

OUSEDALE SCHOOL

COMPLAINTS POLICY AND PROCEDURE FOR PARENTS AND CARERS

1.0 Purpose

- 1.1 This policy applies to any matters (other than matters relating to admissions, external examinations and exclusions which have their own processes), which has been raised with the School as a matter of concern, but which has not been capable of resolution and which the complaint or the school considers should be dealt with on a formal basis.
- 1.2 It is a pre-condition of the operation of this policy that the complainant shall have made reasonable attempts to seek a resolution to their concern before it becomes a complaint and shall have acted in relation to the matter in a reasonable, measured and proportionate way. The Headteacher/Chair of Governors will not allow a complaint to be pursued unless the precondition has been met. Parents/Carers may find it helpful to read our behaviour and other policies prior to raising a concern.
- 1.3 The Complaints Procedure provides a supportive framework for dealing with all matters relating to the conduct and actions of staff and the application of school procedures as they affect individual students. Some concerns or complaints may be outside the remit of this policy and will be dealt with through the grievance or disciplinary policies.

2.0 Before a concern becomes a complaint (stage 1 the informal stage)

- 2.1 Do not hesitate to contact the school if you are uneasy or dissatisfied about something. It is important not to let concerns build up into serious mistrust or irritation. We are as keen to see things run smoothly as you are - after all, we all want the best for the children.
- 2.2 When you contact the school, say what concerns you and try to find out the facts. You will be in a much better position to know if you have grounds for a complaint when you are in possession of all the facts. We may be able to give an explanation or fill in details which answer your concerns. Do not rely solely on your child's account or on information from other parent/carers.
- 2.3 We welcome telephone calls from parent/carers who wish to talk about a problem before it becomes a complaint. A telephone call is better than a letter, and a temperate letter/ e-mail is better than an ultimatum or threat of

action.

- 2.4. If a parent/carer approaches a member of the Governing Body directly, the Governor will direct that person to take the concern to the Headteacher.

Contacting the school

- 2.5. Talk to the right person. It may be tempting to "go straight to the top" but putting the problem to the Headteacher often escalates something that could have been better resolved at a lower level.
- 2.6 Your first line of approach is your child's Form Tutor or Pastoral and Academic Leader. These are the people who have immediate responsibility for your child's studies, pastoral care, discipline and involvement in school life. The Headteacher will pass any concerns to the form tutor and/or PAL to try and resolve informally.

3.0 The school's expectation of parent/carers

- 3.1 The school seeks to build a partnership with parent/carers in the education of their children. This Complaints Policy sets out how the school will deal with your concerns and complaints.

We would ask that, for your part:

- do not believe everything you hear - things are often not entirely the way they are reported (by children or by other parent/carers); children very much see things from their own point of view and important elements, circumstances and nuances of the story are often omitted in the version told to parent/carers;
- find out what your child is like in school - you may be surprised; children in school can be very different people from the way they are at home - sometimes for better and sometimes for worse;
- trust the school to resolve matters according to the aims and methods stated in this policy;
- seek information from the school where you need it;
- consider what the school has to say;
- disclose full and frank information which would help the school to resolve situations with integrity and justice;
- take seriously, and report without delay, any concerns or suspicions of bullying;
- do not involve your child inappropriately in your complaint - it is important that the child sees parent/carers and school working together to resolve differences or difficulties; the child should not be placed in a position where s/he appears impertinent, insolent, disobedient or acts inappropriately; remember that directly countermanding a teacher's instruction or

requirement is likely to make matters worse and bring confrontation rather than resolution.

4.0 Principles

4.1 We will do our best to ensure:

- Informal resolution of a concern wherever possible;
- It is dealt with fairly;
- There is a timescale which is adhered to;
- There is appropriate confidentiality.

5.0 What you can expect of the school at Stage one

5.1 The HR Manager, form tutor, PAL or Head of Department will carry out an investigation to establish the facts behind your concern. As part of any investigation, all relevant parties will be given an opportunity to comment

5.2 At the informal stage the school, where appropriate, will arrange for a meeting to take place with the person who has raised the concern prior to a letter or email being sent in response. This may be to the effect that:

- the concern is not substantiated by the evidence;
- the concern is substantiated in part or in full and an explanation and/or an apology given. However, details of the investigation or of any disciplinary procedures will not be released;
- there is insufficient evidence to reach a conclusion, so the concern cannot be upheld.

5.2 All correspondence statements and records relating to individual concerns will be kept strictly confidential except when they are required to be disclosed by staff.

6.0 Stage 2- Formal Stage

If the concern is not resolved at the informal stage, the complainant must complete the complaints form (Appendix 1) and write to the Headteacher within 7 working days of receiving the outcome of the informal stage. The Headteacher, or Chair of Governors, if the complaint is about the Headteacher, will acknowledge the complaint within 7 working days and aim to deal with the complaint within 14 working days.

6.1 All complaints will be investigated by an appropriate person; this may be a teacher, a senior member of staff, the Headteacher or an appropriate

governing body committee depending on the nature of the complaint. Complaints sent direct to the Governing Body Chair, unless about the headteacher, will be passed to an appropriate member of staff or a governor to deal with in the first instance. All parties will try to resolve complaints informally.

