

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



## 1. Introduction

The school endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- a) Fairly
- b) Openly
- c) Promptly
- d) Without Prejudice

In order to do so, the governing body of the school has approved the following procedure which explains what you should do if you have any concerns about the school. All relevant members of staff will be familiar with the procedure and will be able to assist you.

## 2. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## 3. Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- a) Student admissions; please see the school's admissions policy or contact the RET Office ([admin@russelleducationtrust.org.uk](mailto:admin@russelleducationtrust.org.uk) / 01372 363628)
- b) Student exclusions; please see the school's exclusion policy
- c) Staff grievance, capability or disciplinary; these are covered by the school's grievance/disciplinary/capability policies and procedures
- d) Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- e) Anonymous complaints – please refer to the whistleblowing policy.
- f) Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy
- g) School re-organisation proposals - Contact the RET office in the first instance and then escalate to DfE, if dissatisfied.
- h) Statutory assessments of special educational needs - Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
- i) Complaints about the curriculum - Complaints about the content of the national curriculum should be sent to DfE. Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:
  - religious education (RE)
  - relationships and sex education
- j) **Complaints about collective worship** - Complaints about the content of the daily act of collective worship (DACW) should be signposted to:
  - the local authority
  - the local Standing Advisory Council on Religious Education
  - other relevant body

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



- k) **Withdrawal from the curriculum** - Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.  
If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, they should follow the school's complaints procedure.  
The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

## 4. Raising concerns

- a) The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's form tutor via the School website, email, phone or in person. Ideally, he/she will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue. It may also be appropriate to address concerns to a Head of Department or Head of Year in the first instance.
- b) All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## 5. How can I complain formally?

A complaint may be made:

- in person, by telephone or in writing using the form at Appendix A
- by a third party acting on behalf of the complainant

You should make sure you have written consent from the complainant before disclosing information to a third party.

## 6. Complaint Campaigns:

Occasionally schools become the focus of a campaign and receive large volumes of complaints:

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

In these cases, the school will send a template response to all complainants, and, if necessary, direct complainants to a single response published on the school website.

## 7. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy, which can be found on the school website.

## 8. Social Media

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

## 9. Complaints that result in staff capability or disciplinary action

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



## 10. Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

## 11. Timeline

<b>Raising concerns</b>	<ul style="list-style-type: none"><li>• Informal and immediate addressing of issues by a relevant staff member</li><li>• See page 3 for more information</li></ul>	No more than 10 working days
<b>Stage 1</b>	<ul style="list-style-type: none"><li>• Informal investigation by an appropriate member of staff, usually a manager</li><li>• Where dissatisfied with outcomes, progress to Stage 2</li><li>• See page 3 for more information</li></ul>	20 working days total
<b>Stage 2</b>	<ul style="list-style-type: none"><li>• Formal investigation by a member of SLT</li><li>• Where dissatisfied with outcomes, progress to Stage 3</li><li>• See page 3-4 for more information</li></ul>	30 working days total
<b>Stage 3</b>	<ul style="list-style-type: none"><li>• Formal appeal to a panel of governors</li><li>• This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact <i>the Department of Education</i></li><li>• See page 4-5 for more information</li></ul>	30 working days total

## 12. Timeframes

- a) The school will endeavour to abide by timeframes stated under each stage 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, for example. 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 and come to an agreed timeframe that works for all parties involved.
- b) The school reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

## 13. Who should I approach?

- a) Educational matters: class teacher or head of subject
- b) Pastoral care: form tutor or pastoral/year leader
- c) Disciplinary matters: pastoral or year leader
- d) Financial/Administration matters: school office staff

Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



## 14. Complaints about the Headteacher or the governors

- a. Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the CEO of RET as the individual responsible for the investigation.  
Stage 3 panel will be Chair of Governors and two other Governors
- b. Where a complaint regards a governor, it goes straight to Stage 2 as for the Headteacher. Where a complaint concerns the Chair of Governors, it is investigated by the CEO. Stage 3 is heard by two Directors. The *CEO of RET* will mediate any proceedings.
- c. Complaints against the entire governing body or complaints involving both the Chair and Vice Chair should be sent to the Clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint and may involve sourcing an independent investigator to complete stage 1 and governors from other schools to hear the complaint at stage 2.

## 15. Audio - Visual Evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. Unless exceptional circumstances apply, the school will refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. Where the complainant requires special access arrangements e.g. due to disability then meetings may be recorded with the consent of all parties.

