




## Tiverton High School

### Complaints Policy and Procedure

| Status                          | Statutory  |
|---------------------------------|--|
| Nominated prime author          | <b>DfE Best Practice Guidance January 2021/DCC model policy</b>                      |
| Policy to be implemented by     | <b>All staff and governors</b>   |
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| Date approved                   | <b>23.06.21</b>  |
| Signature of Chair of Governors |  |

## Who can make a complaint?

At Tiverton High School (THS) we greatly value our reputation for caring for our pupils. We also attach great importance to working closely with parents/carers, families and our local community. **This complaints procedure is not limited to parents or carers of children registered at THS.** From time to time things may go wrong, or appear to go wrong <sup>(1)</sup>, and when this happens we want to discuss the problem or situation as quickly as possible in order to resolve it, learn from any mistakes and help to strengthen the understanding and relationships between all of those involved.

In special cases we will consider a complaint from someone on behalf of a parent or carer, but this would be if the parent/carer has language difficulties or some disability affecting communication with the school and we would need to see written consent from the actual complainant.

## Complaints or concerns

There is a difference between a concern and a complaint. A concern can most often be resolved quickly and informally. It is mainly a worry or doubt about an issue which may be important and for which reassurance is needed. A complaint is an expression of dissatisfaction about something which has happened or which has not happened. Either of these should initially be raised directly with members of staff, either in person, by telephone or in writing (letter or email). It is in everyone's interests that they should be dealt with as quickly as possible, and many issues can be resolved informally without the need to use the formal stages of the complaints procedure.

Concerns should be raised with either the class teacher or the Headteacher. If the issue is not resolved the next step is to make a formal complaint. Please provide brief written reasons for your complaint, simply detailing the facts as you have observed them and what you feel about this (we suggest using the Complaint form attached). We may ourselves decide that a concern which clearly cannot easily be resolved is best treated via the complaints procedure.

## How to raise a complaint

Complaints should be raised **within 3 months** of an incident (or from when you become aware of the incident), although this could be longer in exceptional circumstances. If a complaint involves a particular member of staff, or a special needs issue, it should be made directly to the Headteacher. Please mark your written complaint "private and confidential".

Complainants should not approach a chair of governors or individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also

<sup>(1)</sup>There are various policies on the School website which you may find helpful in clarifying School procedures and objectives. These include for example Anti-bullying, Attendance, Behaviour, Health and Safety, Safeguarding and Equality.

prevent them from considering complaints at Stage 4 of the procedure. We have one nominated Complaints Governor who will act as investigator if a complaint reaches Stage 3.

If you have difficulty in discussing a concern with a particular member of staff the Clerk to the Governors, who is also the Complaints Administrator, is the right person to contact about who to talk to. Formal complaints about THS staff should be addressed to the Headteacher via the school office, complaints about the Headteacher to the Complaints Governor, and complaints about governors to the Clerk to the Governors. Email addresses are on the THS website.

We will not normally investigate **anonymous complaints**.

### **Resolving complaints**

At each stage in the procedure THS wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one of more of the following

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure that the event complained of will not recur
- an explanation of the steps that have or will be taken to help ensure that it will not happen again and an indication of the timescales for changes
- an undertaking to review school policies in the light of the complaint
- an apology

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint we will ask them to do this in writing.

Although Devon's **Local Authority** has no formal responsibility for resolving complaints, its officers can provide advice and guidance to both schools and parents. Mediation is sometimes helpful, especially where there is a special needs issue. The LA is at County Hall Exeter and the general phone number is 01392 383000.

The school has a **legal duty of care** which requires that any complaint brought to its attention which suggests that a child has been or might be at risk of significant harm through violence, emotional abuse, sexual interference or neglect, may be referred without further notice to Devon's Children and Young Person's Service or to the police. If either of these decide to investigate a situation, this may postpone any investigation by the school of a particular complaint.

If a complainant commences legal action against THS in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to it until those proceedings have concluded.

There are also some areas of school life where **exceptions to the complaints procedure** apply (See Appendix 1).

### **The Process**

Our complaints process has four possible stages for complaints against the school, including those involving individual members of staff.

The procedures for complaining about the Headteacher or governors (whether one governor or the whole governing body) are slightly different and these are summarised separately.

- 1. Informal investigation.** The staff member who has received the concern will gather any information needed. If they are themselves in some way involved it may be more appropriate to pass it on to a colleague or more senior teacher. In some cases a phone call or letter of explanation may be enough to resolve the issue, but otherwise a meeting may be arranged for an informal discussion. Parents may bring a friend or partner to such a meeting if they wish. If they feel that it is necessary for the Headteacher to be involved at this stage they are welcome to ask for this.

In most cases a satisfactory conclusion will be reached at this meeting. If a need for more information emerges a second meeting or phone call may be needed. The final outcome will be put in writing by the staff member responsible, detailing any steps agreed to prevent similar problems arising in future. In the rare cases where no agreement proves possible, the complainant can make a formal complaint to the Headteacher if they so wish (Stage 2).

**Target timings; initial response within 24 hours, resolution within 10 school days.**

- 2. Complaint to the Headteacher.** This is for complaints not resolved at Stage 1, and any serious complaints against individual staff, which go straight to Stage 2. A request for a Stage 2 complaint following on from Stage 1 should be made within 10 school days of the letter summarising the outcome of the informal investigation.

The Headteacher will reply asking if necessary for any clarification, and also if appropriate what outcome the complainant is seeking. The Headteacher will decide whether a face to face meeting is the best way to do this. The Headteacher may delegate investigation to a senior member of staff, but not the decision to be taken. Investigation may include interviews with others involved, of which a written record

will be kept. The Headteacher will either produce a written response or organise a discussion meeting at which a resolution can be reached before this is put in writing. The final response will be as full an explanation as possible of what happened, whether decisions have been taken in relation to this and of any actions which will help to improve matters in future.

Complaints against staff will if appropriate be dealt with under the school's disciplinary procedures, and complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint, although they will be informed that the matter is being addressed.

Complainants should try to limit their communication with the school while their complaint is being progressed. Repeated correspondence or telephone calls are not helpful and can delay an outcome being reached.

**Target timings: a Stage 2 complaint acknowledged within 24 hours; an initial meeting, telephone conversation or letter from the Headteacher within 5 school days and resolution of complaint within 10 school days from that point. The complainant should reply within 10 school days to say whether they are satisfied with this response.**

3. **Complaint referred to the Complaints Governor.** If no resolution is reached at Stage 2, and the complainant wishes to take the matter further, the complaint must be referred to the Complaints Governor via the school, marked "private and confidential", and any further communications must be sent to them and not to the Headteacher.

A request for a Stage 3 complaint following on from Stage 2 should be made within 10 school days of the Headteacher's letter summarising the outcome of Stage 2.

The Complaints Governor will acknowledge receipt of the complaint, assess the material from Stage 2 and decide whether other information needs to be collected within the school or from the complainant. Advice may be taken from the Local Authority. The Complaints Governor will provide a written decision as soon as is practical and will explain the reasons for any delay at this stage. If this decision does not achieve resolution, the complainant will be advised that they can ask for a hearing by a governors' committee which will consider it afresh.

**Target timings: Stage 3 complaint acknowledged within 2 school days; letter of resolution to be sent 10 school days from receipt of the complainant's request to refer to Stage 3. The complainant should reply within 10 school days to say**

**whether they are satisfied with this response or whether they wish to proceed to Stage 4.**

- 4. A Committee hearing by a panel of three governors.** If the complaint is not resolved at Stage 3, then three governors who have no personal previous knowledge of the complaint will form a panel and consider the complaint at a formal hearing. The panel may include governors from another school if necessary.

The Committee panel will elect their own chair, who will decide whether to seek the services of the Local Authority in advising on the procedure. They will be supplied with all previous written material and will interview any key members of staff or witnesses requested by the complainant which the chair agrees that the Committee should hear.

The chair will make the proceedings as informal as possible. Each side will explain their point of view and each will be able to question the other. Panel members will be able to question any participants. The complainant may bring a relative or friend in support, and a school employee may wish to bring a union representative, but generally legal representation will not be necessary for either side, and if a complainant commences legal action against the school in relation to the complaint the procedure may have to be suspended until this has been concluded. The meeting is otherwise private and representatives of the media are not permitted to attend. Recording will be allowed if the complainant's special needs require it and the chair agrees. Minutes will be taken and made available to the complainant.

