



400 YEARS OF EXCELLENCE

Complaints Policy

Policy approval date	July 2023
Policy review date	July 2024
Policy Lead	Ian Hawkins (Headteacher)
Governor or SLT approval	Governor Approval
Governor committee responsible for policy	Personnel

Introduction

This policy addresses the following regulatory requirements:

- Section 29 of the Education Act 2002
- Education (Independent Schools (England) Regulations 2014

In addition, this policy has been written with reference to the following publication:

DfE School Complaints Best Practice Advice (updated 12th March 2021).

The school has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect to be treated by the school in accordance with this Policy. The school is clear about the difference between a concern and a complaint.

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

Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the complaint informally. The school is well aware that it must maintain a robust and effective complaints procedure which:

- encourages resolution of problems by informal means wherever possible.
- is easily accessible and publicised.
- is simple to understand and use.
- is impartial.
- is non-adversarial.
- ensures a full and fair investigation by an independent person where necessary.
- respects people's desire for confidentiality.
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary.
- provides information to the school's senior leadership team so that services can be improved.

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Complaints which fall outside of the school's complaints procedure

Some complaints fall outside the school's complaints procedure, for example, admissions and exclusions. The full list can be viewed on the DFE website.

For non-parental complainants (no child enrolled at the school / no parental rights) there is no requirement by the DFE for the school to follow this policy in a complaint. We will consider all complaints and respond to them, however, the policy will not be applied to non-parental complainants.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Richard Hale School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded. The complaints process would not normally involve legal representation. Where a complainant seeks legal advice, the school will use its own legal representation to provide advice and guidance on the complaint and will act on this advice. This will create a delay in the timescale, and this will be communicated to the complainant. It may be that the complaint is dealt with through a legal process rather than the complaints procedure.

Stage 1 - Dealing with Complaints – initial concerns

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint, they should normally contact their son/daughter's Head of Year for pastoral concerns or the Head of Department for subject concerns. Where the concern is about the Head of Year or Head of Department the parents should contact the school via admin@richardhale.co.uk and the concern will be forwarded on to a member of the Senior Leadership Team so that the concern can be addressed.
- In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction.

Stage 2 – Complaint Heard by Headteacher

- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Headteacher, detailing the nature of their complaint and what action they would like taken as a result. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

- In most cases the Headteacher will speak to the parents concerned, normally within 10 school days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Headteacher to carry out further investigations.
- The Headteacher will keep written records of all meetings and interviews held in relation to the complaint. Electronic recordings of the meeting are not permitted unless a complainant's own disability or special needs require it.
- Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision or conclusion will be made, and parents will be informed of this decision or conclusion in writing. The Headteacher will also give reasons for their decision or conclusion.
- The Headteacher may delegate the task of collating the information to another staff member but not the decision or the action to be taken.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

Complaints about the Headteacher or member of the governing body must be made to the Clerk to the Governors via email which is available on the school website or via the school office. If the complaint is jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body, stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of the investigation, the independent investigator will provide a written response.

If the complaint cannot be resolved at Stage 2, the parents should put their complaint to the Chair of Governors by contacting the Clerk to the Governors at the School, requesting that the complaint moves to stage 3, detailing the nature of their complaint and what action they would like taken as a result.

Stage 3 – Complaint Heard by Panel

Following receipt of a written request by the complainant for their complaint to proceed to Stage 3, the procedures outlined below should be followed:

- The Clerk to the Governors on behalf of the Governing Body should write to the complainant to acknowledge receipt of the written request within 3 school days. The acknowledgment should inform the complainant that the Governing Body will arrange a Complaints Panel who will hear the complaint within 20 school days.
- The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, two of whom will be governors and one of whom shall be independent of the management and running of the school.
- The Clerk to the Governors should convene a meeting of the Panel within 20 school days. Failure to convene a Panel within this time will not invalidate the Panel's decision. The Clerk should be responsible for making all arrangements for the meeting, including the time and place of the meeting. The complainant, Headteacher (or senior representative from the school), any relevant witnesses and members of the Complaints Panel should be informed at least seven school days in advance of the date, time and place of the meeting.

The notification to the complainant should also inform him/her of the right to be accompanied at the meeting by a representative. The letter should also explain how the meeting will be conducted.

- The complainant nor the school will be entitled to bring legal representation to the panel hearing as these committees are not a form of legal proceedings. If it is appropriate that legal representation is required, this must be agreed by both sides in advance of the meeting.
- The Headteacher (or senior representative from the school) should be invited to attend the Complaints Panel meeting and to prepare a written report for the Complaints Panel in response to the complaint. Any relevant documents, including the school's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, at least 5 school days prior to the hearing.
- The Clerk or Panel will appoint a Chair for the meeting. The meeting should be recorded with appropriate minutes. Electronic recordings of the meeting are not permitted unless a complainant's own disability or special needs require it.
- The Complaints Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names and roles of everyone present and have the procedure explained to them at the beginning of the meeting.

