



*Tomlinscote School  
Sixth Form College*

*A Specialist Language College*

# Complaints Policy and Procedure

<b>Policy Type:</b>	Statutory
<b>Approved By:</b>	Resources Committee
<b>Effective From:</b>	May 2017
<b>Revision Date:</b>	May 2020

# Tomlinscote School & Sixth Form College

## Complaints Policy and Procedure

### 1 Introduction & Purpose of Policy

The purpose of this Policy, and the associated procedures, is to provide a framework for the positive resolution of concerns that are brought to the school's attention. This includes any changes necessary to correct weaknesses in school procedures.

### 2 Policy Statement

This school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting student's learning. Staff and governors actively encourage a positive relationship between the school and the families of students who attend the school.

If, at any time, a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the stages as outlined in the school's complaints procedure as follows.

### 3 Principles supporting this policy

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised.

Whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties. A complaints procedure cannot be carried out fairly and effectively if the complaint is made anonymously. While the school will review any issues raised by an anonymous complaint, it will not form part of this policy or procedures.

All complaints and correspondence/hearings under the complaints policy are treated as confidential and will only be disclosed when required to do so by law. The Governing Body will review, on an annual basis, the operation of the complaints policy. Timescales refer to 'school days'. These are days when the school is open and staff and students are required to attend. If a written complaint is received during a school holiday period, or when the school is otherwise closed, the complaint will be acknowledged in writing at the first practicable opportunity and the complaint will be progressed in accordance with this policy within 5 school days from the school re-opening.

## **4 Complaints procedure**

The school operates a five stage complaints procedure. If the complaint concerns the conduct of the Executive Principal it will be dealt with in accordance with Stage 4 and directed to the Chair of Governors

### **4.1 Stage 1: Initial Concern or Complaint**

In the first instance, it is expected that the complainant will be able to raise the issue directly with the member of staff concerned. The familiarity of both parties with the issue will help achieve a speedy resolution. The member of staff will seek advice and guidance from his/her line manager (head of subject or year as appropriate).

Should the complainant feel that he/she would have difficulty discussing the complaint with a particular member of staff, the complainant should refer his/her difficulty to the Head of School. They will not investigate the issue but may refer it to another member of staff. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Head of School.

If the first approach is made to a governor, he/she will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

The complainant will receive a verbal or written response to the concern or complaint raised, from the member of staff involved, within 5 school days.

### **4.2 Stage 2: Complaint heard by the Head of School**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue his/her initial complaint. If so, the complainant should submit the complaint in writing, to the Head of School, within 10 school days of Stage 1 being concluded. A copy of the complaint form is attached to this policy.

If the complaint was dealt with by the Head of School at Stage 1 then the Executive Principal will take the lead role in place of the Head of School throughout this stage.

The Head of School may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken. The Head of School will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. Within 10 days of the meeting, the Head of School will write to the complainant summarising the outcome reached and the process for appeal.

### **4.3 Stage 3: Mediation by the Executive Principal**

Assuming the complaint did not involve the Executive Principal at Stage 2, this stage provides an informal review of the complainant's concerns. This may be related to the initial complaint or the application of Stage 1 or 2 processes. The Executive Principal will acquaint themselves with the details of the complaint and then meet with the complainant. The meeting will conclude with a recommendation, that will be confirmed in writing, and within 5 days, the complainant will confirm how they wish to proceed. The conclusion will be one of:

- Stage 2 conclusion accepted
- Complaint referred for further consideration at Stage 1 or Stage 2
- Complaint unresolved and referred to Stage 4

#### **4.4 Stage 4: Complaint heard by a Governor**

If the complaint cannot be resolved at Stage 3 the complainant may take his/her complaint to the Governing Body. The complaint will then be heard by one of the Chair/Vice Chair of Governors or the Chair of one of the Governing Body committees.

The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter confirming the outcome of Stage 3. In the letter, the complainant should give details as to why he/she is not satisfied with the outcome of Stage 3. The school will provide the Governor with a copy of the initial written complaint form and a copy of the Head of School's letter concluding Stage 2.