At least 10 school days before the meeting the Clerk will confirm the complainant's availability, ask whether they will bring any witnesses to the hearing, and request copies of any new written material from them, while providing any new material from the school. The Committee will not however be considering any new complaints. If the complainant cannot attend and does not accept two further offers of a date, the meeting will be held without them on the basis of written submissions only.

The Committee's decision on whether to uphold all or part of the complaint, and what actions now remain to be taken, will be sent to the complainant by the Clerk within 10 school days. If the complainant is not satisfied with this and believes that the complaint has not been handled according to the school's policy, or that the school has acted unlawfully or unreasonably, they may complain to the Department of Education (School Complaints Unit, 2<sup>nd</sup> Floor, Piccadilly Gate, Store St, Manchester M1 2WD or [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school) or National Helpline 0370 000 2288).

**Target timings; meeting date to be offered 10 school days from receipt of the request. Once this is fixed any new material will be provided by either side at least 10 school days before the hearing. The Committee's decision together with the minutes will be sent within 10 school days from the conclusion of the hearing.**

### **Records of complaints**

Written records or emails, notes of telephone calls and interviews, minutes and the conclusions reached at the end of any stage will all be kept by the school in a secure form by the Clerk and according to the General Data Protection Regulations. The School will normally destroy complaints records after three years. A record of complaints which reach Stages 2, 3 or 4 will be kept in anonymised form and reviewed annually by the governing body.

### **Complaints about the Headteacher, governors or the whole governing body.**

These complaints follow a similar path, but complaints about the Headteacher should be made in the first instance to the Complaints Governor, who will invite the Headteacher to respond to the complainant in writing within 10 school days. The response will be sent to the complainant who will be asked to respond within 10 school days as to whether they are satisfied with the response. If they are not, the complaint will follow Stages 3 and 4 as above. Complaints about the Chair and Vice Chair of the governing body or the majority of governors should be sent to the Clerk and will be investigated as in Stage 4, either by an independent investigator from the LA or by a committee of independent governors from another school. Complaints about individual governors should also be sent to the Clerk and will be investigated by the Chair.

### **Possible outcomes from complaints**

The object of all investigation of complaints is to establish the facts about what has caused concern. This will enable the school to learn from many issues, ranging from simple misunderstandings, which can be improved by better communications, to failings which need to be addressed and prevented in the future.

The Headteacher may identify problems of organisation which can be addressed.

The Headteacher may arrange feedback and support to address any issues arising about a member of staff, and if they agree apologise on their behalf. However, complainants will not be informed about any disciplinary action taken against a member of staff as a result of a complaint.

The governing body may take action to improve school policy or procedures.

The School will not pay financial compensation as a response to complaints. Insurance is a matter for parents' private arrangements and the LA.

### Appendix I Exceptions to the Complaints Procedure

| Exceptions or partial exemptions   | Who to contact   |
|--|--|
| Admissions<br>SEN statutory assessments<br>School reorganisation proposals | The Local Authority , County Hall, Exeter  |
| Matters likely to require a Child Protection Investigation                 | If you have serious concerns you may wish to contact the Local Authority designated officer (LADO) or the MultiAgency Safeguarding Hub (MASH).See our Safeguarding Policy.   |
| Exclusion of children from school  | See our Behaviour Policy. Exclusions are the responsibility of the Headteacher. Complaints about the reasons for the exclusion may be made direct to the governors although they have no powers to reinstate the child. Further information can be found at <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> |
| Whistleblowing   | See our Whistleblowing policy. Complaints under this policy should be made direct to the Department for Education <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>   |
| Staff grievances   | These are dealt with under the school's internal grievance procedures  |
| Staff conduct complaints   | If appropriate these are dealt with under the school's internal disciplinary procedures. If arising from a complaint, complainants will be informed that the matter is being addressed, but not of any disciplinary action taken.  |
| Services provided on the school premises by other providers                | Complaints should be made to these providers directly  |
| The curriculum content as opposed to the delivery of the curriculum        | Complaints about curriculum content should be made to the DfE on <a href="https://www.education.gov.uk/contactus">https://www.education.gov.uk/contactus</a> . Complaints about the content of a daily act of worship should go to the Local Authority.  |

### Appendix II Duplicate or serial complaints



If the school receives the same complaint from a number of different parents, we shall of course be the more concerned to deal with it as quickly as possible. We will not however take each individual complaint through all the stages of the complaints procedure, but will try to resolve the situation with one communication to all complainants.

