



Complaints Policy and Procedure

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Tytherington School Complaints Policy and Procedure

Principles of the policy

At Tytherington School, we aim to offer an educational experience of the highest quality. However, we recognise that there may be occasions when there might be concerns or a cause to complain. This document details how and to whom complaints should be made.

Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Complaints Procedure

Parents, pupils and members of the community have a right to have their views considered when they have a concern about the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

- An individual will be appointed to look into the complaint, and establish the facts. They will:
- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Informal Stage

Depending upon the nature of the complaint; following a full discussion, many concerns can be resolved between the complainant and the member of staff at first tier. It may be the case that the provision or clarification of information will resolve the issue.

If, following this discussion, the complainant is not satisfied, they should submit their concern in writing (such as through a letter or email) to the Headteacher. This will be acknowledged within two working days.

The Headteacher, or a nominated member of staff, will meet with the complainant to discuss the concerns within ten working days of receipt of the complaint and in the interim, conduct a full investigation into the circumstances surrounding the complaint.

A written outcome detailing appropriate actions and conclusions will be confirmed to the complainant within ten working days of this meeting. Should the complainant be dissatisfied at the outcome, they should move forward to the formal stage of the Complaints procedure. Should the complaint be against the Headteacher, this informal stage will be conducted by the Chair of the Governing Body. Should this progress to the formal stage, this will be conducted by the Vice Chair of the Governing Body.

Should the complaint be against the Chair of the Governing Body, this informal stage will be conducted by the Vice Chair of the Governing Body. Should this progress to the formal stage, this will be conducted by a nominated member of the Governing Body.

Formal Stage

If, after following the Informal Stage of the Complaints procedure, the complainant remains unsatisfied, they should submit their concern in writing (such as through a letter or email) to the Chair of the Governing body. This will be acknowledged within two working days.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

The Chair of the Governing body, or a nominated Governor, will meet with the complainant to discuss the concerns within ten working days of receipt of the complaint and in the interim, conduct a full investigation into the circumstances surrounding the complaint.

A written outcome detailing appropriate actions and conclusions will be confirmed to the complainant within ten working days of this meeting; taking into account advice from the School Governance Service or other Local Authority officers where appropriate.

Should the complainant be dissatisfied at the outcome, they should move forward to the Appeal stage of the Complaints procedure. If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 10 school days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will require the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If learners are dissatisfied with the Centre and 'ITC First' response to their complaints then the complaint may be raised to the regulator of the qualification on which they are registered (Ofqual for qualifications on the Regulated Qualifications Framework (RQF) or SQA Accreditation for qualifications regulated by the SQA Accreditation).

Appeal Stage

If, after following the Formal Stage of the Complaints procedure, the complainant remains unsatisfied, they should submit their concern in writing (such as through a letter or email) to the Chair of the Governing body (or Vice chair/a nominated governor, should this be more appropriate) with the original complaint and an explanation as to why they feel it has not been resolved. This will be acknowledged within two working days.

The nominated governor will consider the complaint and choose to accept or decline it based upon whether it is believed that the complaint was fully investigated and the correct outcome reached at the Formal stage.

Should the nominated governor accept the complaint, a governors' panel will be convened, consisting of governors who have had no previous involvement in the case. The governors' panel will meet with the complainant to discuss the concerns within ten working days of receipt of the

complaint and in the interim, conduct a full investigation into the circumstances surrounding the complaint.

A written outcome detailing appropriate actions and conclusions will be confirmed to the complainant within five working days of this meeting; taking into account advice from the School Governance Service. The complainant will have no further right to appeal this decision.

Submitting the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of the governing board available, who do not have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other local schools. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 10 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting.

At the meeting

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part

- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Points to note

The Staff Disciplinary procedure will supersede the Complaints procedure should any concerns involve allegations of staff misconduct.

All references to working days refer to days on which the school is open to pupils and for staff training days.

Should it be anticipated that the timescales stated within this document will be missed, the complainant will be informed the reasons for and a revised timescale in writing before the appropriate deadline.

All complaints made in written form (such as through a letter or email) will be considered and addressed to the appropriate member of staff.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Retention

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 review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Retention policy (currently kept for the date of the resolution of the complaint plus a minimum of 6 years; to then be reviewed for further retention in case of a contentious dispute).

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

Learning lessons

The Governing body will review any underlying issues raised by complaints with the Senior Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Contacting the school

Emails containing complaints/concerns should be sent, for the attention of the appropriate staff member/Headteacher/Chair of the Governing body, to: info@tytheringtonschool.co.uk.

Letters containing complaints/concerns should be sent, for the attention of the staff member/Headteacher/Chair of the Governing body, to:

Tytherington School
Manchester Road
Macclesfield
Cheshire
SK10 2EE

Monitoring arrangements

The Governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing body will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the **Headteacher's PA**.

This policy will be reviewed by Assistant Headteacher every 3 years.

At each review, the policy will be approved by The Headteacher.