## 16. Stages of the Complaint

- a. Stage 1 – Informal investigation by staff member/subject leader/head of year  
Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:
  1. Complainant contacts the *staff member*
  2. The complainant must explain in writing
    - an overview of the complaint so far
    - who has been involved
    - why the complaint remains unresolved
    - action they would like to be taken to put things right.
  3. The staff member will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
  4. Where the complaint is about a member of staff or a school governor, a member of SLT will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
  5. The SLT member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
  6. The SLT member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998
- b. Stage 2 – formal investigation by a member of senior leadership team (SLT) on behalf of the Headteacher. Please contact the school office for contact details for SLT members.
  - a. The complainant may submit a formal complaints form to the Headteacher.
  - b. The Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



- c. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
  - d. The Headteacher will consider all relevant evidence; this may include but is not limited to:
    - a statement from the complainant,
    - where relevant a statement from an individual who is the subject of the complaint
    - any previous correspondence regarding the complaint
    - any supporting documents in either case
    - interview with anyone related to the complaint.
  - e. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
  - f. After considering the available evidence, the Headteacher can:
    - Uphold the complaint and direct that certain action be taken to resolve it
    - Reject the complaint and provide the complainant with details of the stage three appeals process
    - Uphold the complaint in part: in other words, the Headteacher 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.
  - g. The Headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. S/He must explain clearly why s/he has come to the decision. S/He must detail any agreed actions as a result of the complaint. Finally, s/he must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).
- d. Stage 3 – appeal – review by a panel of the Local Governing Body.
1. If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision.
  2. They must write to the Clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the Headteacher’s decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.
  3. The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this, 5 days, in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.
  4. The complainant must request an appeal panel within 4 weeks of receiving the Headteacher’s decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:
    - a. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
    - b. The clerk will convene a panel of *two school governors and one member who is independent of the management and running of the school i.e. one who is neither Headteacher or RET associate Governor*. All three panel members will have no prior knowledge of the content of the complaint.
    - c. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
    - d. In addition to the panel, the following parties will be invited, where applicable:
      - the complainant
      - The Headteacher
      - the SLT member who investigated on behalf of Headteacher at Stage 2
      - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children and the rights of staff where they are present at a complaints hearing. Attendance is at the discretion of the Headteacher
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing body who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - 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 complaintRecommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).
9. the findings and recommendations of the panel will be available for inspection on the school premises by the Trust and the Headteacher

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

## 17. Record Keeping

- a. a written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a panel hearing
- b. the school will record the action it takes as a result of complaints (regardless of whether they are upheld). Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 18. Unreasonable complaints

- a. The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- b. The School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:
  1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  2. refuses to co-operate with the complaints investigation process
  3. refuses to accept that certain issues are not within the scope of the complaints procedure
  4. Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice



# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



5. introduces trivial or irrelevant information which they expect to be taken into account and commented on
  6. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  7. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  8. changes the basis of the complaint as the investigation proceeds
  9. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
  10. 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
  11. seeks an unrealistic outcome
  12. makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  13. uses threats to intimidate
  14. uses abusive, offensive or discriminatory language or violence
  15. knowingly provides falsified information
  16. publishes unacceptable information on social media or other public forums.
  17. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.
- c. Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
  - d. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who 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 be reviewed after six months.
  - e. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This will usually include barring an individual from the School

## 19. Contact details

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- a. If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors – ([admin@russelleducationtrust.org.uk](mailto:admin@russelleducationtrust.org.uk) / 01372 363628)
- b. If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact Russell Education Trust ([admin@russelleducationtrust.org.uk](mailto:admin@russelleducationtrust.org.uk) / 01372 363628)
- c. If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- d. Ofsted will also consider complaints about schools.

## 20. Relevant legislation and guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>
- The Education (Independent School Standards) Regulations 2014 <http://www.legislation.gov.uk/uksi/2014/3283/contents/made>
- Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



- The Department for Education *Best Practice advice for school complaints procedures*  
<https://www.gov.uk/government/publications/school-complaints-procedures>



# Complaints Procedure

Approved by RET Board

Approved on August 2020

RET contact Headteacher

Revision due Every 2 years



## Appendix A

### Russell Education Trust Formal Complaints Form

Name	
Name of student, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed: