



Robert
May's
School

Complaints Policy and Procedure

Policy Category	Statutory
Reviewed by	Governing Board
Approved	April 2019
Next Review	April 2021

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Introduction

The School recognises that a willingness to listen to questions and criticism and to respond positively can lead to improvements in schools practices and provision for pupils. This policy aims to reassure parents and others with an interest in the school, that any complaint against the school, will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory solution.

Part 1 of this document explains the procedure and outlines the steps pupils and their parents should follow whenever an issue arises that causes them concern. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this policy.

This policy and procedure complies with The Education (Independent School Standards) Regulations in force at the time and offers:

- An opportunity to resolve the complaint with the school on an informal basis
- A formal complaints stage
- A Complaints Review Panel consisting of two members from the Governing Board who were not directly involved in the matters detailed in the complaint and a person who is independent of the management and running of Robert May's School.

Scope of the Policy

The school aims 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.

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.

The policy and procedure refers to complaints brought by parents/carers, however, this same procedure will be used where complaints are received by members of the general public. For this reason, the procedure uses the word 'complainant' to describe the person making the complaint.

All school staff will be made aware of complaints procedures and expected to review this document regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This document does not apply to complaints about:

- Pupil admissions - see school's Admission Policy
- Pupil exclusions - see school's Exclusion Policy
- Statutory assessments of Special Educational Needs and Disability (SEND) – these should be addressed by the Local Authority in which you live
- Child Protection and safeguarding complaints – see the school's Child Protection and Safeguarding Policy and Procedure

- Internal assessment decisions for external qualifications
- National Curriculum content - please contact the Department for Education at www.education.gov.uk/contactus
- Subject Access Requests and Freedom of Information Requests – these would be addressed by the Information Commissioner’s Office – see the school’s Data Protection Policy
- Third Party providers offering services through the school premises should be made directly to the third party provider
- Conflict between estranged parents over contact arrangements/ parental responsibility – these are private law issues between parents
- Staff who have a concern about a colleague or a volunteer member of staff should refer to our Whistleblowing policy.
- Staff with employment related issues should see the staff discipline, conduct and grievance policy available from the HR officer

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies and guidance documents and can be accessed on the School’s website.

General

1. Records of all conversations and meetings with parents will be kept. Copies of correspondence and notes will be kept on file in the school’s records, separately from individual student records.
2. If at any stage in the procedure it becomes apparent that for any reason the complaint falls outside of this general complaints procedure, the complainant will be informed.
3. Concerns or complaints should be brought to our attention as soon as possible to enable a proper investigation to take place. Any matter raised more than 3 months of the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless there are good reasons to explain the delay or if the complaint is about a potentially serious matter (e.g. child protection/criminal activity).
4. 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 platforms such as Facebook, Instagram and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.
5. Wherever there is an allegation, concern or a complaint indicating that a child’s wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority Designated Officer (LADO). Intervention of parallel investigations by the police or local authority may cause variations to the timescales stated within this policy. Any such variation will be notified in writing to the complainant as required.
6. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available

to the member of staff at that time and in light of the school's child protection and safeguarding policy.

7. Processing a Subject Access Request that is linked to a complaint may cause variations to the timescales stated within this policy. Any such variation will be notified in writing to the complainant.
8. The School does not normally accept electronic recordings (audio or video) from a complainant when asked to consider a complaint. The School will not accept recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.
9. 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. The complainant is not entitled to participate in the proceedings or receive any detail about them.
10. We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action.
11. If a complainant commences legal action against Robert May's School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.
12. At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
13. The School expects its members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.
14. Anonymous complaints will not be examined under this policy unless the complaint is about a potentially serious matter (e.g. child protection/criminal activity) and there is enough information to investigate.

PART 1 – Complaints from pupils/parents

Procedure

A. Informal Stage

When an issue or concern first arises

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern.

You may wish to approach your child's form tutor first as they will be best placed to help you either directly or by figuring out which other member of staff you should be speaking to. We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue, mutual respect and understanding.

A written explanation of your concern will need to be given to the staff member that you speak to, so that it is easy to see what the initial problem was. This helps all parties when complaints are taken further or referred back to in the future.

If your complaint is about a member of staff, you should first raise this with the headteacher either in person or in writing, and a meeting can be arranged with the headteacher to discuss the issue at hand.

If your complaint is about the headteacher, you should raise your concern in writing with the chair of governors.

If your complaint is about a governor, you should raise your concern in writing with the clerk to the governing body.

If your complaint is about the whole governing body, you should raise your concern in writing with the clerk to the governing body who will arrange for the complaint to be independently investigated.

Initial informal meeting

Once a concern has been raised you may be invited to attend an informal meeting with a member of staff or the headteacher/chair of governors to discuss your concerns. You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may or may not be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

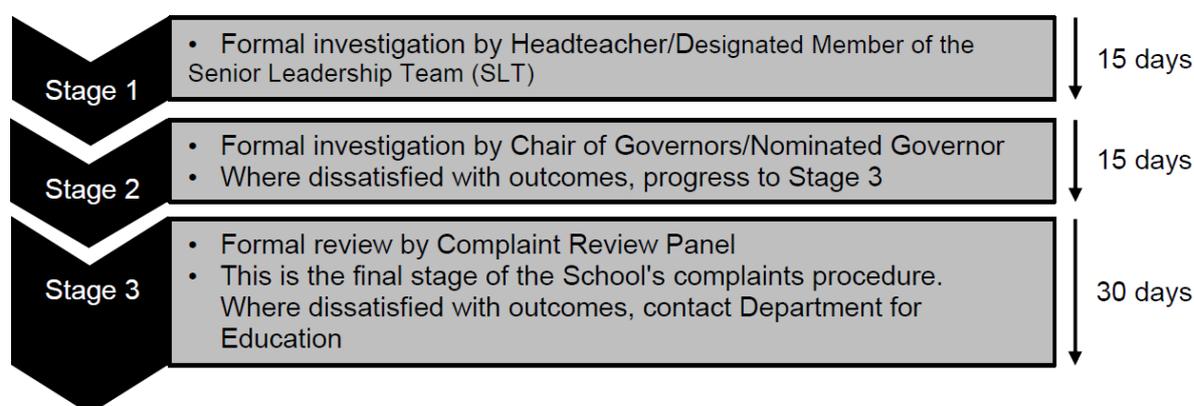
There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the headteacher.

B. Formal complaints

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 resolution (see section 1 Raising a concern). If you are not satisfied with this response and believe the issue has not been resolved, please use the formal complaints procedure as detailed below.

Robert May's School deals with formal complaints in three stages:



Please note that all timescales in this document refer to school working days i.e. excluding weekends, school holidays, inset days etc.

Robert May's School will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the School's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within the 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.

At each stage in the procedure, Robert May's School 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 or 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 the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Stage 1 – Formal investigation by Headteacher/designated member of SLT

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the Headteacher. If your complaint is about the Headteacher, you should go straight to Stage 2 of this procedure. Your written complaint should provide sufficient detail of the issues to allow the Headteacher/designated member of the Senior Leadership Team (SLT) to investigate and respond to the complaint. You should also set out what you feel would resolve the complaint.

The Headteacher/designated member of the SLT will acknowledge your complaint. They may already be aware of the situation. They will outline their decision if there is one to be made, and any action to be taken as a result of your complaint.

The Headteacher/designated member of the SLT may call you in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of your complaint. The headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If the complaint is against a member of staff, the headteacher will talk to that employee. If it is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports. Please refer to our Child Protection Policy.

The headteacher will respond to you in writing within 15 school working days of receipt of the written complaint outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.

Stage 2 – Formal investigation by Chair of Governors/nominated governor(s)

If, having received a written response from the headteacher as outlined in stage 1, you are dissatisfied with the outcome of your complaint or your complaint is about the headteacher, or a governor, you may lodge your complaint with the chair of governors. Please complete and submit the Stage 2 complaint form at *Appendix 1* explaining your concern in sufficient detail and the steps that have led up to you taking this course of action. You should also set out the actions you feel would be necessary to resolve the complaint. This form is important as it ensures that relevant information is communicated at the outset. This form should be sent within ten (10) working days of the date of the headteacher's response at Stage 1. If the form is not received within 10 working days, it will be deemed that the complaint is resolved, and the complaint will be closed. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Receipt of the complaint form will be acknowledged. The Chair of Governors may choose to delegate the investigation of the complaint to a Nominated Governor(s). In most cases the complainant will be invited to meet with the Chair of Governors/Nominated Governor(s) at the outset of the process.

The Chair of Governors/Nominated Governor(s) will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint

The chair of governors will respond to you in writing within 15 days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

If the complaint was jointly about the Chair and Vice Chair; the entire governing body or the majority of the governing body, Stage 2 will be heard by a committee who are independent of the management and running of the school. At the conclusion of their investigation, the independent committee will provide a formal written response. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Robert May's School will take to resolve the complaint.

Stage 3 - Formal review by Complaints Review Panel

The aim of the Complaint Review Panel is to consider the complaint afresh and review how the school has managed the complaint. This will include reviewing evidence and 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.

In order to request a Complaint Review Panel, complainants must email the Clerk to Governors (clerk@rmays.com) with the completed form at Appendix 2 within ten (10) working days of the date of the school's decision made in accordance with Stage 2 above. If the completed form requesting a Complaints Review Panel hearing is not received within 10 days, it will be deemed that the decision is accepted, and the complaint will be closed. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

If a Complaint Review Panel is requested, the clerk to the panel will write to you within five days to confirm receipt of the Stage 3 form and detail further action to be taken. The Complaint Review Panel hearing will take place within 30 days of receipt of the request form for the Stage 3 Complaint Review Panel process.

The clerk to the Complaint Review Panel will make the necessary arrangements including convening the panel, organising the time and date of the hearing and inviting all attendees. The clerk will take reasonable steps to agree a date and time mutually convenient to all parties and where the first identified date is not convenient for the complainant, up to two further dates will be offered. If these all fail to be suitable or the complainant cancels the

hearing at the last minute for whatever reason, then the Panel may opt to conduct the Review meeting in private, without either the School or the complainant being represented. Their considerations will be based on the documentary evidence 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 clerk to the Review panel will support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the Complaints Review Panel by both parties at least 5 days before the Complaints Review Panel hearing.