- 6.2 The complainant, and staff member, should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.
- 6.3 The investigator may meet with the complainant, who may be accompanied by a friend, to clarify the complaint.
- 6.4 The investigator will be responsible for collecting such other evidence, as deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, the employee may be accompanied by a work colleague or trade union representative. In addition to receiving a copy of the complaint, the member of staff will be provided with any additional evidence presented by the complainant or collected by the Headteacher.
- 6.5 The investigation will be undertaken as soon as possible and will be completed within fourteen working days of receipt of the formal complaint. The Headteacher or Senior Deputy Head will meet with the complainant and/or the member of staff concerned and inform them of the outcome. This outcome will also be communicated in writing. This may be to the effect that:
 - the complaint is not substantiated by the evidence;
 - the complaint is substantiated in part or in full and an explanation and/or an apology given. Some details may then be given of action the Headteacher/Senior Deputy Head may be taking to put matters right or an assurance, where appropriate, that the same thing will not happen again. However, details of the investigation or of any disciplinary procedures will not be released;
 - if there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- 6.6 The Headteacher will confirm that consideration of the complaint is now concluded.
- 6.7 If the complaint is about the Headteacher the Chair of Governors will organise for an investigation to take place and follow the steps 6.1- 6.4. The Chair will not investigate a complaint unless there has been some attempt to resolve it at an informal stage.

7.0 Stage 3- panel hearing

- 7.1 If the complainant is not satisfied with the response to the complaint the complainant may request the Chair of Governors organise a panel hearing Any such request must be made in writing within seven working days of receiving notice of the outcome from the Headteacher, and should include a statement specifying clearly any perceived failures.
- 7.2 The Clerk to the Governors will ensure one member of the panel is independent of the management and running of the school and other members of the panel have not been involved in the complaint.
- 7.3 The parent may be accompanied to the panel hearing by a friend.
- 7.4 The panel will also consider the school's response and carry out further investigations and/or interviews as appropriate.
- 7.5 The panel will aim to reach a final decision on the complaint and recommend An appropriate action as quickly as possible, normally within 7 school days after the panel hearing.
- 7.6 The panel will record in writing its findings and recommendations and these will be sent to the complainant, the Headteacher and, where relevant, the person complained about. This will normally be sent out within 14 school days of the hearing.

8.0 Timescales

- 8.1 A concern or complaint should be raised as soon as possible. Any concern/ complaint raised more than one month after the incident has occurred will not be considered, unless there are exceptional circumstances.
- 6.2 The designated timescales apply during term time and additional time will be required over school holiday periods.
- 6.3 Where the Headteacher or Chair of Governors is unable to comply with the timescales for reasons beyond their control for a stage 2 or 3 complaint, such as the complexity of the complaint or the availability of witnesses, either will inform the complainant, within seven working days of receipt of the complaint, when the outcome will be communicated.

7.0 Vexatious and anonymous complainants

- 7.1 There may be rare occasions when the complainant is deemed to be "vexatious". This could be because it is clear that the complainant has insufficient grounds for complaint and is seeking to annoy, or evidence has

been fabricated or that a complaint has been investigated and is found not to be justified, but the complainant persistently engages in making further accusations relating to the same issues.

- 7.2 Any such case will be dealt with on an individual basis but the Headteacher and Chair of Governors reserve the right to close the complaint if the complainant is deemed to be “vexatious”, and to determine that the matter is now concluded. It is vital that full notes of the reasons for this are made.
- 7.3 If a concern or complaint is raised anonymously it will be most likely ignored by all parties concerned.

8.0 The Role of the Chair of the Panel

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;

- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party 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; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties, the opportunity to consider and comment on it.

9.0 Notification of the Panel’s Decision

The chair of the panel will ensure that the complainant is notified of the panel’s decision, in writing, with the panel’s response; within 5 working days. The format for the panel hearing is contained in Appendix 2.

10.0 In relation to Part 7 of the Education (Independent School Standards) Regulations 2014 which all academies must follow Ousedale School will:

- a. keep all correspondence statements and records in strict confidence except when they are required to be disclosed by staff;
- b. keep a written record of all formal complaints, whether or not they are resolved at the preliminary stages, proceed to panel hearing or whether or not they are upheld and the action taken;
- c. disclose the number, findings and recommendations to Ofsted;

11.0 Where next?

If the complainant is not satisfied with the School's response at this stage he/she may complain to The Education and Skills Funding Agency (ESFA). They will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made by Academies. They can only investigate whether the Academy considered the complaint appropriately. If the ESFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

Complaints about academies should be sent:

- via the Department for Education's **schools complaints form**;
- by post to Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

Reviewed and approved by the Governors' Personnel Committee – 28th November 2019
To Full Governors – 9th December 2019
To be reviewed by the Personnel Committee - November 2022

APPENDIX 1: COMPLAINT FORM

Please complete and return to Clerk to the Governors who will acknowledge receipt.

Your name:
Student's name:
Tutor Group:
Your relationship to the student:

Address:

Postcode:
Day time 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:

APPENDIX 2: CHECKLIST FOR A PANEL HEARING

The 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.