



# Complaints Procedure 2019-22

**Approved by:** The RPHS Governing Body **Date:** June 2019

**Last reviewed on:** June 2019

**Next review due by:** June 2022

# Complaints Procedure

## Introduction

The governors of Raynes Park High School are committed to ensuring that the highest standards are maintained at the school both in the provision of education to students and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents/carers and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the governing body to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

If the complainant is a member of the public, that person should obtain a complaints form from the school (see appendix B) and send it to the Headteacher. She may often be able to deal with the complaint without recourse to a formal procedure. (Complaints from members of the public under the fluency duty are covered by this policy.)

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act in an individual basis and it may also prevent them from considering complaints at stage 3 of the procedure.

If the complaint is about an individual governor, group of governors or the governing board as a whole, it should be addressed to the clerk to the governing board who will determine the appropriate persons/board to deal with the complaint.

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. (See appendix A and appendix B.)

Anonymous complaints are not normally investigated. But, the Headteacher or chair of governors will, if appropriate, consider whether the complaint warrants an investigation.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

This policy does not cover certain types of complaints, which are dealt with under separate procedures. These include:

- Any complaint relating to child protection (These will immediately be raised with the local authority (LA) for them to handle)
- Complaints arising through conflict between estranged parents/carers over the application of parental responsibility. (These will be dealt with having the best interest of the child in mind and with reference to the DFE guidance '*Understanding and Dealing with Issues Relating to Parental Responsibility January 2016*' and with further legal advice if necessary)
- SEN complaints – addressed under the SEN procedures

- Complaints by staff – addressed under the school’s internal staff disciplinary policy
- Admissions – addressed under the admissions and admissions appeals procedure
- Student exclusions – address under the school’s behaviour/exclusion policy
- Whistle blowing – (matters of impropriety eg a breach of law, school procedures or ethics) – addressed under the whistle blowing procedure
- Complaints about the curriculum – if about the national curriculum, these should be sent to the DFE
- Complaints about school re-organisation – these should be referred to the local authority
- Complaints against services provided by third party hirers of the school premises – the school will direct the complainant to the external provider’s own complaints procedures
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010 – the general complaints procedure applies but the complainant has a further right of appeal to the Special Educational Needs and Disability First-tier Tribunal).

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

If a complaint is investigated according to the school’s policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed. However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the school’s complaints procedure.

The same applies to ‘duplicate’ complaints by a relative or friend of a previous complainant who seeks to reopen a closed issue. However, if the duplicate complaint contains new allegations then these must be considered under the school’s procedure.

Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

## **Objectives and targets**

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised, including to third parties who hire school premises
- Be simple to understand and use
- Be impartial
- Be compliant with the school’s obligations under the Equality Act 2010
- Be 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 people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services can be improved

### **Action plan**

At Raynes Park High School, the Headteacher has overall responsibility for the operation and management of the school complaints procedure. In practical terms, the Headteacher will nominate a senior member of staff as complaints co-ordinator to deal with matters on a day-by-day basis and hold records relating to any complaints received. The name of this member of staff is readily available from the school office or from any member of staff. Complaints from anyone who is not a parent of a student currently attending the school, should be addressed to the Headteacher in the first instance.

It is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/head of year/ head of house/ assistant head before being referred to the Headteacher. The informal stage of the procedure will be exhausted before the matter is referred to the formal stages and a complaint form issued (see appendix B). If any substantial complaint is made to a member of staff by a parent it will be referred to the line manager or Headteacher, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

A complaint from a member of the public will usually be dealt with by the complaints co-ordinator or Headteacher. If the issue goes on to the formal procedure, it is often appropriate to start at stage 2.

### **Roles and responsibilities of the participants in the investigation of a complaint**

#### **The complainant**

The person who makes the complaint will receive the most effective response to the complaint if he/she:

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

#### **The governors**

When responding to, or making criticism or complaints affecting the school, all governors must follow the complaints policy and procedures as agreed with the school leadership and management.

#### **The complaints co-ordinator (or Headteacher)**

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (the complaints co-ordinator), must:

- Ensure that everyone involved in the complaint procedure is aware of the legislation around complaints including:
  - The Equality Act 2010
  - Data Protection Act 1998 and the General Data Protection Regulation (from May 2018)
  - Freedom of Information Act 2000
  - Be aware of issues regarding:
    - Sharing third party information
    - Additional support for the complainant when making a complaint including interpretation support
- Liaise with staff members, Headteacher, chair of governors and clerk to ensure the smooth running of the complaints procedure
- Ensure that the complainant is fully updated at each stage of the procedure
- Keep records

### **The investigator**

The investigator is involved in stages 1 and 2 of the procedure. They investigate the complaint and will ensure that they:

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

The investigator's role will include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved
  - Interviewing staff, students and other people relevant to the complaint
  - Consideration of records and other relevant information
  - Analysing information
- Effectively liaising with the complainant and the complaints co-ordinator 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
- Responding to the complainant in plain and clear language

### **The review panel**

The review panel will normally be composed of three school governors, and it is good practice not to involve the chair of governors. The school may use their own governors, but it is also permissible under the School Governance (Collaboration) England Regulations 2003 to have a panel composed of independent governors from other schools. The aim of the review panel meeting is to review how the school has managed the complaint, not to re-investigate 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. The panel should also give consideration to achieving reconciliation between the school and complainant, although it has to be recognised that this is not always possible.

### **The panel clerk (this could be clerk to the governors or the complaints co-ordinator)**

This could be the clerk to the governors or the complaints co-ordinator if s/he is not the Headteacher.

The clerk is involved from stage 3 of the complaint procedure. The panel clerk is the contact point for the complainant for the panel meeting and will:

- Set the date, time and venue of the hearing, ensuring 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

### **The panel chair**

The panel chair will ensure that:

- He/she liaises with the clerk and complaints co-ordinator
- 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
- The panel is open-minded and acts independently
- The layout of the room is informal and not adversarial
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a youngster)
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- While the hearing is conducted in an informal manner, all matters brought up will be considered seriously
- The role 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 meeting is minuted
- The issues are addressed
- Both the complainant and the school are given the opportunity to state their case and seek clarity where necessary
- Key findings of fact are made.
- Written material is seen by everyone in attendance
- If a new issue arises, a short adjournment of the hearing will take place so that everyone will have the opportunity to consider and comment upon it

### **Panel members**

Panel members become involved at stage 3 in the complaint procedure. They need to be aware that:

- The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant
- The panel hearing is independent and impartial, and must be seen to be so
- Many complainants will feel nervous and inhibited in the setting.
- Extra care must be taken when the complainant is a youngster and present during all or part of the hearing, and the welfare of the youngster is most important

### **Stages in the procedure**

There are three stages in the school's complaints procedure. See appendix A for a flow chart. At each stage in the procedure, we will remain mindful of 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 light of the complaint

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Raynes Park High School expects any complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances). Once a formal complaint has been received, the school's cut-off timeframe will apply to both parties. However, the school will consider exceptions to this time-frame from both parties if necessary.

### **Stage 1 – informal – complaint heard by staff member**

A complaint may be made in person, by telephone, or in writing. In this stage, the investigator, ie the class teacher/ head of year/tutor (but not the subject of the complaint or a governor), will deal with the complaint. Most parents'/carers concerns can be adequately resolved by discussion with the class teacher/form teacher/head of year/tutor or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents/carers to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The complaint should be resolved within five school days. However, if the complainant wishes to take the matter further, they are requested to complete the complaints form (appendix B) and return it to the school within five school days. The Headteacher is informed and stage 2 is implemented.

### **Stage 2 – formal– complaint heard by Headteacher or senior staff member**

If the concern is not met to the complainant's satisfaction by discussion, then:

- The complainant puts the complaint in writing using the complaints form (appendix B)
- The initial recipient of the complaint will refer the matter to the investigator eg the Headteacher or to a designated member of the senior management team
- The Headteacher, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or students and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher or designated member of staff will consider the complaint but it will be the Headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within ten school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

Complaints against the Headteacher will usually be dealt with by the chair of governors, but might first involve a suitably skilled member of the governing body.

Complaints against the chair of governors or any individual governor should be made by writing to the clerk to the governing board.

Complaints about the governing body as a whole should also be referred to the clerk. In some circumstances, the school reserves the right to refer the matter to an external body.

The complainant will be informed of his or her right to have the matter referred to the governors' complaints appeal panel if the outcome of stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is five school days. Any such request by a complainant should be addressed to the clerk to



the governors for the attention of the chair of governors and the governors' complaints appeal panel will be convened.

### **Stage 3 – formal – governors' complaints appeal panel meeting**

When the clerk to the governors receives the request for the governors' complaints appeal panel to meet:

- The complainant/parent will be informed by the clerk of the new timescale for the investigation and written report to be provided – within 15 school days. (However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed 15 school days, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.)
- A governors' complaints appeal panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally have a clerk in attendance.
- If the complainant requests an independent panel, the school will consider the request but ultimately the decision is made by the governors.
- The clerk will write to the complainant, the Headteacher, the chair of governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The clerk will inform the complainant of the right to be accompanied by a friend.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see appendix C) will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the governors' complaints appeal panel.

After the hearing, the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within five school days so that no additional complaints will arise because of the record of the meeting.

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 procedures to ensure that similar problems do not recur

The governors' appeal panel's decision is final.

A copy of the findings and recommendations of the panel will be sent by letter to the complainant and, where relevant, to the person complained about, and will be available for inspection on the school premises by the Headteacher.

## **If the complainant is still not satisfied**

If the complainant is still not satisfied after all the processes of the school's complaints procedure have been undertaken or tries to re-open the same issue, the chair of governors will inform them in writing that the procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the school.

If complainants wish to take the complaint further, they may approach

- The local authority (LA)
- The School Complaints Unit (SCU) of the DFE. The SCU will then decide whether they, or another organisation, would be best placed to respond to the complaint. The SCU will not re-open the complaint but will check that the procedures in the school's policy and other relevant policies were followed correctly and that the policy meets all legal requirements. The complaints form is available at:  
[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1).

Complaints to the SCU may also be sent to:

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

Telephone helpline: 0370 000 2288.

## **Recording complaints**

The progress of any complaint and the final outcome will be recorded by the complaints co-ordinator. These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Headteacher. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix B). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

## **Publicising the policy and procedure**

Raynes Park High School's complaints policy and procedures is referred to in many of the school's other policies and details of the school's complaints policy and procedures are included, as appropriate, in:

- The information given to new parents/carers when their children join the school
- The information given to the children themselves
- The home-school agreement
- Documents supplied to community users, including course information or letting agreements

- A specific complaints leaflet which includes a form on which a complaint can be made (see appendix B)
- The school website

### **Unreasonable complaints**

The school is committed to dealing with complaints fairly and impartially and to providing a high quality service to those who do complain. However, we do not expect our staff to accept unreasonable 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

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically in a way that could be described as:

- 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

Where aggression or abusive behaviour has been used, the school may have to:

- Ask them to leave the school premises
- Inform the police

- If necessary, bar them from being on school premises. The school will give the complainant 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 complainant and either confirmed or lifted. If the bar is confirmed, the complainant will be given an explanation as to how long the bar will be in place (usually 3 months).

### **Serial or persistent complaints**

We do not normally limit the contact complainants have with the school but it is not helpful if repeated correspondence is sent or repeated requests for meetings are made while a complaint is being progressed. Such situations may occur when the complainant:

- 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/or by telephone while the complaint is being dealt with
- 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
- Where complainants 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 six months

### **Monitoring and evaluation**

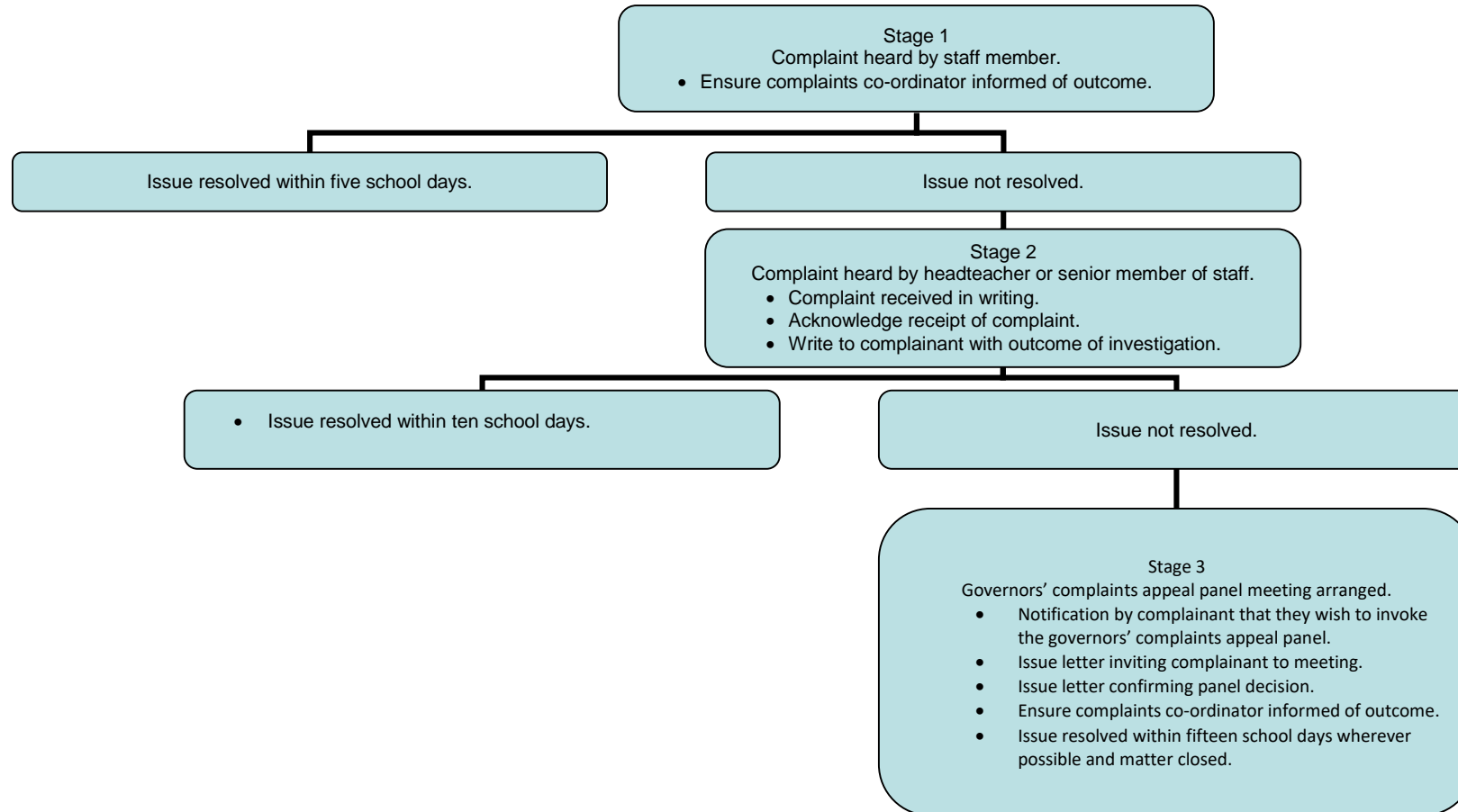
The governing body will monitor the level and nature of complaints using the records kept by the complaints co-ordinator. Wherever possible, complaints information shared with the whole governing body will not name individuals. The policy will be evaluated in the light of complaints made and their resolution in order to contribute to school improvement.

Should the DFE advise the school that the policy or procedures need to be amended, these will be effected as soon as possible. Where changes in legislation require changes to the policy, these will also be introduced as soon as possible.

### **Reviewing**

The governing body will review the outcomes of the monitoring exercise on an annual basis to ensure the effectiveness of the procedure and make changes where necessary.

## APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after stage 3, the complainant will be advised of how to take their complaint further if they so wish.

## APPENDIX B: COMPLAINTS FORM

Please complete and return to the Director of Operations who will acknowledge receipt and explain what action will be taken.

Your name:

Relationship with School (eg parent of a student on the school's roll):

Student's name (if relevant to your complaint):

*Your relationship to the student:*

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?  
(Who did you speak to and what was the outcome)?

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 Form received:

By whom:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## **APPENDIX C: CHECKLIST FOR A PANEL HEARING**

The governors' complaints appeal panel needs to take the following points into account:

- The hearing is as informal as possible
- 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 their complaint, and be followed by their 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 the school's 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 their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale