



Complaints Procedure



1.0 Introduction:

This policy has been written in line with the guidance from DfE: **Best practice advice for school complaints procedures 2016**. The majority of issues raised by parents, the community or pupils are concerns rather than complaints. Titus Salt School is committed to taking concerns seriously and improving the school in response to feedback. Our aim is to resolve concerns informally. If we are unable to do this you may wish or be asked to follow the school's formal Complaints Procedure. For the school to be able to investigate a complaint, it needs to be made within three months of the incident occurring. If a complaint is older than one term it will not normally be investigated. The School will attempt to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

Aims of the Complaints Procedure

- To encourage resolution of problems by informal means wherever possible
- To be simple to understand and use
- To be impartial
- To be non-adversarial
- To allow swift handling within time limits that the complaint may dictate
- To ensure a full and fair investigation by an independent person where necessary
- To respect people's desire for confidentiality
- To address all the points at issue and provide a response and appropriate redress, where necessary
- Where necessary, to provide information to the school's Senior Leadership Team so that services can be improved.

It is important to be clear about the difference between a concern and a complaint. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a Complaints Procedure need not in any way undermine efforts to resolve the concern informally.

The DfE guidance offers the following distinction:

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Concerns can be raised with members of staff, Subject and Faculty Leaders and members of the Pastoral Team which includes Form Tutors, Assistant Year Leader and Year Leader. It is the intention of the school that all members of staff are able to resolve concerns or escalate to a member of staff who is able to. Parents/carers are asked to contact these members of staff in the first instance before making a request to meet with the Head teacher. It may often be the case that if a request is made to the Head teacher, after an initial review the decision may be made to delegate a member of the Senior Leadership Team or a Year Leader or Faculty Leader to deal with a complaint.

If a concern cannot be resolved to the satisfaction of a parent/carer then a complaint may be made in writing to the Headteacher which, following a review may lead to instigation of the formal procedure.



2.0 The School Managing Concerns and Complaints Policy has four main stages:

- Stage 1 – Raising a concern with a member of staff
- Stage 2 – A Complaint is made in writing to the head teacher.
- Stage 3 – A Referral to the Chair of Governors.
- Stage 4 – A Complaint is heard by Governing Body's Complaints Appeal Panel.

2.01 Stage 1 – Raising a concern with a member of staff

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the member of staff concerned. If it is felt that it is not appropriate to discuss the concern with the member of staff then a parent may request contact with the Subject or Faculty Leader or a member of the Year Team if it is a pastoral matter. It is the intention that through either a telephone conversation or in-school meeting that a concern can be resolved and no further action required. A level of appropriate support may be required for the pupil and this will be agreed through this process.

On some occasions the concern raised may require investigation, or discussion with others, in which case the member of staff may seek support for this or escalate the concern to other relevant members of staff. An update on proceedings will be provided at regular and agreed intervals until the concern is resolved. However, if a parent is not satisfied with the result at Stage 1 then the concern can be escalated to a member of staff within the Senior Leadership Team including the Head teacher. If a concern becomes a complaint then a letter of complaint should be received by the Headteacher within ten working days of the conclusion of the concern process. The letter of complaint should clearly set out the nature of the complaint, actions that have taken place and an indication of what actions of resolution the school could take. The school will then consider your concern as a complaint and move to Stage 2.

2.02 Stage 2 – Complaint made in writing to the Headteacher

If a concern is not resolved at Stage 1 and becomes a complaint, then a letter of complaint should be received by the Headteacher within ten working days of the conclusion of the concern process. The letter of complaint should clearly set out the nature of the complaint, actions that have taken place and an indication of what actions of resolution the school could take. An acknowledgement of the letter of complaint will be made within two working days of receipt.

Any written complaint to the Headteacher will be reviewed and may lead to an investigation of the complaint. If there is the need for an investigation then it may well be that this is delegated to another member of staff to complete with findings that will be presented to the Headteacher.

Depending upon the outcomes of the investigation either the Headteacher or member of staff with delegated responsibility will either:

- Post or email a written response on the actions being taken or



- Arrange a meeting to discuss the matter further. If possible this meeting will take place within 10 school working days of the receipt of the complaint.

If the complaint is not resolved at Stage 2 then the matter can be escalated to Stage 3 which is a written letter of complaint to the Chair of Governors at the school address within 10 school working days of getting the response marking the envelope 'Private & Confidential'. This will then be referred directly to the Chair of Governors.

2.03 Stage 3 – Referral to the Chair of Governors

If a complaint is not resolved at Stage 2 then the matter can be escalated to Stage 3 by writing a letter of complaint to the Chair of Governors at the school address within 10 school working days of receipt of the response from Stage 2. The letter of complaint at Stage 3 should be in a sealed envelope marked 'Private & Confidential'. This will then be referred directly to the Chair of Governors.