The Governor will meet with the complainant and hear the complaint. He/she will also meet with the Head of School. Minutes of these meetings will be taken by the Clerk to the Governing Body. If necessary the Governor will ask the Executive Principal to carry out any further investigations. The Governor will then write to the complainant within 10 days of the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 5 if the complainant remains dissatisfied by the outcome.

#### **4.5 Stage 5: Complaint heard by the Governing Body Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors within 10 school days of the date of the letter notifying them of the outcome of Stage 4, notifying that if he/she wishes their complaint to be heard by the Complaints Appeal Panel, the Chair, or Vice Chair, of Governors will convene a Governing Body Complaints Appeal Panel.

The Governing Body Complaints Appeal Panel hearing is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate 3 people to have delegated powers to hear the complaint at this stage. Two of the panel members will be governors and the third will be a person who is independent from the management and operation of the school. All panel members will have no previous knowledge of the complaint. The panel will choose its own Chair.

The remit of the Complaints Appeal Panel is to:

- 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 complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will meet within 30 school days of receipt of the complaint at a mutually convenient time for all parties. Three possible dates will be offered (if required) to the complainant but if these all fail to be suitable then the meeting will be conducted in private by the Complaints Appeal Panel. Governors will appoint a Clerk to the committee who will ensure that all procedures, and deadlines for the submission of documents, are shared with the Complainant, Panel members, the Governor involved at Stage 4 and the Executive Principal.

The complainant and the Complaints Appeal Panel are responsible for securing any advice they feel appropriate. Surrey County Council provides independent advice that can be accessed through Surrey County Council's Contact Centre on 03456 009 009, asking for the Area Schools Support Service.

The complainant will be notified in writing of the panel's decision, usually within 5 school days. The letter will confirm the end of the school's and Governing Body's involvement with the complaint and explain any

further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

## **5 Further action after all five stages are complete**

### **5.1 The Education Skills and Funding Agency (ESFA) - [www.education.gov.uk/help/contactus/efa](http://www.education.gov.uk/help/contactus/efa)**

The ESFA handles complaints about academies. Part of their role is to make sure that academies comply with the terms of their funding agreement, which is a contract between the academy and the Secretary of State.

In general, the ESFA will only consider a complaint after it has been through the academy's own procedure. The ESFA will look at complaints about academies that fall into the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

ESFA Complaints, Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD

### **5.2 OFSTED - [www.ofsted.gov.uk](http://www.ofsted.gov.uk)**

Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about academies, known as qualifying complaints. Generally, the complainant must have followed the academy's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole academy issues and not those regarding individual pupils.

## **6 Unreasonably Persistent Complainants**

The majority of people with complaints or concerns about academies behave reasonably in pursuing their complaint. However, a small number of complainants may be deemed "unreasonably persistent complainants". For the purposes of this guidance an "unreasonably persistent complainant" is defined as follows:

