

Complaints Policy

Name of Unit/Premises/Centre/School	The Toynbee School
Date of Policy Issue/Review	March 2021 / March 2022
Name of Responsible Manager/Headteacher	Matthew Longden
Governors' Sub-Committee	Finance & Staffing

At Toynbee School we believe all parents, stakeholders or community members have the right to voice any concerns they have about the school to the school itself. Any complaint will be taken seriously and dealt with appropriately.

Principles

- This policy is to ensure that a concern or complaint is managed sympathetically, efficiently and 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' and students' confidence in our ability to safeguard and promote welfare.
- We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- The aim of the Complaints Procedure is to facilitate the efficient resolution of concerns by providing a transparent and simple process for complainants, staff and governors of the school. The school's role is to:
 - Resolve concerns through informal discussions at the earliest stage.
 - Provide named contacts and a timescale for a response to be made by the school.
 - Focus on resolving complaints rather than apportioning blame.
 - Promote confidentiality and discretion.
 - Be forthright in dealing with unreasonable complainants.
- We believe that the effective resolution of complaints is based on the prompt notification of concerns, a shared trust between the complainant and the school, and a mutual respect for the privacy and confidentiality of information.
- Any complaints made to the school will start to be dealt within two working days. (When we refer to **working days**, we mean Monday to Friday, during term time).

Practice

- The Headteacher in the first instance will be responsible for managing and coordinating the complaints procedure. If they are unavailable or are the subject of the complaint then their duties will be carried out by a Deputy Headteacher.

Their main responsibilities will be:

- ❖ The first point of contact while the matter remains unresolved and keep records.
 - ❖ To co-ordinate the complaints procedures across the school.
 - ❖ To arrange assistance for parents who require this, for example, because of a disability.
 - To ensure that the complaints process is well publicized to parents and staff so that both are aware of what the process involves
 - ❖ To monitor the keeping, confidentiality and storage of records in relation to complaints.
 - ❖ To report regularly to the Chair of Governors with respect to complaints.
- Complaints against the Headteacher would first be dealt with by the Chair of Governors
 - Complaints against the Chair of Governors or Local Governing Body Governors or any other member of the governance body should be made by writing to the Clerk to the Governors and it will be investigated by the Headteacher with the support of the Clerk.
 - This policy does not apply to complaints about:
 1. School admissions and transfers
 2. Exclusions
 3. Employment
 4. Local Authority decisions on Special Educational Needs Assessments and School Placements
 5. Staff disciplinary issues
 6. Financial impropriety or criminal activities
 7. Child Protection issues

Stage 1 (Informal Complaint)

- All general complaints about the school should in the first instance be referred to the school or appropriate member of staff (class teacher / tutor, curriculum / subject leader, Guidance Manager, Senior Leadership Team). The attached flow chart outlines who complainants should contact depending upon the concern or issue they wish to discuss and raise.
- We expect that most concerns, where a parent/complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

- We will acknowledge any written notification by telephone, e-mail or letter within five working days and will give details of the proposed action to resolve the concern. Depending on the concern the school will decide on the appropriate course of action.
- The school will endeavour to resolve the concern as soon as reasonably practicable and will communicate the steps taken to resolve the concern within ten working days.
- If the resolution of a concern is not satisfactorily dealt with at this stage, the complainant has the right to proceed to Stage 2.

Stage 2 (Formal Complaint Headteacher Investigation)

- An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction of the school's policies, procedures, management or administration should be set out in writing with full details to the Headteacher. To assist complainants in this process, a Complaints Form is attached to this procedure (Appendix 4). Further copies are available from the school (please ask at Reception). Your complaint will be acknowledged within five working days, indicating the action that is being taken and the likely timescale.
- The Headteacher may ask a Member of the Senior Leadership Team to act as Investigator. The Investigator(s) may request additional information from you and the Headteacher or Senior Colleague will probably wish to speak to you personally and to others who have knowledge of the circumstances. The Headteacher or member of the Senior Leadership Team will then contact you by e-mail or letter of the decision and the reasons for it. The Headteacher will aim to inform you of the outcome of an investigation and the resolution to the complaint within twenty working days from the receipt of the complaint.
- If, after receiving a response to the complaint from the Headteacher, the complainant is not satisfied with the proposed steps for resolution, the complaint may be referred to Stage 3 of the Complaints Procedure.

Stage 3 (Referred to the Chair of Governors)

- If you are dissatisfied with the Headteacher's decision under Stage 2, your complaint may be renewed in writing to the Chair of Governors. You should write to the Chair within five working days of receiving the Headteacher's decision setting out full details of the complaint.
- Upon receipt of the complaint, the Chair of Governors will acknowledge the complaint within five working days indicating the action that is being taken and the likely timescale. The Chair will aim to offer a response in writing setting out his / her decision and the reasons for it within ten working days of receipt. More complex investigations will require a longer time being needed (up to twenty working days). The complaint will be investigated following the equivalent procedures set down in Stage 2.
- If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to the Complaints Panel within five working days of receiving the decision. The Clerk to the Governors will arrange a meeting of the Complaints Panel and invite the complainant to the hearing.

