



# Complaints Policy

Last Reviewed	November 2020
Next Review Date	November 2021
Ratified by the Trustee Board	November 2020

# Complaints Policy

## 1 Aims

To explain procedures for responding to complaints made against Horsforth School.

## 2 Context

Horsforth School operates within guidance and procedures set out by the Department for Education.

### 2.1 Who can complain?

This policy applies to complaints made by

- Parents/carers of students currently or recently (within three months) at the school;
- people who either have 'parental responsibility' for a student or who care for them, but are not the student's parents;
- student's aged 18 years or over; and
- third parties concerned about action (or lack of action) taken by the school.

### 2.2 Types of complaints NOT covered by school complaints procedure

It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child abuse, staff discipline, special needs assessments, school admissions or exclusions.

Where your complaint is relating to your child's attendance within school or a request for a leave of absence from the school, the school will decide whether this matter is investigated through the complaints procedure.

If your complaint is relating to a specific statutory process it may not be appropriate for this matter to be investigated in line with this policy. If this is the case on receipt and review of your letter, Horsforth School will write to you to advise you this.

The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from school.

- Pupil admissions; please see the School's Admissions policy.
- Pupil exclusions; please see the School's Behaviour policy.
- Staff grievance, capability or disciplinary; these are covered by the School's Grievance/Disciplinary/Capability Procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints- please refer to the Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests – please see the School's Data Protection Policy.
- Complaints about the content of the national curriculum.

### 2.3 Social Media

In order for complaints to be resolved as quickly and fairly as possible, Horsforth School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **3 Evaluation**

This policy will be evaluated annually by the Trustee Board to ensure it is still fit for purpose. Circumstances may require more frequent modifications.

### **4 Author**

This policy has been updated by CBR in November 2020.

### **5 Procedures**

Procedures to support this policy are appended as follows:

- Appendix 1 Horsforth School Complaints Procedure: Information for Parents/ Carers/Others
- Appendix 2 Horsforth School Complaints Procedure: Flowchart
- Appendix 3 Horsforth School Complaints Recording Form

## Appendix I

### Horsforth School Complaints Procedure: Information for Parents / Carers/ Others

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages;

- (a) **The Informal Stage** aims to resolve the concern through informal contact at the appropriate level in school.
- (b) **Stage 1** is the first formal stage at which written complaints are considered by the Investigating Officer or the designated Trustee, who has special responsibility for dealing with complaints.
- (c) **Stage 2** is the next stage once Stage 1 has been worked through. It involves a complaints appeal panel of Trustees.
- (d) **Stage 3** Appeal to the Department for Education if you feel the Board of Trustees is acting or proposing to act unreasonably or illegally.

How each of these stages operates is explained below:

#### (a) **The Informal Stage – your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form tutor, subject teacher or Pastoral Leader.
2. Once your concern is made known to us, we will see you, or contact you by telephone, by email, or in writing, as soon as possible. The member of staff will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within ten school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

#### (b) **Stage 1 - formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where initial attempts to resolve issues have been unsuccessful and you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of the Trustee Board".
2. We will acknowledge your complaint in writing within three school days of receiving it. The Headteacher will appoint an Investigating Officer to investigate your complaint, if the complaint is regarding the Headteacher, the Chair of the Trustee Board will appoint an Investigating Officer to investigate your complaint.

The Investigating Officer can be any one of the following:

- The Headteacher
- A designated member of staff assigned by the Headteacher

- The Director of HR
- The Chair of the Trustee Board
- A designated Trustee

3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond to your complaint in full within a further **20** school days, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint (not acting in a legal capacity).
6. The Investigating Officer may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Investigating Officer will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. When a complaint is made and the Investigating Officer decides it is necessary to interview a student, we will contact parents/carers and advise them that the investigation will require an interview with their child. If a parent/carer specifically states that they want to be present for the interview, the appropriate arrangements will be made. (Please note any questions asked by the Investigating Officer will be made directly to the student. Parents/carers will not be given the opportunity to respond on their behalf, as the role of a parent/carer in the process is purely to accompany the student and act as a witness to the process.) If the parent/carer is not available and they or the student request another person to be present at the interview, we will ensure that another member of staff, with whom the student feels comfortable, is present. Under normal circumstances all interviews will be recorded and the parent/carer will be offered a typed transcript of the interview in due course. Please note that due to the Data Protection Act it may not be possible to provide you with a recording of the interview.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Investigating Officer will keep written/typed, signed and dated records of all meetings and other related documentation.
11. Once we have established all the relevant facts, the Investigating Officer will provide a written response to your complaint. This will give an explanation of the Investigating Officer's decision and the reasons for it. If follow-up action is required, we will indicate, where appropriate, what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The Investigating Officer may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage 2, as described below.

### **(c) Stage 2 - consideration by a Trustees Appeal Panel**

- If the complaint has already been through Stage 1 and you are not happy with the way in which the complaint has been handled, you can take it further to a Trustees Appeal Panel. This is a formal process and the ultimate recourse at school level.
- The purpose of this arrangement is to give you the chance to present your arguments around whether the investigation has been conducted fairly and that correct procedure has been followed. This will be done in front of a panel of Trustees who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school.
- The aim of a Panel is not to rehear the complaint: they will not go through the case again. The purpose is to review how the complaint has been investigated and to determine whether the investigation has been conducted fairly and that correct procedure has been followed. It is in place to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

### **The Trustees Appeal Panel operates according to the following formal procedures:**

1. The Board of Trustees will convene a Panel of two Trustees, and an additional person who shall be independent of the management and running of the school and will aim to arrange for the hearing to take place within **20 school days** of receiving your request to review the process. Your request for a review should be lodged with the Chair of Trustees within **10 school days** of receiving the School's response to your initial complaint.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The Investigating Officer will be asked to prepare a written report for the Panel, highlighting the process followed as part of the investigations and any recommendations made. The Panel can request additional information from other sources if necessary.
4. You will be informed, at least **five school days** in advance, of the date, time and place of the hearing. We hope you will feel comfortable with the hearing taking place in the School but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, you will receive any relevant correspondence or reports regarding Stage 1 and you will be asked whether you wish to submit further written evidence to the Panel.
6. The letter will explain what will happen at the hearing and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the School. Your representative's role is to give you support but also to witness the proceedings and to speak on your behalf if you wish (not acting in a legal capacity).
7. If it is necessary in the interests of the ratifying of the investigative process, the Investigating Officer may, with the agreement of the Panel, invite relevant witnesses directly involved in matters raised by you to attend the hearing.
8. The Panel will bear in mind that the formal nature of the hearing can be intimidating for you and will attempt to put you at ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the hearing by any of the participants. If either party wishes to do so, the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The Panel will ensure that the hearing is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the Panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the Board of Trustees. Since such minutes usually name individuals, they are understandably of a sensitive, and therefore confidential nature.
11. Normally, the written outcome of the hearing, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the

minutes it would be helpful if you could indicate this in advance. If the Panel is happy for the minutes to be copied to you, the Clerk can then be asked to maintain confidentiality in the minutes.

12. During the hearing, you can expect there to be opportunities for:
  - the Panel to hear you explain your case and your reasons for why your complaint should be heard at Stage 2;
  - the Panel to hear the Investigating Officer's case in response;
  - you to raise questions via the Chair;
  - you to be questioned by the Investigating Officer through the Chair;
  - the panel members to be able to question you and the Investigating Officer;
  - you and the Investigating Officer to make a final statement.
13. In closing the hearing, the Chair will explain that the Panel will now consider its decision and that written notice of the decision will be sent to you and the Headteacher **within three school days**. All participants other than the Panel and the Clerk will then leave.
14. The Panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the case;
  - decide on the appropriate action to be taken, if necessary;
  - recommend, where appropriate, to the Board of Trustees, changes to the School's systems or procedures to ensure that similar problems do not happen again.
15. The Clerk will send you and the Headteacher a letter outlining the decision of the Panel.
16. We will keep a copy of all correspondence and notes on file in the School's records but separate from students' personal records.