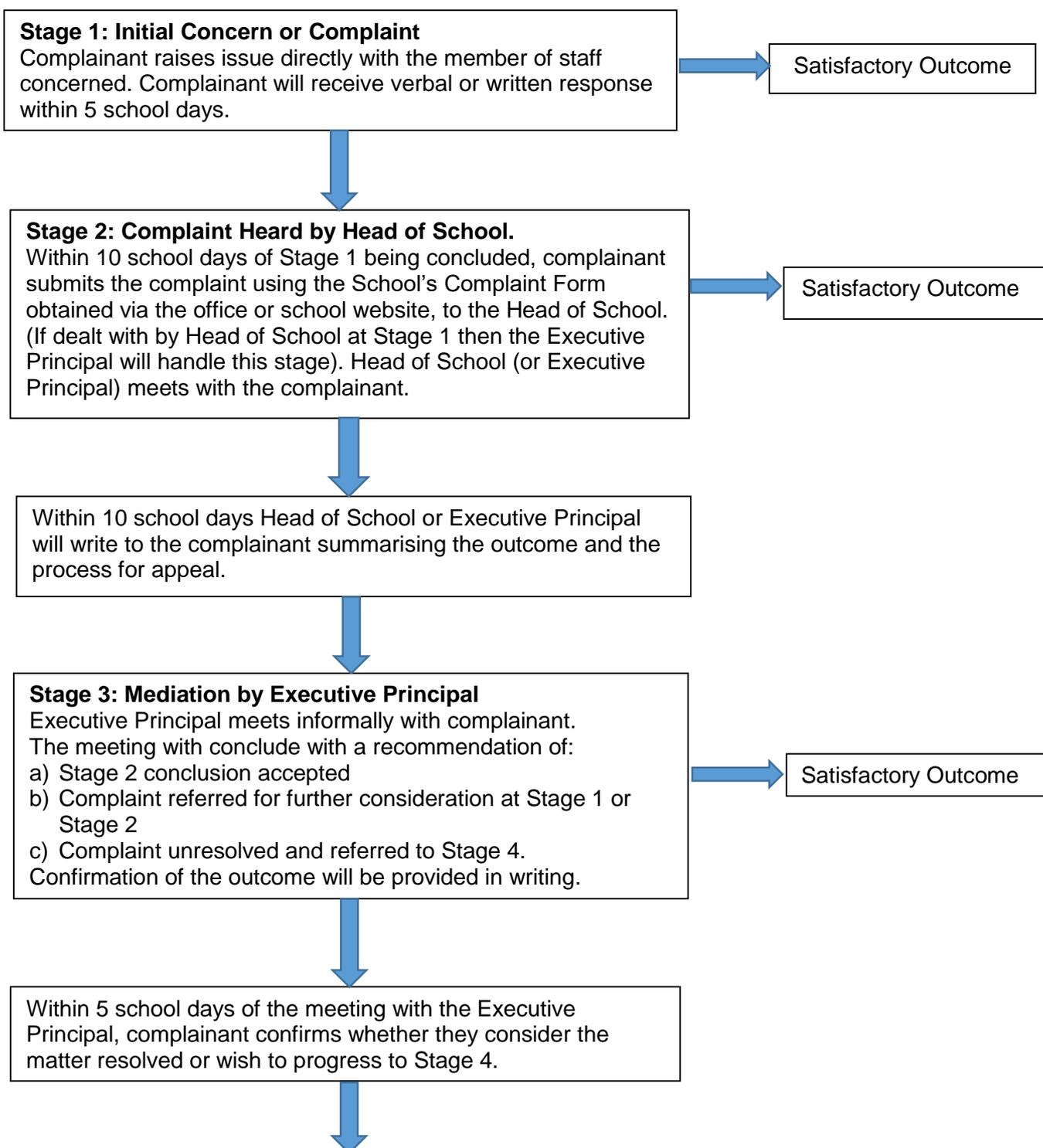
An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the academy and whose behaviour is unreasonable.

The Executive Principal, with the agreement of the Chair of the Governing Body, may deem a complainant 'unreasonably persistent'. They will ensure that there is sufficient evidence available to justify the decision and may consult with their legal advisor to confirm that the evidence is sufficient.