Stage 4 (Complaints Panel)

- Please see **Appendix 1** for full details of how to request a Complaints Panel hearing, how the Panel will be constituted and the procedure that will be followed at the hearing.
- The Panel's task is to establish the facts surrounding the complaints that have been made by considering: the documents provided by both parties and any representations made by you, the Headteacher, the Executive Headteacher or the Chair. The Panel will not consider any new areas of complaint which have not been previously raised. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or any other issues to the Headteacher or to the Governing body as appropriate.
- If, after establishing the facts, the Panel consider that the complaint is justified, they will uphold the complaint. If the Panel consider that the complaint is not justified, they will dismiss the complaint. They will make these decisions on the balance of probabilities.
- Once the meeting has been held, the decision of the Complaints Panel will be communicated to the complainant no later than ten working days following the hearing. The letter will set out a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions, if any or outcomes.
- It should be noted by complainants that the role of the Governing Body is primarily strategic, being responsible for the school's strategic framework, including its aims and objectives, its priorities and targets, and its policies for achieving those aims and objectives. The Headteacher, meanwhile, has sole responsibility for making day-to-day decisions in the school, and is responsible for the internal organisation, management and control of the school, and for implementing governors' policies.
- The Department for Education (DfE) has clearly laid out which areas of responsibility are within the remit of the Headteacher and which are within the remit of the Governing Body. The Chair of the Governing Body is bound by this legislation and will decide what powers the Governing Body has to deal with the particular complaint.
- The Governing Body is only permitted to reconsider a decision made by the Headteacher if the concern falls within its legislated authority. If the complaint falls within the remit of the Headteacher as laid out in the DfE legislation, the Governing Body can only investigate the reasonableness of the decision. If you are not satisfied with the Chair's decision, you may contact the Local Authority.

Confidentiality: A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel Hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.

Anonymous complaints



We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Unreasonable Behaviour

All complaints will be processed in accordance with this policy. 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 and threatening.

Toynbee School uses the same definition of “unreasonably persistent complainants” as that generally used by Government and other Public Sector organisations, namely:

“Those who, because of the frequency or nature of their contact with an authority, hinder the School’s consideration of their or other people’s complaints.”

We will inform you when we consider your complaint and your associated behaviour to be unreasonable. Such decisions will not be taken lightly. Where an individual’s behaviour is causing a significant level of disruption we may implement a tailored communications strategy and/or seek advice from external advisors.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry, and the school requires appointments to be made in advance to meet with staff. We will act to ensure that it remains a safe place for students, staff and other members of the community.

Appendix (1) The Complaints Panel Hearing

- The panel will be formed of school Governors who have not been involved in any earlier part of the complaints process and who have no detailed prior knowledge of the nature of the complaint and an independent member who is independent of the governance, management and running of the school. The panel will not consider any new areas of the complaint which have previously been raised as part of the complaints procedure.
- **Notification:** To request a Hearing before the Complaints Panel please write to the Clerk to Governors within five working days of the decision complained of. Your request will usually only be considered if you have completed the procedures at Stages 1, 2 and 3. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk to Governors. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the School's possession and wish the Panel to see. The Clerk will acknowledge your request in writing within five working days. If you require assistance with your request, for example, because of a disability, please contact the Clerk who will be happy to make appropriate arrangements.
- **Convening the Panel:** The Clerk to Governors will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not sit during half terms or school holidays, unless there are exceptional circumstances. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint.
- **Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place within twenty working days of the receipt of your request. As soon as reasonably practical and in any event, at least seven working days before the hearing, the Clerk will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.
- **Attendance:** You will be invited to attend the Hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk at least five working days before the Hearing. Copies of additional documents you wish the Panel to consider should be sent to the Clerk at least three clear working days prior to the Hearing.
- **Chair:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- **Hearing:** All statements made at the Hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. Formal minutes of the meeting will be taken by the Clerk to Governors who will take no part in proceedings apart from reminding the Chair of the Panel of procedural protocol as necessary.
- **Evidence:** The Chair of the Panel will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.



- **Conduct:** All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- **Adjournment:** The Chair may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- **Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless an agreed position is reached and the complaint withdrawn. The Panel's decision, findings and any recommendations may be notified orally at the Hearing or subsequently and shall be confirmed in writing to you by electronic mail, telephone or letter, where appropriate within ten working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be available for inspection on the school premises by the Governing Body and Headteacher. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of Governors, Headteacher and, where relevant, any person about whom the complaint has been made.
- **Private proceeding:** A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

APPENDIX 2 STAGED APPROACH TO HANDLING COMPLAINTS

Complainant's Action

School's Action

STAGE 1 Informal Approach

Communicate with relevant member of staff.
See Communication Flow Chart (Appendix 3).