If you have requested your complaint to be heard in front of a panel of Trustees and you are unable to attend on the date proposed please notify the school as soon as reasonably possible and the school will offer one other alternative date.

If you ask for your complaint to be heard by Trustees but refuse to attend the hearing please notify the school of this in writing as soon as reasonably possibly. This information will then be shared with the panel members who will then assess whether to proceed with the hearing in your absence. You will be notified in writing of their decision.

#### **(d) Stage 3 - Referral to the Secretary of State for Education**

If the complainant feels that the Trustees Appeal Panel acted 'unreasonably' in the handling of the complaint, they can complain to the DfE after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

If you wish to pursue your complaint beyond this stage, you can write to the Secretary of State for Education at the address shown below:

Secretary of State  
Department for Education (DfE)  
Sanctuary Buildings  
Great Smith Street  
LONDON  
SW1P 3BT

### **Closure of Complaints**

- Very occasionally, we may feel that we need regretfully, to close a complaint where the complainant is still dissatisfied.

- We will do all we can to help to resolve a complaint against the School but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the School – to the Headteacher, Chair of the Trustee Board or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. In exceptional circumstances, closure may occur before a complaint has reached Stage 2 of the procedures described in this document. This is because we must be sure that a Stage 2 hearing is likely to assist the process of investigating the complaint.

The Chair of the Trustee Board *may* decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Review Panel would not help to move things forward.

## **Vexatious and persistent Complaints**

Where a complainant raises an issue that has already been dealt with via the School's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

As a complainant you may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all your concerns and meet all your wishes. Therefore it may, on occasion, simply be a case of 'agreeing to disagree' and moving on.

If you continue to make representations to the School or attempt to re-open the same issue, the Headteacher will inform you in writing, that the procedures have been followed and that all reasonable action has been taken to resolve the issue and that the matter is now closed.

A complaint may be seen to be unreasonable when the person making the complaint:

- Refuses to articulate their complaint, specify the grounds of the complaint or detail their desired outcome.
- Refuses to cooperate with the complaints investigation process or relevant procedures.
- Insist on the complaint being dealt with in ways that are incompatible with the complaints procedure or good practice.
- Changes the basis of the complaint as the investigation proceeds.
- Does not allow the school time to investigate the issues and respond accordingly.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school Trustees and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

After closing the complaint if the School receives a duplicate complaint about the same subject we may inform you that the School has already considered the complaint and full procedures have been followed. We will ensure prior to notifying you of this that we have considered all aspects of the duplicate complaint, if it is felt that any of the issues raised were not investigated previously we will consider these. If, however, we feel this complaint is duplication and has been fully investigated previously we will advise you of this in writing.

This applies to duplicate complaints received from the following:

- Spouse
- Partner

- Grandparent
- Child

### **Complaint campaigns**

Where the school becomes the focus of a campaign and receives a large volume of complaints:

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

It may be that the School will send a template letter to all complainants or publish a response on the School's website.

### **Parental Responsibility**

Conflict between estranged parents can lead to a number of complaints in school. Horsforth School will endeavour to be understanding towards complex family relations and will communicate with parents accordingly and in line with our procedures.

### **Barring from School Premises**

It is important to stress that Horsforth School is a private place and the public has no automatic right of entry. It is the responsibility of the Headteacher and Trustees that Horsforth School is a safe place for students, staff and other members of the community.

If an individual's behaviour is a cause for concern they may be asked to leave school premises. In some cases the School may take the decision to bar an individual from entering school premises. The individual will be given the opportunity to formally express their views on the decision to bar them from site.

