



**ST IVO SCHOOL**

## **Complaints Procedure**

Approved: March 2016, Full Governing Body

Next review due: March 2018

Parents or carers who have any concerns affecting their child's school life should normally raise their concern with the Head of Year, but such concerns can also be raised with the child's Form Tutor or Head of Department.

We believe that most concerns can be resolved satisfactorily by informal discussion, either over the telephone or through a meeting involving the key people concerned.

Every effort will always be made to resolve the issue at this informal stage, as quickly and effectively as possible, to everyone's satisfaction. Parents or carers who remain dissatisfied with the response to their concern will be informed that they have the opportunity to make a formal complaint, under the School's Complaints Procedure, and will be given a copy of this Complaints Procedure.

This is St Ivo School's formal Complaints Procedure:

### **STAGE 1: FORMAL COMPLAINTS**

- 1 A parent or carer wishing to make a complaint should make it clear that a formal complaint is being made, and be prepared to explain their grievance. A formal complaint must be raised in writing to the School either by letter or email.
- 2 Formal complaints should normally be raised first with the child's Head of Year. The Head of Year will keep a written record of the complaint, and the date on which it was raised. The Head of Year will investigate the complaint and provide a written response to the parent or carer. At all stages in the Complaints Procedure, the School will aim to respond to the complaint within ten working school days. If a full response cannot be provided within this time, we will write to the complainant explaining that the response will be delayed, but giving a date by which we will endeavour to provide a full response.
- 3 We recognise that some parents and carers will raise their complaint, in the first instance, with the Headteacher or with a Deputy Headteacher. In most cases, the Headteacher or Deputy Headteacher will ask the child's Head of Year or a member of the Senior Management Team to investigate and consider the complaint, and to provide a written response to the complainant within ten working school days. However, if the complaint raises an issue of professional conduct by a member of the School staff or some other sensitive issue, the Headteacher may investigate the complaint himself, or ask a Deputy Headteacher to investigate the complaint. If the Headteacher investigates an initial complaint himself, the complaint will be treated as having been taken to stage 2 of the Procedure.
- 4 If a complaint is raised with an individual Governor, they will refer the complaint to the Headteacher or the Chair of Governors, as appropriate, and will take no further part in the complaints process.

- 5 If the complaint directly concerns the Headteacher, it will be taken immediately to stage 3, and investigated by the Chair of the Governing Body.

## **STAGE 2: REVIEW BY HEADTEACHER**

- 1 If a parent or carer is dissatisfied with the response to their complaint received from their child's Head of Year or from a Deputy Headteacher, the complainant should then raise the matter with the Headteacher. The complaint must be made in writing (by letter). The Headteacher may arrange a meeting with the complainant, and the complainant must be prepared to explain their grievance and why they are dissatisfied with the first response to their complaint.
- 2 The Headteacher will investigate and consider any complaint referred to him at this stage, and respond to the complainant by letter. The Headteacher will always aim to respond to the complainant within ten working school days but, if they cannot give a full response within this period, will write to the complainant explaining the reasons for delay, and giving a date by when they will provide a full response.

## **STAGE 3: REVIEW BY CHAIR OF GOVERNORS**

- 1 If the complainant is dissatisfied with the Headteacher's response to their complaint, or if their complaint concerns the Headteacher, they will be informed that their complaint can be referred to the Chair of the Governing Body.
- 2 Complaints to the Chair of Governors must be made in writing to enable the Chair of Governors to understand clearly the subject matter of the complaint.
- 3 Complaints to the Chair of Governors from a complainant dissatisfied with the Headteacher's response to their complaint should be made within ten working school days from receipt of the Headteacher's written response to the complaint. The Chair of Governors may, if satisfied that it was impracticable for the complainant to raise the complaint within this time limit, accept a complaint made late.
- 4 The Chair of Governors will decide how to investigate the complaint. For the purposes of this investigation, the Chair may speak to the complainant, and to the Headteacher or any other relevant member of the School staff, or may consider the complaint by referring to the written records relating to it.
- 5 If the Chair of Governors believes that it would not be appropriate for him or her to investigate the complaint, the Chair of Governors may delegate the investigation and consideration of the complaint to the Vice Chair of Governors or another Governor (not an employee of the School) nominated by the Chair.
- 6 Following completion of the investigation and consideration of the complaint, the Chair of Governors will write to the complainant, setting out the nature of the investigation carried out, the findings made and the Chair's recommendations (if any) for further action, within ten working school days. If the Chair of Governors cannot provide a response within that period, they will write to the complainant explaining the reasons for the delay, and giving a date by when they will provide a full response.
- 7 When the complainant is given the Chair's response to the complaint, the complainant will be informed of their right to request a Complaint Panel Hearing, and informed of the time limit for requesting such a hearing.

#### **STAGE 4: COMPLAINT PANEL HEARING**

- 1 A complainant who is dissatisfied with the response of the Chair of Governors to their complaint may request a review of the handling of the complaint at a Complaint Panel Hearing. Such a review must be requested within ten working school days from the date that the complainant received the Chair of Governor's response, unless the Complaint Panel is satisfied that it was not reasonably practicable for the complainant to request the review within that time limit.
- 2 The Complaint Panel will be composed of at least three members who have had no previous connection with the subject matter of the complaint or in dealing with the complaint in the previous stages, and are appointed by or on behalf of the Governing Body. One of the Complaint Panel members will be independent of the management and running of the School (i.e. not a Governor or a member of staff).
- 3 The Clerk to the Complaint Panel will make all of the necessary arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing at a time and place convenient to all parties. The Complaint Panel Hearing should take place within twenty working school days of the request being received. Complaint Panel Hearings will not usually take place outside of term time.
- 4 The complainant will be allowed to attend the Complaint Panel Hearing, and be accompanied by a supporter. The supporter will be present for moral support only, and will only be allowed to participate in exceptional circumstances at the discretion of the Chair of the Complaint Panel. It is not appropriate for the complainant to be legally represented at the Complaint Panel Hearing.
- 5 All parties will be provided with a copy of all paperwork relating to the complaint including statements made by the complainant, School employees and Governors, at least three working school days prior to the Complaint Panel Hearing taking place.
- 6 The complainant will be allowed to make a statement to the Complaint Panel Hearing, and may be asked questions by the School's representative or the Complaint Panel.
- 7 The complainant will be allowed to rely on statements made by witnesses. The complainant's witnesses will only attend the Complaint Panel Hearing while they provide their statements, and will not participate in the Complaint Panel Hearing in any other way. The complainant's witnesses may be asked questions by the School's representative or the Complaint Panel.
- 8 The School will usually be represented by the person who dealt with the complaint in the stage immediately preceding the Complaint Panel Hearing, unless the complainant has complained about the way in which the complaint was dealt with by that person during the previous stage, when the School will be represented by another nominated person.
- 9 The School's representative will be allowed to make a statement to the Complaint Panel. The School's representative may be asked questions by the complainant or the Complaint Panel.
- 10 The School's representative will be allowed to rely on statements made by witnesses. The School's witnesses will only attend the Complaint Panel Hearing while they provide their statements and will not participate in the Complaint Panel Hearing in any other way. If the complainant has complained about the way in which the complaint has been dealt with in previous stages, the persons who dealt with the complaint in those stages will usually give

statements as witnesses for the School. The School's witnesses may be asked questions by the complainant or the Complaint Panel.

- 11 When all statements have been made to the Complaint Panel by the complainant, the complainant's witnesses, the School's representative and the School's witnesses, the complainant will be invited to summarise the complaint. The School's representative will then be invited to sum up the School's position.
- 12 The Complaint Panel will consider the complaint in private, either while the complainant and the School's representative wait, or more usually having sent the complainant and the School's representatives away having given them an indication as to when written notification of their decision will be sent.
- 13 The Complaint Panel will make findings of fact in relation to the issues raised (on a balance of probabilities, namely that each fact is more likely than not to be true) and, if necessary, make recommendations for action to be taken.
- 14 The Clerk to the Complaint Panel will send written confirmation of the Complaint Panel's findings of fact and recommendations to the complainant and, where relevant, each person complained about, by the date indicated by the Complaint Panel at the conclusion of the Complaint Panel Hearing, and in any event within ten working school days.
- 15 A record of the Complaint Panel's findings of fact and recommendations will be made available for inspection on the school's premises by the Governing Body and the Headteacher.
- 16 A record of all complaints, whether dealt with informally or formally, will be kept by the School. Such records will be kept confidential except when access to them is requested by the Secretary of State for Education or an inspector conducting a school inspection.

#### **COMPLAINTS TO THE EDUCATION FUNDING AGENCY**

- 1 Once the Complaint Panel has notified the complainant of their findings of fact and recommendations, the complainant will have exhausted the School's Complaints Procedure and the complaint will be regarded as dealt with.
2. If the complainant believes that the School's Complaints Procedure is not compliant with the Education (Independent School Standards) (England) Regulations 2010 (as amended), or if the complainant believes that the School has not followed its Complaints Procedure, the complainant can refer their complaint to the Education Funding Agency at the Department for Education. The complainant should be aware that the Education Funding Agency will not reconsider the subject matter of the complaint itself unless it believes that the School has dealt with the complaint in an entirely unreasonable and unjustified way.

#### **COMPLAINTS AGAINST THE HEADTEACHER**

A complaint about the Headteacher must be made to the Chair of Governors, and will be treated as starting at Stage 3 in this Complaints Procedure.

#### **COMPLAINTS AGAINST GOVERNORS**

- 1 A complaint about a Governor (other than the Chair or Vice-Chair of Governors) must be made to the Vice-Chair of Governors, who will investigate the complaint and report to the Governing

Body. Any decision on action to be taken into relation to a governor will be taken by the Governing Body.

- 2 If a formal complaint is made about the Chair of Governors, the complaint will be treated as starting at Stage 4 of this Complaints Procedure.
- 3 If a formal complaint is made about the Vice-Chair of Governors, the complaint will be treated as starting at Stage 3 of this Complaints Procedure.
- 4 If a formal complaint is made about the Full Governing Body, the complaint will be treated as starting at Stage 4 of this Complaints Procedure, but the Complaint Panel will be made up entirely of independent members.
- 5 Complaints about a Governor can only be made under this Complaints Procedure when the complaint relates to the Governor's conduct as a Governor of the School.

### **GENERAL PRINCIPLES APPLICABLE TO ALL COMPLAINTS**

- 1 At every stage through the Complaints Procedure, the School will make every effort to resolve the complaint promptly and fairly.
- 2 In the case of a lengthy investigation, complainants will be kept informed of progress in the determination of their complaint.
- 3 In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case, the complainant will be informed that the complaint will be pursued through disciplinary action. Under the Governing Body's disciplinary procedures, the outcome of such procedures is confidential.
- 4 All written responses provided to a complainant in relation to a formal complaint will be checked to ensure factual accuracy and appropriateness, before being made available to the complainant.
- 5 Individuals investigating complaints will not visit the complainant's home, save in exceptional circumstances and then only at the complainant's request.
- 6 Except where this document prescribes a specific procedure, the person investigating a complaint at any stage of this Complaints Procedure may decide how their investigation should be conducted.

### **REPEATED OR VEXATIOUS COMPLAINTS**

- 1 If a complainant, having exhausted the School's Complaints Procedure, attempts to re-open the same complaint, the complainant will be informed in writing that the Complaints Procedure has been exhausted and that the matter is now closed.
- 2 If a complainant makes a series of clearly unjustified and unreasonable complaints, the complainant will be informed in writing that their complaints are regarded as vexatious and will not be investigated. Any decision as to whether complaints are vexatious will be taken by the Full Governing Body.
- 3 The School takes all complaints very seriously and would stress that the action outlined in paragraphs 1 and 2 above will only be taken in exceptional circumstances.