



## COMPLAINTS POLICY AND PROCEDURES (for Schools and the Kindergarten)

### INTRODUCTION

Thomas's has long prided itself on its openness and on the quality of the teaching and pastoral care provided to its pupils. The school also actively seeks to maintain an open dialogue with parents. The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently, at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' confidence in the school's ability to safeguard and promote welfare.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as an expression of dissatisfaction however made, about actions taken or lack of action' (DfE guidance).

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. It is understood however, that there are occasions when people would like to raise their concerns formally. In this case Thomas's will attempt to resolve the issue internally, through the stages outlined within this Complaints Policy.

The following are exempt from this Complaints Policy, because they are covered by separate procedures:

- Admissions
- Statutory assessments of special educational needs (SEN)
- School re-organisation proposals
- Safeguarding matters or matters likely to require a Child Protection Investigation
- Exclusion
- Whistleblowing
- Staff grievances
- Staff conduct

This Complaints Procedure does not apply to prospective pupils, past pupils (unless the complaint is a continuation of a process that began when the pupil was still being educated at the school) or to complaints made by pupils themselves.

## **AIMS**

When responding to complaints the school aims:

- to be impartial and non-adversarial
- to facilitate a full and fair investigation by an independent panel if necessary
- to address all the points in dispute and provide an effective and prompt response
- to respect complainants' desire for confidentiality
- to treat complainants with respect
- to keep complainants informed of the progress of the complaints process
- to consider how the complaint can feed into school improvement evaluation processes

## **PRINCIPLES FOR INVESTIGATION**

When investigating a complaint the main principles are to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right

## **PROCEDURES**

Parents and carers should inform the school as soon as possible if there is any cause for dissatisfaction. Complaints should be made no later than three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. Exceptions to this time frame may be considered in circumstances where there are valid reasons for not making a complaint at the time and the complaint can still be investigated in a fair manner for all involved.

Complaints received outside of term will be considered to have been received on the first school day after the holiday period.

Complaints against members of staff (except the Head) should be made in the first instance, to the Head, via the School Office. They should be marked "Private and Confidential".

Complaints against the Head should be addressed to the Principals – Ben and Toby Thomas, via the School Office. They should be marked "Private and Confidential".

Anonymous complaints will not normally be investigated. However the Head or Principals, if appropriate, will determine whether the complaint warrants an investigation.

All written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, or dissatisfaction that their child has received their free entitlement will be investigated and the complainant notified of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Thomas's operates a 3 stage procedure in the resolution of any concerns of complaints.

## **STAGE 1 – INFORMAL RESOLUTION**

- The school will take informal concerns seriously. It is hoped and expected that where a parent seeks reassurance, intervention, reconsideration or some other action to be taken, every effort is made to resolve the matter quickly. It may be the case that the provision or clarification of information will solve the issue. Examples might include disquiet about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about some other aspect of the school's systems or equipment, or a billing error.
- If parents have a concern or complaint they should normally contact their child's form teacher, specialist teacher, or year group leader, whichever is most appropriate. This may be by telephone or in writing (such as email). In many cases, the matter will be resolved swiftly, by this means, to the parents' satisfaction. If the form teacher or specialist teacher cannot resolve the matter alone, or if the matter concerns that teacher, it may be necessary for him/her to consult the Head.
- Concerns or complaints made directly to the Head will usually be referred back to the relevant form teacher or specialist teacher unless the Head deems it appropriate for him/her to deal with the matter personally.
- If the concern or complaint is made in writing, it will be acknowledged by telephone or in writing (such as email) within two working days of receipt during term time and as soon as practicable in the holidays.
- A written record of informal complaints will be made and the date on which they were received. Should the matter not be resolved within 10 working days or in the event that an informal resolution has failed to reach a satisfactory resolution then parents will be advised to pursue their complaint formally in accordance with Stage 2 of this procedure.