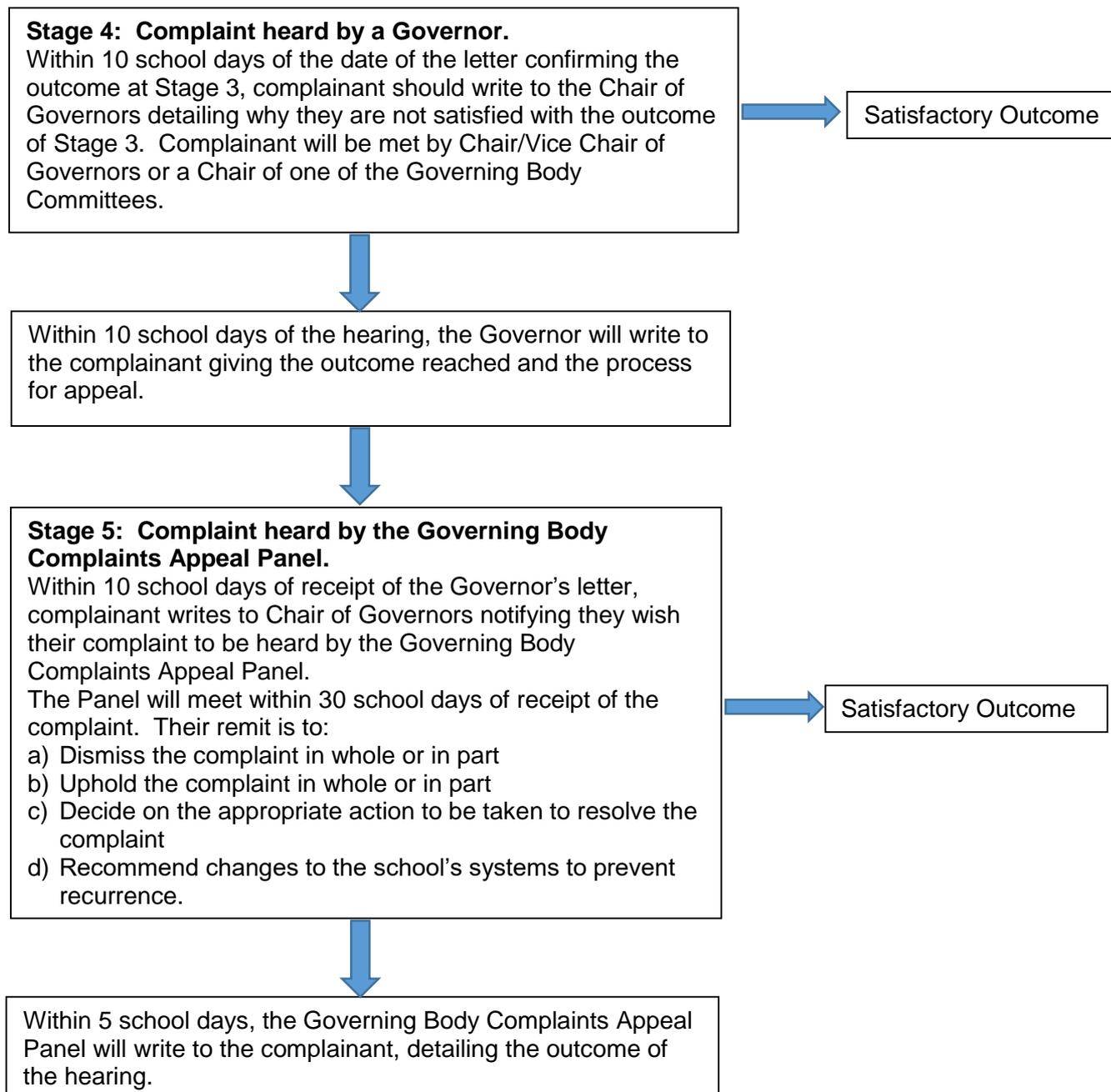
The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

## Appendix 1:

### Tomlinscote School: Complaints Procedure



(procedure continued overleaf)



This is the end of the school's involvement with the complaint but complainant will be advised of further rights of appeal (see over).

### **Further action after all five stages are complete:**

The complainant can have their complaint heard by the Education And Skills Funding Agency (ESFA) but only after it has been through our own complaints procedure. The ESFA will examine whether:

- a) There has been undue delay with the handling of the complaint or we have not complied with our own complaints procedure.
- b) We have failed to comply with a duty imposed on us under our funding agreement.
- c) We have failed to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

**Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD**

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Complaints to Ofsted can be made online at [www.ofsted.gov.uk/onlinecomplaints](http://www.ofsted.gov.uk/onlinecomplaints)

### **Unreasonably Persistent Complainants**

The Executive Principal, with the agreement of the Chair of the Governing Body, may deem a complainant "unreasonably persistent". They will ensure that there is sufficient evidence available to justify the decision and may consult with their legal advisor to confirm the evidence is sufficient.

An unreasonably persistent complainant is a person who repeatedly complains about issues, whether formally or informally, or frequently raises issues that s/he considers to be within the remit of the Academy and whose behaviour is unreasonable.

The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

## Appendix 2

### Complaint Form for Tomlinscote School

Complainant's Name:	
Pupil's Name:	Class:
Complainant's Relationship to Pupil:	
Address of Complainant:	
Post Code	Daytime Tel:
Mobile:	Email:
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, when, 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

Signed: Date:

Official Use:  
Date acknowledgement sent:  
By who:

Complaint referred to:  
Date: