

COMPLAINTS POLICY AND PROCEDURE

<u>Latest review:</u>	March 2022
<u>Reviewed by:</u>	SLT/MG
<u>Governors review:</u>	March 2022, Audit Committee
<u>Next review date:</u>	March 2023

Introduction

The governors of Tiffin School are committed to ensuring that the highest standards are maintained at the School both in the provision of education to pupils 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 of current Tiffin pupils 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.

This policy meets the standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7), which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils. It also follows best practice guidance for academies complaints procedures (March 2021).

The policy and procedure refers to complaints brought by parents/carers of current pupils at Tiffin School. Complaints from other people will be considered separately by the Complaints Co-ordinator, but will not be subject to the formal procedures described in this policy.

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

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.

Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. The informal stage of the procedure will be exhaustively applied before the matter is referred to the formal stage at which point a complaint form is issued, together with a copy of the school's complaints procedure guidance.

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

- • SEN complaints – addressed under the SEN procedures
- Complaints by staff – addressed under the School's grievance procedure or other personnel policies.
- Complaints about staff – investigated under the school's internal staff disciplinary policy.
- Admissions – addressed under the admissions and admissions appeals procedure.
- Whistle-blowing – addressed under the whistle blowing procedure.
- Student exclusions – addressed under the Behaviour and pupil discipline Policy
- Complaints relating to internal assessment decisions for GCSE and A level qualifications are addressed by the Examinations Policy
- Allegations of abuse against staff - Allegations of Abuse Policy
- Any complaint relating to child protection
- Complaints against services provided by third party hirers/users of the school premises – the school will direct the complainant to the external provider's own complaints procedures.

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; the complainant is not entitled to participate in the proceedings or receive any detail about them.

Any complaint will be kept confidential unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised
- Be simple to understand and use.
- Be impartial.
- 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 Tiffin 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.

Complaints arising through conflict between estranged parents over the application of parental responsibility will be dealt with through this policy. They will be dealt with having the best interest of the child in mind, with reference to the DfE guidance Understanding and Dealing with Issues Relating to Parental Responsibility September 2018, and with further legal advice if necessary.

Anonymous concerns or complaints are not normally investigated. However, the headteacher or chair of governors will, if appropriate, consider whether the complaint warrants an investigation and decide what stage of the procedure needs to be invoked.

In general, any written complaint should be addressed to the Headteacher, although it is expected that attempts will be made to resolve difficulties informally with the class teacher/form teacher/head of year/tutor before being referred to the Headteacher. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage and a complaint form issued.

Tiffin school expects any concerns or complaints to be made as soon as possible after an incident arises. Complaints will not be considered more than 2 months after the incident occurred.

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint makes 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).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

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 of the steps that have been or will be taken to try 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.

Stage 1 – informal – complaint heard by staff member

In this stage, the class teacher/form teacher/head of year/tutor (but not the subject of the complaint or a governor) will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher/form teacher/head of year/tutor or with other members of staff. If it is a specific complaint concerning the curriculum, the complaint should be first addressed to the subject teacher and head of the relevant department to be resolved informally. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. The complaint should be resolved within ten 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 ten 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 should refer the matter to 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 pupils and to call for any relevant documentation.
- If a complaint concerns the conduct of the Headteacher or a governor, then the matter will be referred to the Chair of Governors to nominate a member of the governing body to investigate. In some circumstances, the school reserves the right to refer the matter to an external body.

- 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 and decide what action is required. They will respond to the complainant with the outcome of the investigation, normally within 25 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.

The member of staff designated to investigate the complaint will endeavour to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing to establish what has happened and who has been involved
- clarification of the nature of the complaint and what remains unresolved
- consideration of records and other relevant information
- interviewing staff and students and other people relevant to the complaint, allowing them to be accompanied if they wish
- analysing information
- identifying solutions and recommending courses of action to resolve problems
- being mindful of the timeframes to respond
- responding to the complainant in plain and clear language

The member of staff designated to investigate ensures that they:

- meet with the complainant or contact them (if unsure or further information is necessary)
- effectively liaise with the complainant to clarify what the complainant feels would put things right
- conduct meetings with an open mind and be prepared to persist in the questioning
- keep notes of the meetings themselves or arrange for a note taker to do this on their behalf (such notes being to assist the Investigator and not recorded as minutes)

Once the member of staff designated to investigate is satisfied that, so far as is practicable, all of the relevant information relating to the complaint has been reviewed, they will make a decision.

