



Complaints Policy

Ranelagh School

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About this document

The complaints policy and procedure is based on the previous complaints policy and procedure of the school prior to its becoming an academy. That had itself been based on that of Bracknell Forest Council which in turn took account of:

- Department for Education School Complaints Procedure Guidance
- The best practice of other local authorities
- 'Running a Complaints System' (The Local Government Ombudsman)
- NAHT (London) Model Procedure for Managing Complaints
- 'A model general complaints procedure' (RISE)
- Headteachers, governors and Diocesan representatives within Bracknell Forest.

After defining the key principles, this document sets out the 5 separate stages of the complaints procedure. Appendix 1 summarises the key roles and responsibilities of the complaints committee. Appendix 2 summarises the process in the form of a flowchart.

1 The key principles of the policy

1.1 Legal context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing board to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Since becoming an academy school the complaints procedure includes direct appeal to the Secretary of State through the Educational Funding Agency (EFA).¹

1.2 Summary

This document sets out the procedure which Ranelagh School will follow whenever it receives a complaint for which there is not an alternative statutory procedure (see section 1.3).

A summary of the various stages is given below:

Stage	Action	Primary Responsibility
1. Informal	Informal discussion and resolution	School Staff
2. Formal	Investigation by headteacher	School Staff
3. Chair of Governors	Chair of Governors and complaints committee review	Governing board
4. EFA Investigation	Investigation on behalf of the Secretary of State	EFA

¹ See:

<http://media.education.gov.uk/assets/files/pdf/e/efa%20academies%20complaints%20procedure%20august%202012.pdf>

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure).

It is anticipated that the majority of complaints will be resolved on an informal basis (stage 1).

The School's Governing board will monitor the application of this policy by receiving an annual report from the headteacher detailing the number, nature and outcomes of complaints handled at stage 3. The Chair of Governors and Complaints Committee will similarly report. The number, nature and outcomes of complaints handled at stage 4. In both cases such reports will not normally include confidential details about particular complainants.

1.3 Circumstances under which this procedure should not be used

This guidance does not refer to areas where different procedures must be followed. These areas are:

- Complaints about the national curriculum
- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Examination results
- Statements of Special Educational Need
- Temporary withdrawal of students from all or part of the national curriculum
- Student admissions
- Student exclusions

Issues related to safeguarding, criminal investigations and employee grievances must not be handled using this procedure. The procedures will not cover matters that are the subject of legal action or matters within the scope of an Employment Tribunal.

This complaints procedure is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another procedure is more appropriate than this complaints procedure for any given situation then it should be used in preference to it.

1.4 Circumstances under which stages of the procedure should be missed out

This document sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the headteacher directly (i.e. begin at stage 2). Complainants may choose to contact the headteacher directly of their own accord. In these cases it

will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

When a complaint is made directly against the school's headteacher, stage 2 is not required and the formal procedure begins at stage 3.

1.5 Who is allowed to complain?

This procedure may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's students, but may include neighbours of the school, or any other members of the local community.

1.6 Aims and objectives of the procedure

This complaints procedure aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

1.7 Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant
- The date and time at which complaint was made
- The details of the complaint
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints procedure and will be responsible for monitoring complaints

1.8 Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- 1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.
- Or
- 2 That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- an apology
- an explanation

- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

1.9 Publicity and communication

There is a legal requirement for schools to publicise their complaints procedure.

Reference to this procedure will be included within the school's prospectus and full details will be available from the school office.

All staff and members of the governing board should be made aware of the complaints procedure and how they can obtain further information.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

1.10 Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

1.11 Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

1.12 Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

1.13 Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

1.14 Vexatious Complaints

The chair of governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

In both cases, the complainant has the right to take their complaint to the EFA (stage 4) who will, if appropriate, investigate the school's adherence to the complaints procedure.

2 STAGE 1: Informal discussion

2.1 Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

2.2 Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or headteacher depending on their wishes and the type of issues they want to discuss.

2.3 Monitoring

There is no requirement to record or monitor complaints at this level.

2.4 Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

2.5 Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

2.6 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to this complaints procedure and told how to move on to the next stage.

3 STAGE 2: Referral to the headteacher

3.1 Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

3.2 Informal discussion with headteacher

Before proceeding with a formal investigation, the headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the headteacher will decide whether the individual's complaint will be dealt with by this procedure or another statutory procedure and advise them on what they will need to do.

3.3 Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this procedure and should be formally submitted in writing to the headteacher.

As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

3.4 Acknowledgement and time scales

The headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

3.5 The investigation

The headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the headteacher will interview witnesses and take statements from those involved. If the complaint centres on a student, the student will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When students are interviewed, an additional member of staff should always attend.

3.6 Response

The headteacher will provide the complainant with a full written response within 10 school days of acknowledgement. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

3.7 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to this complaints procedure and told how to move on to the next stage.

4 Stage 3: Review by governing board complaints committee

4.1 Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the chair of governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may, in the first instance, be possible and appropriate for the chair of governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing board or another governor. The clerk may offer support and guidance to the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the headteacher will be dealt with.

4.2 The committee

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The complaints committee will usually be chosen from this group of five and will comprise at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. The committee should elect its own chair.

4.3 Submitting a formal complaint

The complainant must submit a written request to the chair of governors for their complaint to be considered by a complaints committee.

4.4 Acknowledgement and time scales

The chair of governors should acknowledge receipt of this letter within 5 school days if possible but no more than 10 by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

4.5 Preparation

The chair of governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing
- Of the aims and objectives of the hearing and how it will be conducted
- That any documentation they wish the committee to consider must be returned to the clerk no later than 5 school days before the hearing takes place
- Of the rights of equal access, accompaniment and representation as set out within this document
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing to allow individuals to familiarise themselves with them.

4.6 The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the headteacher and the complaints committee will be allowed to ask the complainant questions.
- The headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format may need to be altered in appropriate circumstances and ultimately, the chair of the meeting has control over its proceedings.

4.7 After the hearing

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint

- Decide upon the appropriate action (if any) to be taken
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the headteacher and the complainant.

4.8 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to this complaints procedure and of the procedure for further consideration by the EFA/Secretary of State.

5 STAGE 4: Complaint to Secretary of State for Education

5.1 Introduction

As Ranelagh is an Academy School complainants are entitled to complain to the Secretary of State for Education. The Secretary of State will handle such complaints through the Educational Funding Agency (EFA). Generally, the EFA can only look at complaints that fall into the following two areas.

a. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements

The EFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure this is put right.

b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy directly but this will depend on the evidence provided. Once the EFA is satisfied that an academy is in breach of the funding agreement, and that the breach cannot be addressed informally, then, if appropriate, it will seek to enforce compliance through the courts.

The EFA will also consider evidence that an academy has failed to comply with any other legal obligation placed on it. However, there may be another organisation that is better placed to consider the matter, in which case the EFA will refer the complainant or the complaint to them. This may include, but is not limited to, a court of law or other tribunal of competent jurisdiction, local authorities or regulatory bodies. Enforcement of any breach of a legal obligation will either be through the mechanisms of the organisation to which the complaint has been referred or by the EFA, whichever is appropriate.

5.2 Submitting a formal complaint

Where possible, complainants will be asked to put their complaint in writing. If the complainant has difficulty in providing details in writing, EFA will consider alternative ways of receiving the information.

Complaints must be submitted to the Department for Education. Generally this will be on the Department's School Complaints Form (available at:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/guidance-on-making-a-complaint-about-a-school/how-to-complain-to-the-department-about-a-school>, further guidance is also available at this web address)

and sent to the following address:

Department for Education,
Castle View House,
East Lane, Runcorn,
Cheshire, WA7 2GJ

5.2 Scope of Complaints

EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- safeguarding or child protection matters, which should be taken up with the academy's Local Safeguarding Children's Board;
- a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST);
- incidents that are subject to a current investigation by the Local Government Ombudsman; and
- matters that are the subject of legal action.

EFA will not usually investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

EFA reserve the right not to investigate complaints considered to be vexatious or malicious or where the EFA are satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

The EFA will investigate complaints about:

- 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; or
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

The EFA will deal with complaints in accordance with the following principles.

- Academies should be receptive to genuine expressions of dissatisfaction.
- Complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible.

- In dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010).