## **STAGE 2 – FORMAL RESOLUTION**

- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Head. The nature of the complaint must be stated as clearly and precisely as possible, with supporting evidence; it must contain a statement of what actions parents have already taken to resolve the matter; and it must include a statement of what actions parents feel might resolve their complaint. The Head, or someone on their behalf, will acknowledge receipt, either by telephone or email within two working days during term time indicating the appropriate course of action and likely timescale.
- In most cases, the Head will speak to or meet the parents concerned to discuss the matter within five working days of receiving the complaint in writing. If possible, a resolution will be reached at this stage.
- It may be necessary for the Head to carry out further investigations and these will begin as soon as possible. This can include interviews with staff, pupils and other relevant people.
- Written records will be kept of all meetings and interviews held in relation to the complaint.
- Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing within ten working days of receipt of the complaint by the Head. The Head will also give reasons for his/her decision. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.

- If the complaint is against the Head, then the Principals will call for a full report from the Head and for all the relevant documents. The Principals may also call for a briefing from members of staff and will in most cases, speak to or meet with parents to discuss the matter further. Once the Principals are satisfied that, so far as practicable, all of the relevant facts have been established, the parents will be formed of the decision in writing. The Principals will give reasons for their decision.
- If parents are still not satisfied with the decision, they should request a panel hearing under stage 3 of this procedure

### **STAGE 3 – PANEL HEARING**

- If (following a failure to reach an earlier resolution) parents wish to request a panel hearing, the request must be made to the Vice Principal who has been appointed by the Principals to call hearings of the Complaints Panel. The request will only be considered if the procedures at Stages 1 and 2 have been completed. The parents should enclose with their request for a panel hearing writing, the outcome they desire and all the grounds of the complaint. They should also include copies of any documents they consider to be relevant. Each case will be considered individually and independently.
- The Vice Principal will then refer the matter to the Complaints Panel for consideration. The purpose of this arrangement is to provide parents with the opportunity to present their arguments in front of a panel who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The aim of the panel is not, however, to rehear the complaint. Its aim is to review how the complaint has been investigated and to determine whether this has been conducted fairly. Facts will be established and recommendations made which will provide reassurance that the complaint has been taken seriously.
- The Vice Principal, will acknowledge the request for a panel hearing in writing within two working days of receiving the request and will schedule a hearing to take place within 20 working days of receiving the written request from the parents, although the Panel will not normally sit during half terms or holidays. The arrangements for the panel hearing will be reasonable in order to facilitate the complainants exercising the right of attendance.
- The Panel will consist of at least three persons, none of whom have been directly involved in the matters detailed in the complaint, and at least one of whom shall be independent of the management and running of the specific school but not necessarily of the Thomas's group of schools. Each of the Panel members shall be appointed by the Principals.
- Written confirmation of the time, date and venue of the hearing will be sent to the parents once agreed, together with details of the panel members.
- All relevant documents and full contact details should be submitted from the complainant at least ten working days before the meeting, together with an explanation of the grounds for the complaint and the desired outcome
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than three working days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. If the

- parents do wish to be accompanied by a legally qualified person, acting in the professional capacity, they must notify the School at least seven working days before the hearing.
- If the complainant does not exercise the right to attend the Panel Hearing, the School will still hold the hearing in conformity with this Complaints Procedure.
  - Representatives from the media are not permitted to attend.
  - After establishing the facts the Complaints Panel may:
    - dismiss the complaint in whole or in part if the Panel considers the complaint is not made out
    - uphold the complaint in whole or in part if the Panel considers the complaint is made out
  - If the complaint is upheld in whole or in part the Panel will:
    - decide on the appropriate action to be taken to resolve the complaint
    - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future
  - It is not within the powers of the Panel to make any financial awards, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or any other issues to the Head or the Principals as appropriate.
  - If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation and will write to parents with its decision within five working days of the hearing.
  - Where further investigation is required, the Panel will decide how it should be carried out and the hearing will be adjourned. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within ten days of the Hearing.

The Decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent by electronic mail or otherwise, to the complainant and, where relevant, the person complained of. The findings should also be available for inspection on the school premises by the Head and the Principals.

A record of all complaints and their outcome will be kept by the school for not less than 3 years, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld). At the school's discretion, additional records may be kept which may contain the following information.

