint Panel of Governors.

Should the complainant believe that the review has not achieved an acceptable outcome, they can contact the Clerk to the Governors within 5 working days of receipt of the outcome letter to request a hearing of the complaint by the Complaint Panel, the membership of which will be two governors and a third member who will be independent from the running of the school, and with no previous involvement in the matter.

Very few concerns reach this formal stage. A formal complaint is heard when all previous stages have been undertaken and the issue remains unresolved. The complainant should indicate in writing to the Clerk why the findings of stages 2, 3 and 4 are not acceptable to them. The Complaint Panel is not a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.

The school will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3, known as the School's Representative. The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel who will be the Clerk to the Governors.

The Panel hearing will take place within 15 working days of receipt of the complainant's request.

The procedures to be followed by the Complaint Panel are to be found in Appendix 1 of this Policy.

Notification of the Complaint Panel's Decision

The Clerk to the Complaint Panel will write within ten working days of the Complaint Panel Hearing to the:

- complainant;
- the School's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the school's premises for inspection by the Governing Body and the Headteacher.

Appendix 1

Procedures for the Complaint Panel Hearing

1. Convening the Complaint Panel Hearing

After selecting the Complaint Panel members, the Clerk to the Complaint Panel will write to the complainant within five school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Complaint Panel within three school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Clerk to the Complaint Panel will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within fifteen working days of receipt of the Complainant's request, unless there are exceptional circumstances. The Clerk to the Complaint Panel will write to the complainant confirming the date of the Complaint Panel Hearing within five school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within fifteen school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

2. Documentation

The Clerk to the Complaint Panel will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure, (if applicable), the original letter of complaint, any documentation provided by the complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the complainant, the School's Representative and the three Complaint Panel members. The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Complaint Panel to arrive at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Complaint Panel to forward it to the School's Representative and the Complaint Panel members.

3. Witnesses

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness. If the complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Complaint Panel at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Complaint Panel to forward it to the School's Representative and the Complaint Panel members. Witnesses under the age of eighteen other than the complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of the school involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious.

4. The procedure for the Hearing itself

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the complainant, the complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The complainant will be invited by the Complaint Panel to give an account of their complaint;
- The School's Representative will be invited to ask the complainant questions, if any;
- The Complaint Panel will ask the complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- The School's Representative will be invited to ask the complainant's witness questions, if any;
- The Complaint Panel will ask the complainant's witness questions, if any;
- the complainant's witness will be asked to leave the room;
- If the complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School;
- The complainant will be invited to ask the School's Representative questions, if any;
- The Complaint Panel will ask the School's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know;
- The complainant will be invited to ask the School's witness questions, if any;
- The Complaint Panel will ask the school's witness questions, if any;
- The school's witness will be asked to leave the room;
- If the school has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The complainant will be invited by the Complaint Panel to summarise their complaint;
- The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance;
- The Complaint Panel Hearing will conclude and the complainant and the School's Representative will be asked to leave.

5. The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

Recommendations

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.