You are entitled to be accompanied to the Complaints Review Panel hearing and should notify the clerk in advance if you attend to bring anyone.

The Complaints Review Panel

The complaints review panel will be made up of two members of the governing body and one person independent of the management and running of the school.

No person can sit on the review panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.

Where the complaint is about a governor, the complainant may request that the review is conducted by an entirely independent panel. Agreement to this request is at the discretion of the Chair of Governors. Where an entirely independent panel is to be arranged, timescales may be affected while the School sources appropriate individuals.

Complaints Review procedure

The Complaints Review Panel has delegated power to review complaints, set out any additional terms of reference and to determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The Complaints Review Panel will invite the following parties where applicable:

- the Complainant
- the Headteacher
- the Chair of Governors/Nominated Governor(s) who dealt with the complaint at Stage 2
- relevant witnesses

The complainant may ask to be accompanied to the hearing by a friend, relative, representative or advocate. It is inadvisable for this person to be a member of the School, for reasons of confidentiality and to avoid conflict of interest. The complainant should advise the Clerk to the review panel of the name and role of this supportive companion prior to the hearing, and the Clerk will seek agreement from the Chair of the Panel. The supportive companion is not there as a witness, so does not address the review panel, except with the prior agreement of the Chair. Neither party is able to bring legal representation with them. If after the review panel meeting, the complainant feels that further action is necessary please see contact details at the end of this procedure.

If the attendance of any pupil is required at the meeting, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at the hearing.

The procedure for a Complaints Review is at the discretion of the Panel, but will usually be as follows:

1. The complainant and headteacher will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The headteacher and panel will question the complainant.
5. The headteacher will explain the school's actions.
6. The complainant and panel will question the headteacher.
7. The complainant will sum up their complaint.
8. The headteacher will sum up the school's actions.
9. The chair will explain that both parties will hear from the panel within 10 school working days.
10. Both parties will leave together while the panel decides.
11. The clerk will stay to assist the panel with its decision making.

This procedure may be modified where the Panel feels it would be conducive to do so. For example if the relationship between the complainant and the person(s) being complained of is particularly strained the Panel may hear from each party separately.

The Complaints Review Panel can make the following decisions:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The chair of the panel/clerk to governors will notify the complainant of the panel's decision in writing within 10 school working days of the hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the governing body. The panel's decision is final.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education Complaints can be submitted online at <https://www.gov.uk/complain-about-school>

C. Governing body – records, review and monitoring of complaints

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the appeals panel.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

Robert May's School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to

see if they could have been managed any more effectively. All records of any complaints will be kept confidential but may be inspected where appropriate by the Secretary of State or any inspection body.

PART 2 – Complaints from all those other than parents/pupils

Part 1 of this complaints policy applies solely to complaints made by parents or carers of current registered pupils of the school. The school wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the school may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school working days. If a longer period is required, the complainant will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, or the complainant wants their concerns to be dealt with immediately as a formal complaint, they should put their complaint in writing and send this to the headteacher. The headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 15 school working days of receipt of the letter of complaint although if a longer period is required to respond, the complainant will be kept updated.
3. If the complainant is not satisfied with the response at stage 2, they may request a review by writing to the Clerk to Governors (clerk@rmays.com). They should write to the Clerk within 10 school working days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The clerk will arrange for a governor to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to the complainant within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the school's complaints procedure.

Concerns or complaints regarding the headteacher or the governing body as a whole should be referred direct to the Clerk to Governors (clerk@rmays.com) who will arrange for the stages above to be considered by an appropriate person.

PART 3 – Unreasonable complaints

The school is committed to dealing with all complaints fairly and impartially and we will not normally limit the contact complainants have with the 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, harassing.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*. Complainants should limit the numbers of communications with a school while a 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.

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

- 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, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- 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 including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and 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

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Appendix1 – Formal Complaints Form Stage 2 – Investigation by the Chair of Governors/Nominated Governor(s)

Your name	
Name of student, Year Group and your relationship to them (where applicable)	
Your address	
Your telephone (Day)	
Your telephone (Mobile)	
Your email address	

Details of the complaint (please include dates/times/locations of events if applicable)	
Action taken so far (including name of 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:

Appendix 2 - Formal Complaints Form – Stage 3 – Formal Review by Complaints Review Panel

Your name	
Name of student, Year Group and your relationship to them (where applicable)	
Your contact address	
Your contact telephone (Day)	
Your contact telephone (Mobile)	
Your contact email address	

<p>Reasons for requesting a Stage 3 Complaint Review (reasons why you feel your concerns have not been fully addressed, and any evidence that you feel has not been fully considered) Please include dates, times, locations of any events or meetings undertaken up to this point.</p>
<p>Which element(s) of your complaint remain unresolved from the previous stage?</p>
<p>What outcome are you seeking from the Stage 2 Complaint Review?</p>

Signed:
Date:

Official use

Date received:	Signed:
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