- Date and time when the issue was raised
- Name of the complainant
- Name of pupil
- Description of the issue
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails, records of phone conversations and minute of any meetings)

- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint)

### **Closure of Complaints**

Very occasionally, the School will feel that it needs to close a complaint where the complainant is still dissatisfied. Despite the School's attempts to resolve a complaint, it is sometimes not possible to meet all of the complainant's wishes and there must be an agreement to disagree.

If a complainant persists in making representations to the School, then it can be extremely time-consuming and detract from our responsibility to look after all the children in our care. For this reason the school is entitled to close correspondence (include personal approaches, telephone calls, letters or emails) on a complaint where the School feels it has taken all reasonable action to resolve the complaint and the complaint has exhausted our official process.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, then the Principal (or other appropriate person in case of a complaint about the Principal) will inform the complainant that the matter is closed.

Where a complainant has been through the school's internal complaints procedure and is still unhappy with the outcome or decision from the Principals, then the DfE School Complaints Unit can be contacted via the DfE website: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

### **Unreasonable Complaints, and Serial and Persistent Complainants**

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 the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behavior, including that which is abusive, offensive or threatening.

The School defines serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other peoples' complaints'*.

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 cooperate 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 website and newspapers

Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

Whenever possible the Head or Principals will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. If the behavior continues the Head will write to the complainant explaining that his/her behavior is unreasonable and asking him/her 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.

**CONFIDENTIALITY**

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the School under Section 109 of the Education and Skills Act 2008 and Paragraph 33(k) of Part 7 of 'The Education (Independent School Standards) Regulations' 2014 where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

The School's complaints procedure is included in information given to new parents and is publicised on the School's website. A copy of this procedure is also available to view at the School during the school day, in the office of the Head's PA. Parents are welcome to contact their school to request the number of complaints that there have been during the last 12 months.

**REFERENCES**

This Policy has been informed by:

DfE Guidance 'The Independent School Standards' (April 2019)

DfE advice 'Best Practice Advice for School Complaints Procedures' (January 2019)

DfE Statutory framework for the early years foundation stage (April 2017)

The Education (Independent School Standards) Regulations (2014)

**See also:** [Behaviour Policy](#), [Code of Conduct](#), [Equal Opportunities Policy](#), [Safeguarding and Child Protection Policy](#), [Terms & Conditions](#), [Whistleblowing Policy](#)

<b>This policy will be reviewed every two years</b>			
Reviewed: December 2008	By:	Jill Kelham Vice Principal	Changes made
Latest Review: October 2019	By:	Tobyn Thomas, Principal, Joanna Copland, Vice Principal	Changes made
Next Review: October 2021	By:	Tobyn Thomas, Principal, Joanna Copland, Vice Principal	

**Appendices:**

Appendix 1: Timescale for managing complaints

## COMPLAINTS POLICY APPENDIX 1



### TIMESCALE FOR MANAGING COMPLAINTS

#### Stage 1 – Informal Resolution

- Issue raised as a spoken concern in person within three 3 months of event occurring
- Initial response to be immediate.
- Resolution within 10 working days (in term time)
  
- Issue raised in writing within three 3 months of event occurring
- Initial response within two working days (in term time)
- Resolution within 10 working days (in term time)

#### Stage 2 – Formal Resolution

- If no satisfactory resolution at Stage 1, issue re-raised in writing within 10 working days of unsatisfactory resolution
- Initial response within two working days (in term time)
- Head to meet or speak with complainant within five working days (in term time)
- Further investigations as required
- Resolution within 10 working days (in term time)

#### Stage 3 – Panel Hearing

- If no satisfactory resolution at Stages 1 & 2, request made for a Panel Hearing within 10 working days of Stage 2 non resolution
- Request acknowledged within two working days (in term time)
- Panel Hearing scheduled for within 20 working days (in term time)
- All relevant documents and full contact details to be submitted by the complainant at least ten working days before the Panel Hearing date
- If required by the Panel, further documentation or particulars to be circulated at least three working days before hearing
- Notification of any legal representation to be submitted at least seven working days before the hearing
- Immediate resolution – Panel will inform complainant of decision in writing within five working days of hearing
- Further investigation required – Panel will inform complainant of decision and recommendations in writing within 10 working days of hearing