Informal discussion:

- Acknowledge within 5 days
- Listen. Discuss
- Consider who should deal with the matter
- Record concern
- Resolve
- Letter sent within 10 working days

Not satisfied

Parent/Complainant satisfied

Explain procedures and next stage

See Communication Flow

STAGE 2 Headteacher

Write to Headteacher

- HT to acknowledge within 5 working days
- Investigate
- Agree to meet
- Confirm outcome in writing within 20 working days
- Offer a resolution

Not resolved

Complainant satisfied

STAGE 3 Chair of Governors

Write to Chair of Governors
Within 5 working days of stage 2 outcome

- Chair will acknowledge receipt within 5 working days
- Investigate.
- Confirm outcome within 10 to 20 working days
- If unsatisfied complainant to write to Clerk to Governors within 5 working days of receiving decision to request a Complaints Panel hearing

Not satisfied with outcome

Complainant satisfied

STAGE 4 Complaints Panel

Write to Chair of Governors
Within 5 working days of stage 2 outcome

- Clerk to acknowledge request within 5 working days
- Clerk sets hearing date to be held within 20 working days
- 3 members on panel including independent member
- Complainant invited
- Confirm decision to complainant within 10 working days

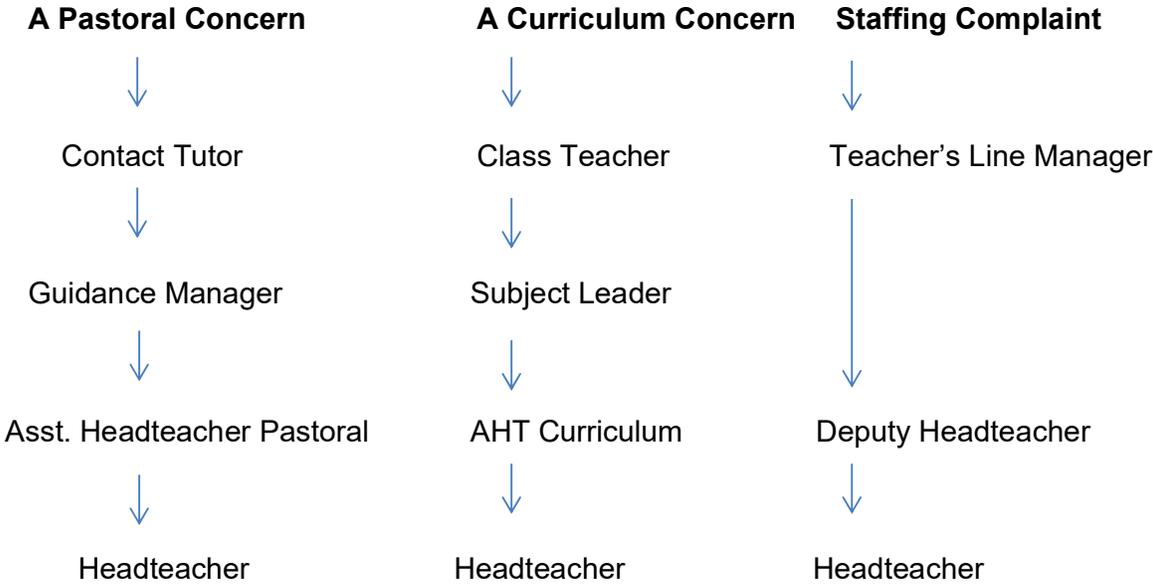
This is the final stage in the school's internal complaints procedure

APPENDIX 3

COMMUNICATION/COMPLAINT PROCEDURE

Recommended Procedure for Parents/Carers

1. Nature of concern/complaint



- 2. Headteacher – if not contacted under procedure 1 and unable to resolve issue.
- 3. Chair of Governors – if not contacted under procedure 1 or 2 and unable to resolve issue.
- 4. Clerk to Governors – for creation of Panel.



APPENDIX 4

Complaints Form

When we receive a complaint, we aim to acknowledge receipt of the concern by telephone or letter normally within five working days and will give details of proposed action to resolve the concern.

Name of parent/guardian
Student's Name
Address: Postcode: Telephone (day): Telephone evening):
What is your concern and how has it affected you?
Are you attaching any paperwork? If so, please list these below:



Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was their response?

What would you like to happen as a result of making this complaint?

Signature

Date

Official use only

Initial response and
Acknowledgement:

By whom:

Date:

Complaints reference number:

Action Taken:

Date:

General Data Protection Regulation 2018 – We will only process your personal data to respond to your complaint. In general, this will be used for administrative and statistical purposes.