



COMPLAINTS POLICY FOR RUSH COMMON SCHOOL

Introduction

In this policy as in all documents of Rush Common Academy Trust (“RCAT”) any reference to Governors of Rush Common School or Trustees of Rush Common Academy Trust is a reference to The Board of Directors of Rush Common Academy Trust and any reference to the headteacher of Rush Common School is a reference to the Chief Executive Officer of RCAT.

The Board of Directors of Rush Common School has adopted this policy to deal with formal complaints from members of the school community or the general public.

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 Board of Directors to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere. RCAT is committed to following these procedures.

1.2 Principles informing our Complaints Procedure

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- allow a mediation process if agreed by the complainant
- allow for a hearing of a panel of Directors, where appropriate
- respect people’s desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school’s Leadership Team so that services can be improved.

1.3 Aims and objectives of the policy

This complaints policy 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.

If parents, pupils or members of the public have concerns they should deal with them at the earliest opportunity and this policy sets out how this should be done.

It is stressed that the majority of complaints are resolved on an informal basis (stage 1 in the table below). Only when avenues 1 and 2 in the table below have been tried and found unsatisfactory should the complainant take a complaint to the Board of Directors.

1.4 Summary

This policy sets out the procedures which RCAT will follow whenever it receives a complaint for which there are not alternative statutory procedures (see section 1.5).

A summary of the various stages is given below and set out in a flow chart at Appendix 4 to this policy:

Primary Responsibility

1 Informal discussion and resolution	Informal Stage School Staff
2 Investigation by headteacher	Formal Stage School Staff
3 Complaints committee review	Board of Directors
4 Other	

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).

1.5 Circumstances under which this procedure should not be used

This procedure should not be used for the following complaints:

- Complaints about the national curriculum
- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions

Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

This complaints policy 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 policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

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

This policy 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 all cases where the complaint concerns the school's headteacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

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).

1.7 Who is allowed to complain?

This policy 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 pupils, but may include neighbours of the school, or any other members of the local community.

1.8 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).

1.9 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.

1.10 Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures. This policy is published on the school website and may also be included, as appropriate, within the following:

- included within the school's handbook
- the information given to new parents when their children join the school;
- the information given to pupils at the school;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;

All staff and members of the Board of Directors should be made aware of the complaints procedure and the various stages involved.

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.

1.11 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.

1.12 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.

1.13 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.

1.14 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.

1.15 Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal using the school's appeal procedures in order to facilitate this.

1.16 Vexatious Complaints

The Chair of the Board of Directors 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.

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.

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

2.2 Who to speak to informally

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

2.3 Monitoring

It is not necessary 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 the school's complaints policy and Appendix 1 "A Guide to Parents" and Appendix 2 "Model Complaints Form" and told how to move on to the next stage.

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 policy 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 policy and should be formally submitted in writing to the headteacher using the model complaints form at Appendix 2.

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 around a pupil, the pupil 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 pupils 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 acknowledging it. 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 the school's complaints policy and Appendix 1 "A Guide to Parents" and Appendix 2 "Model Complaints Form" and told how to move on to the next stage.

Stage 3: Review by Board of Directors Complaints Committee

4.1 Introduction

Complaints only rarely reach this formal level as most complaints are resolved through the informal process or by the headteacher. However if this is not possible the complaint can be referred to the Chair of the Board of Directors.

Upon receiving a formally submitted complaint at this stage the Chair of the Board of Directors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of the Board of Directors 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 board of directors or another director.

When stage 2 has been missed out (see section 1.6), this is the first stage under which a formal complaint about the headteacher will be dealt with.

4.2 Who is responsible for What?

The Role of the Chair of the Board of Directors

The Chair of the Board of Directors should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

The Role of the Clerk

The clerk organises the complaints committee review. He or she will need to:

- Set the date, time and venue of the review, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings
- Notify all parties of the committee's decision.

The committee

The members of the committee are elected by the Board of Directors annually at the start of each academic year. The committee will generally consist of three directors who have not previously been involved with dealing with the complaint. The committee when it meets will elect its own chair.

The Role of the Chair of the Complaints Committee

The chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;

- Key findings of fact are made;
- Parents and others who may not be used to speak at such a review are put at ease;
- The review is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within **5 school days**. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

4.3 Submitting a formal complaint

The complainant must submit a written request to the Chair of the Board of Directors for their complaint to be considered by a complaints committee. The model complaints form at Appendix 2 should be completed.

4.4 Acknowledgement and time scales

The Chair of the Board of Directors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most 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 the Board of Directors 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 directors. 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 so as to allow individuals to familiarize 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 will need to be altered under certain circumstances. 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:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part;
- Decide upon the appropriate action (if any) to be taken to resolve the complaint;
- 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.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the headteacher investigated a complaint about a member of staff – **but cannot expect the headteacher to provide details about confidential discussions with that staff member.**
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the headteacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the Board of Directors to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)

- Consider whether it should recommend that the Board of Directors offer appropriate redress

4.8 The decision letter.

The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all panel members, it should be sent to the complainant with a copy to the headteacher and to the chair of the Board of Directors.

The letter should clearly express how seriously the panel considered the complaint.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

The clerk should ensure that the letter reaches the complainant, the headteacher and the Chair of the board of Directors within five working days.

5 STAGE 4: Complaint to Secretary of State for Education and Skills

For most complaint, parents cannot take their appeal further than the Board of Directors.

If a complainant feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education and Skills, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

6. Review of this Policy

The Board of Directors through its Community Committee review this policy every three years. It may review this policy earlier than this if the government introduces new regulations, or if it receives recommendations on how this policy might be improved.

When individual complaints are heard, the school may identify issues that need to be addressed and will do so. However any discussion of complaints by the Board of Directors or others in the school community will not name or enable individuals to be identified.

Approved by the Community Committee of Rush Common Board of Directors of RCAT on 29 September 2015

Signed: C Wilmshurst

(Chair of Board of Directors)

Signed: L Youngman

(Headteacher)

Date for Review : September 2018

APPENDIX 1

Sharing your concerns about your child's education

A guide to parents

Rush Common School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact Laura Youngman, Headteacher at the school.

The Board of Directors of Rush Common Academy Trust has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school.

How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher.

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the headteacher who will look into your concern.

If you are unhappy with the headteacher's response you should write with your complaint to the Chair of the Board of Directors of Rush Common Academy Trust at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION'.

This is how your complaint will be handled

Within 5 working days the Chair of the Board of Directors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate.

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the headteacher explore possible resolution.

If mediation is agreed, the chair of the board of directors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of the Board of Directors or the Clerk to the Board of Directors will set up a panel of Directors to meet **within 15 working days** to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of three Directors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the clerk will send to you, the complainant, the headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

At the hearing,

1. You and the headteacher will be invited into the room where the panel is being held at the same time
2. After introductions, you, the complainant will be invited to explain your complaint
3. The headteacher may question you
4. The panel will question you
5. The headteacher will be invited to explain the school's actions
6. You, the complainant may question the headteacher
7. The panel will question the headteacher
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the headteacher will hear from the panel **within five working days**.
12. Both you and the headteacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

Can I take my complaint further?

For most complaints, you **cannot** take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Schools.

APPENDIX 2
Rush Common School

Complaint form

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

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 and what was the response?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use:

Date of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

APPENDIX 3 : COMPLAINTS PROCESS FROM START TO FINISH

