

## St Olave's Grammar School



### COMPLAINTS POLICY

#### Introduction

The St Olave's Complaints Policy and associated Complaints Procedure have been revised in accordance with the Best Practice Advice for School Complaints Procedure paper published by the Department for Education in January of 2019. They and their implementation are also informed by statutory obligations to the Equality Act 2010 and the Data Protection Act of 1998.

#### Aims and Objectives

It is the Governors' Policy to take all complaints made to the School seriously, to investigate them and to ensure that appropriate, fair and proportionate follow up actions are undertaken in accordance with the School's Complaints Procedure detailed below. The school will ask the complainant at the earliest stage what they think might resolve the issue.

The School's Policy aims to ensure that the Complaints Procedure (below) and its implementation:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the School's Senior Leadership Team so that services can be improved.

#### Defining Complaints and Concerns

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 a lack of action*'.

The School believes it is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the School's formal procedure will be invoked through the stages outlined within the Complaints Procedure below.

### **Who Can Make Complaints?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the School provides, unless separate statutory procedures apply (such as exclusions or admissions). The School does not limit complaints to parents or carers of children who are registered at the School.

### **Recording Complaints**

Formal complaints to the School will usually be made in writing, however the School recognises and acknowledges that the complainant may have communication preferences due to disability, learning difficulties or difficulties using English and therefore accepts alternative methods of contact:

- A complaint may be made in person, by telephone, in writing (including electronically) or by a third party acting on behalf of the complainant;

The School will record the progress of the complaint and the final outcome. The Headteacher will be responsible for these records and hold them centrally. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be taken. These will be kept securely.

A copy of any written response will be added to the school's record of the complaint.

It is the responsibility of the complainant to obtain informed consent from all parties present before recording any conversations or meetings. Unless exceptional circumstances apply, the school will refuse to accept, as evidence in a complaint, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

### **Timescales for Response**

These are detailed in the Complaints Procedure outlined below. The general principle to which the prescribed timescales adhere is that complaints need to be considered and resolved as quickly, fairly and efficiently as possible. The time limits outlined are also designed to be realistic and reasonable within each stage. Where further investigations are necessary and it is clear that published timescales cannot be met, we will set new time limits and send the complainant details of the new deadline and explain the delay.

The school considers 3 months to be an acceptable timeframe in which to lodge a complaint. Additional time can be given in exceptional circumstances. It is for the school to determine what constitutes exceptional circumstances

## **COMPLAINTS PROCEDURE**

1. The first point of contact for raising concerns or complaints is a pupil's Form Tutor. Attempts will be made first of all to resolve the matter either with the Form Tutor or in discussion with the Head of Year/Department or other appropriate senior member of staff.
2. Where a meeting is requested in writing by complainants it will be arranged within ten working days of the request being made.
3. Where the matter cannot be resolved under the procedures referred to above, a formal written notice of the concern or complaint will be submitted to the Headteacher. This should set out in detail the matter of concern or complaint. The Headteacher will respond in writing within ten working days of receipt of the written notice and if necessary arrange a meeting, with the complainant, to consider the response.

In investigating the complaint, the Headteacher will seek to establish how the complaint has been handled so far, who has been involved, to contact the complainant should further information be required, to clarify what the complainant feels would put things right (if this has not already been explained in their letter), to interview those involved in the matter and those complained of, allowing

them to be accompanied if they wish. In all of these stages of the investigation, the Headteacher undertakes to keep an open mind and to keep notes of any interview for the record.

4. Where the complaint is concerning the Headteacher, a formal notice of the concern or complaint should be sent to the Chairman of Governors (see point 5).
5. Where the matter cannot be resolved under the procedures referred to under Section 3, a formal written notice of the concern or complaint should be sent to the Chairman of Governors. This should be clearly marked “Confidential for the personal attention of the Chairman of Governors” c/o St Olave’s Grammar School.
6. The Chairman of Governors will investigate the complaint or concern and a meeting will be convened of the appropriate Governing Body Committee. The Committee will comprise three Governors (excluding the Chair of Governors) who have had no prior exposure to the complaint. The Chairman of Governors will respond in writing within fifteen working days except that a longer period may be required should the full Governing Body be involved.

The Chairman of Governors’ investigation will follow the same process as the Headteacher’s investigation (see point 3).

7. Where the complaint is concerning the Chair of Governors or any individual governor, a formal notice of the concern or complaint should be sent to the Clerk to the Governing Body. Thereafter a meeting will be convened of the appropriate Committee (which will not, in this instance, include the governor who is the subject of the complaint); this final review panel will comprise three Governors who have had no prior exposure to the complaint. The Chairman of Governors (or the Vice Chair of Governors, where the Chair is the subject of the complaint) will respond in writing within fifteen working days except that a longer period may be required should the full Governing Body be involved.
8. If a complaint has completed the above procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education

legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

N.B. When responding to a complaint, the school will advise the complainant of the escalation options at each stage of the procedure when communicating the outcome of the particular stage of the investigation.

### **The School's Response**

Any decision made by the school in response to a complaint will be made in line with the principles of administrative law. This means a decision is:

- Lawful (it complies with education and other law, including human rights law and equality law, such as the Human Rights Act 1998 and the Equality Act 2010)
- Rational
- Reasonable
- Fair
- Proportionate
- Objective

### **Legal Representation**

In the event that a complaint progresses to a committee of members of the school governors, the Department for Education recommends that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the governors' committee will be:

- Reconciliation
- To put right things that may have gone wrong

The school recognises that there are occasions where legal representation may be appropriate (e.g. if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation).

If a complainant commences legal action against the school in relation to their complaint, the school may consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Complaints Outside of Scope**

The School's Complaints Policy and associated procedure covers all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate statutory procedures (guidance on how these matters are resolved is contained within the DfE's Best Practice Advice for School Complaints Procedure paper published in January 2019 and in related School Policies including the Admissions Policy, the SEN Policy, the Safeguarding Policy, the Behaviour Policy, the Whistle Blowing Policy and the Child Protection Policy):

- School Admissions
- Statutory assessment of SEND
- Matters likely to require a Child Protection investigation
- Exclusion of a child from school
- Staff grievances and disciplinary procedures
- Complaints about other services provided by other providers who may use the School's premises or facilities
- Disciplinary procedures and staff conduct complaints
- School reorganisation proposals
- Whistleblowing
- Complaints about the content of the national curriculum
- Complaints about collective worship
- Withdrawal from the curriculum

### **Vexatious Complaints**

If it appears to the Headteacher at Stage Three, or the Chair of the Complaints Committee or the Chair of Governors at Stage Six that a complaint:

1. Raises matters which have already exhausted the procedure; or
2. Is academic by reason of changes in circumstances; or
3. Is frivolous by reason of raising no issue that could possibly significantly affect the welfare or education of a student(s) or student(s) family

or that lack of cooperation from the complainant, or anybody on whose behalf the complaint is brought, prejudices the efficient and fair operation of the procedure they may inform the complainant of this and the complaint will be closed.

The complainant may ask that a decision of the Chair of the Complaints Committee or the Chair of Governors to this effect be reviewed by the full Complaints Committee who may close the complaint without further considering its substance if they agree with the earlier decision.

### **Complaint Campaigns**

The school may use a separate procedure if it becomes the focus of a campaign and receives large volumes of complaints:

- All based on the same subject
- From complainants unconnected with the school

Under these circumstances, the school may send a template response to all complainants or publish a single response on the school's website.