If a complaint has already been made and dealt with under this policy we will not re-open the complaint just because it is presented (without any significant changes) by another member of the family.

If a complaint has passed through all the stages of the THS complaints procedure, that complaint will be closed, even if the complainant is unhappy with the outcome. We will not continue to respond to what is essentially the same complaint when we believe that we have taken all reasonable steps to address the concern.

Schools occasionally find themselves receiving large numbers of complaints having become the focus of a campaign on the same subject from persons mainly unconnected with the school. In those circumstances a single response would be published on the school's website.

### **Appendix III Unreasonable and persistent complaints and unreasonable behaviour**

While THS is committed to dealing with all complaints fairly and impartially, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect them from behaviour that is abusive, offensive or threatening. This may arise in the course of a processing a formal complaint or when no complaint has been made but a parent, carer or other person engaged with the school has become particularly concerned with an issue or issues involving THS. We define unreasonable behaviour as that which makes excessive demands on school time by the frequency or nature of the contact with the school, whether in person, by writing, telephone or email, or amounts to aggressive or threatening behaviour towards staff. Examples are when somebody

- uses threats or abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- refuses to accept that certain issues are not within the scope of the complaints procedure
- refuses to explain a complaint or its grounds or the outcomes sought, despite offers of assistance
- refuses to co-operate with an investigation progress
- insists on a complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- repeatedly makes the same complaint despite previous investigations or responses concluding that it is either groundless or has been addressed

- raises large numbers of detailed but unimportant questions and insists that they are fully answered
- makes unjustified complaints about staff who are dealing with the issues
- changes the basis of a complaint as the investigation proceeds
- refuses to accept the findings of the investigation where the school's complaint procedure has been properly and fully implemented and completed, including referral to the Department of Education

**Steps the school may take.** When an individual's behaviour is causing a significant level of disruption, the Headteacher or Complaints Governor will if possible discuss the school's concerns with them informally before taking further action. If the behaviour continues the school will write explaining why the behaviour is unreasonable and asking them to change it. If this is not successful the school may

- lay down a communication plan which limits the number and/or nature of contacts by that individual with the school, to be reviewed after a fixed term
- in the case of persistent complainants, inform them that it will no longer respond to any of their communications on that subject

## Complaint Form

Please complete and return to (for informal complaints at Stage1) a staff member. If your complaint is not resolved at this stage, you can ask for it to be referred to the Headteacher (Stage 2). If this is a serious complaint about a member of staff, it should go to the Headteacher in the first instance. If you do not feel your complaint has been resolved at Stage 2, please ask for it to be referred to the Complaints Governor (Stage 3), and similarly you may want to ask the Complaints Governor to refer it to a Governors' Committee for Stage 4. All the original information will be passed on to the right person at each stage. There is no need to fill this form in again, but you may wish to write explaining why you feel your complaint has not been resolved.

If your complaint is about the Headteacher please return the form to the Complaints Governor, and if it is about a governor or governors, please return it to the Clerk to the Governors.

|  |
|--|
| -----<br>---                                       |
| <b>Your name</b>                                   |
| <b>Pupil's name , if relevant</b>                  |
| <b>Your relationship to the pupil, if relevant</b> |
| <b>Address</b>                                     |
| <b>Postcode</b>                                    |
| <b>Telephone number day</b><br><b>Evening</b>      |
| <b>Email</b>                                       |

**Please give details of your complaint, including whether you have spoken to anybody at The School about it.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so please give details**

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**Signature**

**Date**

**Date acknowledgement sent**

**By whom**

**Complaint referred to:**

**Date**