They can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part: in other words, they 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.
- Reject the complaint

Complainants will be informed of this decision and the reasons for making it, in writing. The complainant will be informed of his or her right to have the matter referred to the governors' complaints panel if the outcome of stage 2 is not considered satisfactory. The time frame in which

any appeal must be lodged in writing is ten school days. Any such request by a complainant should be addressed to the Clerk to the Governors and the governors' complaints panel will be convened.

Stage 3 – formal – governors' complaints panel meeting

The aim of the Complaint Review Panel meeting is to review how the school has managed the complaint, not to re-investigate the complaint itself. This will include reviewing 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.

When the Clerk to the Governors receives the request for the governors' complaints panel to meet:

- The complainant/parent will be informed by the clerk of the date of the panel hearing. **The complainant should 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 3 Complaint Review.**
- A governors' complaints 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. One of the members of the panel must be independent of the School. The meeting will additionally have a clerk in attendance.
- The clerk will write to the complainant, the Headteacher, the chair of governors and panel members giving details of the meeting, and requesting copies of any new additional documents to be put before the meeting
- The clerk will inform the complainant of the right to be accompanied by a friend. No party is able to bring legal representation with them.
- The Panel will not normally invite others to the hearing, nor will pupils normally attend any hearing. However, the Panel may determine if they wish to invite any other interested person whom the Panel considers to have a reasonable and just interest in the Review and /or has first-hand knowledge of the circumstances of the complaint, and whose contribution would assist the Panel in their decision making. Where the complaint regards a member of staff, the staff member who is the subject of the complaint, may be invited at the panel's discretion to attend. They may be accompanied by a friend or colleague. Any witnesses invited by the panel are only required to attend for the part of the hearing in which they give their evidence
- Apart from those invited, the panel will sit in private

The hearing will be on reasonable notice and be held within 30 school working days after receipt of the referral, dependent upon the availability of the Panel Members. The Panel reserves the right to convene the Review at their convenience rather than that of the complainant. The complainant will be informed of the date. If this date fails to be suitable or the complainant cancels the Review at the last minute for whatever reason, then the Panel may opt to conduct the Review without either the school or the complainant being represented. Their considerations will be based

on the documentation previously provided by both parties. This is to ensure that the matter is resolved as soon as possible in the best interests of all parties.

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 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 procedures to ensure that similar problems do not recur.

The panel's decision is final.

The School will endeavour to abide by timeframes stated under each stage of the procedure but acknowledges that 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 to inform them of this.

A copy of the findings and recommendations of the panel will be sent by letter or email 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, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they may write to the Education and Skills Funding Agency who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- The procedures in the school's policy and other relevant policies were followed correctly.
- The school has complied with its funding agreement with the Education Secretary.
- The policy meets all legal requirements.

Unreasonable complaints

The School reserves the right not to review complaints considered at the sole discretion of the Headteacher or Chair of Governors to be unreasonable.

Where a complainant raises an issue that has already been dealt with via the School's complaints procedure, and that procedure has been exhausted, the School will not reinvestigate the complaint.

If a complainant persists in raising the same issue, the Chair of Governors will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The same applies to 'duplicate' complaints by a relative or friend of a previous complainant who seeks to re-open a closed issue.

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

- refuses to co-operate with the School's relevant procedures.
- changes the basis of the complaint as the complaint progresses.
- seeks an unrealistic outcome.
- acts in a way that is abusive or offensive.
- 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 to their own timeframes
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- 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
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or 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

The Headteacher will use his discretion to choose not to investigate these complaints. Where he decides to take this course of action, he must inform the Chair of Governors that he has done so,

explaining the nature of the complaint and why he has chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

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

Details of Tiffin School's complaints policy and procedures are included on the School website.

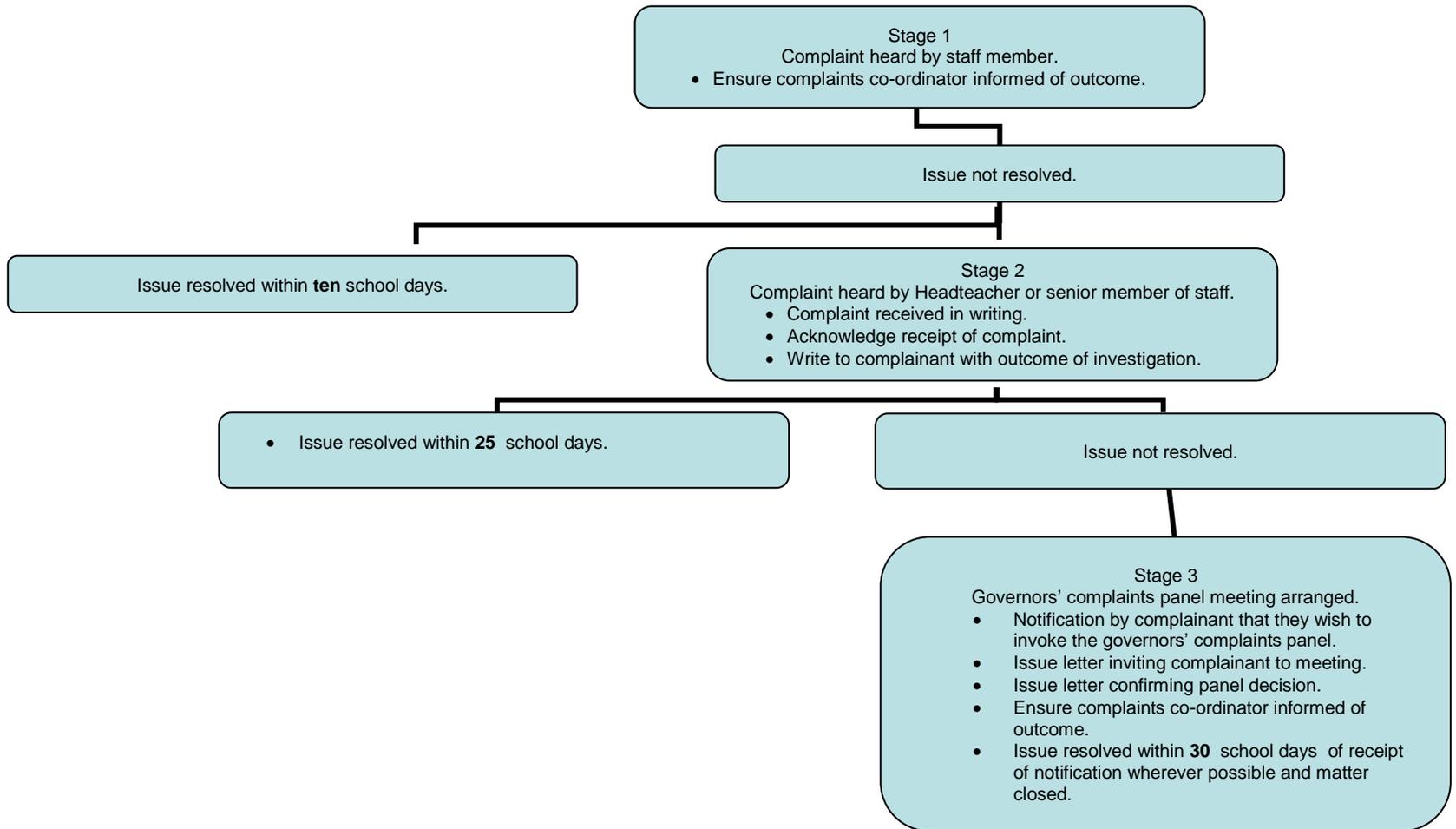
Monitoring and evaluation

The governing body's Audit Committee will monitor the level and nature of complaints using the records kept by the Complaints Co-ordinator. 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 and changes made to the policy where necessary.

Reviewing

The governing body's Audit Committee will review the outcomes of the monitoring exercise regularly to ensure the effectiveness of the procedure and make changes where necessary.

APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



APPENDIX B: COMPLAINTS FORM

Please complete and return to (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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 response)?

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 acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX C: CHECKLIST FOR A PANEL HEARING

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

- The hearing is as informal as possible.
- After introductions, the complainant is invited to explain their complaint,
- The Headteacher (or the delegated member of staff) may question the complainant
- The Headteacher is then invited to explain the school's actions
- The complainant may question the Headteacher
- 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.

The Role of the Clerk to the Governors in a Review:

The Review will be serviced by the clerk to the governors or their deputy. The clerk is the contact point for the complainant and will:

- Set date, time and venue of the Review, ensuring the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the Review within the timeframes set out above
- Meet and welcome the parties as they arrive at the Review
- Take minutes of the proceedings
- Circulate the minutes of the Review to all parties, such minutes being a summary of the discussion, but not including the Panel's deliberations
- Notify all parties of the Panel's decision

The Role of the Chair of the Panel:

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

- The Review is minuted
- The remit of the Panel is explained to the complainant and both they and the Headteacher have the opportunity of addressing the Panel without undue interruption
- The issues are addressed
- The Panel are able to ask questions at any point
- Parents/carers and others who may not be used to speaking at such a meeting are put at ease
- The Review is conducted in an informal manner with everyone treating the other with respect and courtesy
- 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
- Written material is seen by everyone in attendance.
- There is liaison with the Clerk and complaints co-ordinator