The Chair of Governors will review the documentation and may speak to the persons involved. He/she will then mediate between the persons involved to attempt a resolution. The Chair of Governors will give a written response within 10 school working days of receipt of the written complaint. If the complainant believes the response from the Chair of Governors is not sufficient or appropriate then the complaint can be escalated to Stage 4 - an appeal can be made within 10 working days to a Governing Body Complaints Panel.

N.B. Complaints against the Headteacher

In cases where the matter concerns the conduct of the Headteacher, a written complaint should be sent 'For the Attention of the Chair of Governors' to the school and marked Private & Confidential. The Chair of Governors will refer the matter for investigation directly to a Governing Body Complaints Panel. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint. The above procedure will then be followed.

2.04 Stage 4 – Complaint heard by the Governing Body's Complaints Appeal Panel

If a complaint is not resolved at Stage 3, then the Chair of Governors will pass the matter for consideration to a Governing Body Complaints Panel. The Clerk to Governors or a nominated governor will convene a panel of usually 3 governors. If at all possible, the hearing will take place within 10 school working days of the receipt of the written request for a Stage 4 investigation.

The aim of the Appeal Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the panel's decision in writing within 5 school working days after the date of the hearing. The letter will also contain information on how to escalate the matter further if not resolved by the school at Stage 4. The Governors Appeal Panel Hearing is the last school-based stage of the complaints process.



3.0 Remit of the Complaints Panel

The panel can:

- 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.

There are several points which any Governor sitting on a Complaints Panel needs to remember:

- a) It is important that the 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. In deciding the makeup of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which will always be held in private, will always be to resolve the complaint and attempt to achieve reconciliation between the school and the complainant. However, it has to be recognised 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 their complaint has been taken seriously.
- c) The panel will expect the investigator(s) to be available for clarification.
- d) If the panel calls witnesses (in very rare circumstances), it will acknowledge that many complainants 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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- e) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.
- f) The Governors sitting on the panel need to be aware of the Complaints Procedure.

If a complaint is not resolved at Stage 4, the final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to:

The School Complaints Unit (SCU)
Department for Education
2nd Floor
Piccadilly Gate
Manchester
M1 2WD

3.01 What will the Department for Education do?



If a complaint has exhausted the local procedures, School Complaints Unit (SCU) will examine if the school's 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.

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.

3.02 Vexatious Complaints

If properly followed, this Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. 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 need
- The complainant has been given a clear statement of the school's position and their options (if any)
- 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:

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

3.03 Investigating Complaints

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 (if unsure or further information is necessary)
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct any interview with an open mind and be prepared to persist in the questioning
- make detailed and accurate notes of the interview.



3.04 Recording Complaints

All documentation and information retained in relation to the investigation of a complaint will be treated in confidence unless there is a specific reason which would require disclosure for example a referral in relation to Safeguarding. All formal complaints will be recorded. A complaint may be made in person, by telephone or in writing (including via email). At the end of a meeting or telephone call, it is helpful if the member of staff tries to ensure that the complainant and the school have the same understanding. A brief note of meetings, telephone calls or emails should be kept and a copy of any written response added to the record.

The member of staff dealing with the complaint is responsible for the records and will ensure their safe keeping.

3.05 Resolving Complaints

At each stage in the procedure the school will keep in mind ways 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 the light of the complaint.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

It is recognised that an effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. There will be occasions when the school, or Governing Body, feel there is no case to answer but will undertake to explain their findings to the complainant.

3.06 Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. To this end, this Complaints Procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant informed with an explanation for the delay. In all cases, the needs of the students are paramount and any issues requiring immediate action take precedence.

4.0 Roles and Responsibilities



4.01 The Role of the Clerk

All meetings of panels or groups of Governors considering complaints will be clerked. The clerk is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient and that the venue and proceedings are accessible
- record the proceedings
- seek clarification on specific issues if requested by the chair
- notify all parties of the panel's decision
- minute a further meeting with the complainant if the chair deems it appropriate.

4.02 The Role of the Chair of the Governing Body or the Nominated Governor

The nominated Governor role:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel
- decide whether it warrants calling witnesses (this would be in very rare circumstances)

4.03 The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is clear
- the issues are addressed
- key findings of fact are made
- the panel is open minded and acting 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
- if a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it
- *if witnesses are called, each party has the opportunity of putting their case without undue interruption and that parents and others, who may not be used to speaking at such a hearing, are put at ease.*

4.04 Notification of the Panel's Decision

The Chair of the Panel will ensure that the complainant is notified of the decision, in writing, with the panel's response. The letter will explain the decision is final and there is no further right of appeal. The Chair may offer to explain/clarify the decision.