The meeting should allow:

- The complainant (or their representative) to explain their complaint(s) [and what issues remain unresolved following Stage 3 of the Complaints Procedure].
- The Headteacher (or senior representative from the school) to explain the school's response.
- The complainant (or their representative) to question the Headteacher (or senior representative from the school) and/or other members of staff/witnesses about the school's response.
- Complaints Panel members to have an opportunity to question the complainant, the Headteacher and any witnesses, as appropriate.
- Final statements to be made by both the Headteacher (or senior representative from the school) and the complainant (or their representative).
- The Panel should then consider the complaint and all the evidence presented (without the presence of the complainant, the Headteacher (or senior representative from the school) or any witnesses) and reach a unanimous or majority decision regarding the complaint which may include dismissing the complaint in whole or in part or upholding the complaint in whole or in part.
- The Panel will then make recommendations as to the appropriate action to be taken to resolve the complaint. The recommendations of the Panel must be commensurate with the powers delegated to it and must not appropriate remedies that would have been available to the Complainant had he/she pursued different procedures or that are the province of other properly constituted hearings, panels or bodies under the school's policies or procedures or external published Guidance.

- Where appropriate, the Panel may recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Body at an appropriate time.
- Where appropriate to do so, recommend any further action.
- The Clerk to the Governing Body will send the Complainant, the Headteacher and Chair of Governors a written statement outlining the decision of the committee within seven school days of the hearing.
- The Clerk to the Governing Body will also send to the complainant and, where relevant, the person complained about, a copy of any findings and recommendations from the panel about the complaint within seven school days of the hearing.
- The findings and recommendations will also be available for inspection on the school premises by the proprietor and the Headteacher after seven school days of the hearing.
- The complainant will be informed of the process of contacting the Education and Skills Funding Agency (ESFA) should they feel that the correct procedures for responding to the complaint have not been followed or that their rights have been breached.

Should circumstances prevent the Clerk to the Governors acting as Clerk for the purposes of the complaint at Stage 3 another Clerk will be appointed.

If the complaint concerns the Chair and Vice Chair or the entire Governing body, or the majority of the governing body, Stage 3 will be heard by a completely independent committee panel.

Further Action

If a complaint has been through all the stages of the school's complaints procedure but the complainant remains dissatisfied, they can ask the Education and Skills Funding Agency (ESFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the ESFA can be found at:

The complaints about academies page on the Department for Education website:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>

Write to:

Academies Central Unit (Academy Complaints),
Education and Skills Funding Agency,
Earlsdon Park,
53-55 Butts Road,
Coventry, CV1 3BH

Telephone the Department's Public Communications Unit on 0370 000 2288

The ESFA cannot change the decision the school has made about a complaint though they can look at whether the school has dealt with the complaint in line with legal requirements. If the ESFA upholds a complaint against an academy it can do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage;
- ask the academy to change its complaints procedure so that it complies with legal requirements.

Records of the complaint

Copies of the minutes will be available to the complainant if requested. The minutes will include any necessary redactions, under the [Data Protection Act 2018](#) and [GDPR](#).

The school will keep a record of all complaints and the actions taken:

- record the progress of the complaint and the final outcome
- record whether the case progressed to a panel hearing
- record the action taken by the school or the trust, regardless of outcome
- determine who is responsible for these records and make sure the data is kept secure

We will ensure that records are kept for the necessary time period under the General Data Protection Regulations (EU) 2016/679 (GDPR).

If complainants have a right to copies of these records under the [Freedom of Information Act 2000](#), the [Data Protection Act 2018](#) and GDPR, these will need to be requested and they will be provided using the school's GDPR policy.

Vexatious or Persistent Complaints

If properly followed, the 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.

If the complainant tries to reopen the same issue, the Chair of the Panel or the Chair of the Governing Body will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed.

Complaint campaigns

If the school became the focus of a campaign and received large volumes of complaints:

- all based on the same subject
- or from complainants unconnected with the school

the school will respond by sending a template response to all complainants or by publishing a response on the school website.

Unreasonable Behaviour by Complainants

If a complainant acts in an unreasonable manner, for example:

- by insisting on moving to later stages of the procedure before earlier stages have been completed
- taking actions that are out of proportion to the nature of the complaint
- pursuing a complaint in an unacceptable manner by using threatening, intimidating or abusive language or behaviour
- continuing to pursue a complaint once the complaints procedure has been exhausted.

The school may inform the complainant that their behaviour is unacceptable and take any action appropriate to limit the impact of the complainant's behaviour on the school, its staff and its representatives. This could ultimately include limiting the complainant's contact with the school to written communication with a named individual unless in an emergency.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the school, by paragraph 7(25)(k) of the Education (Independent schools Standards) Regulations 2014; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.