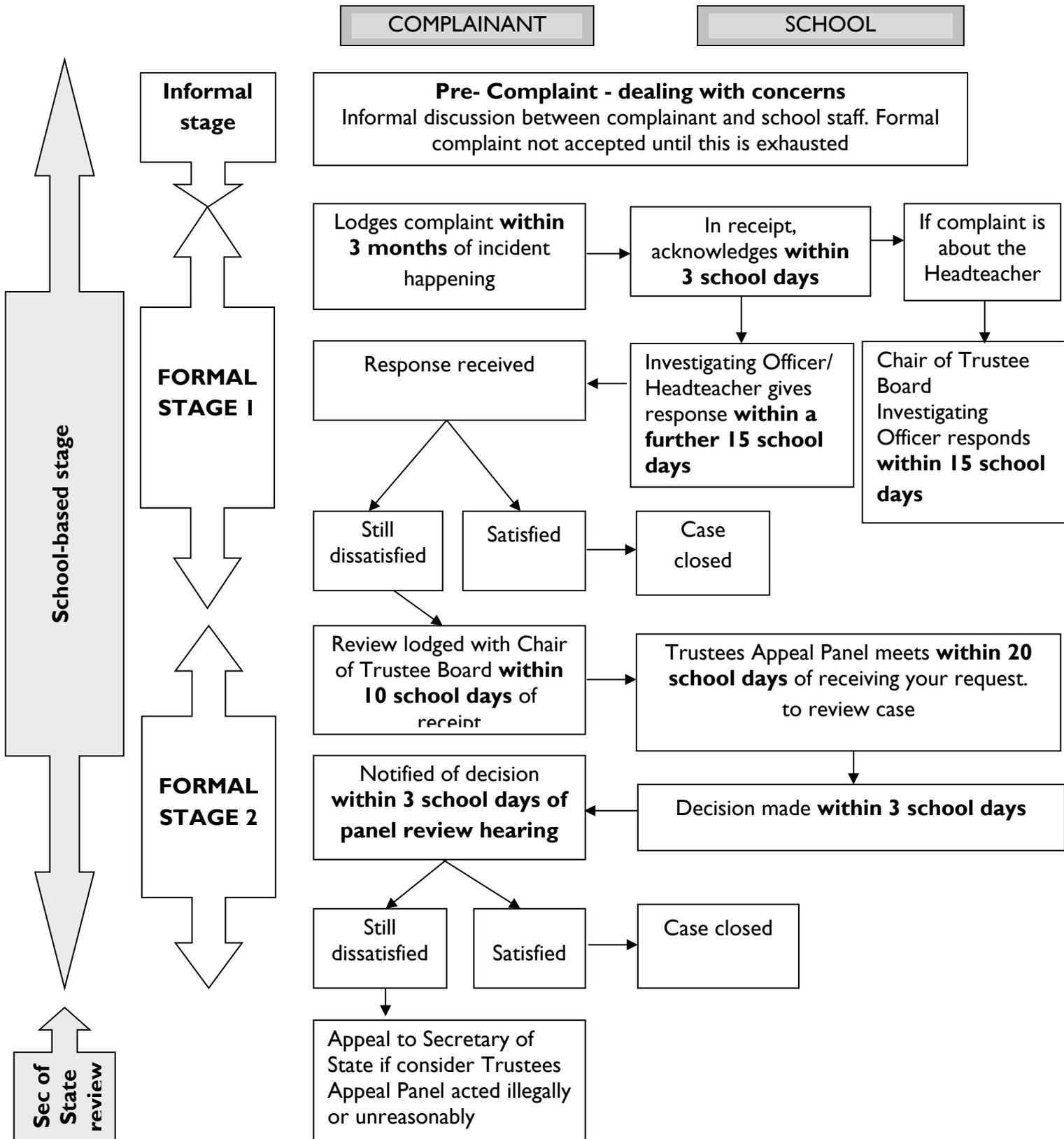
You will be advised of the bar in writing, the letter will detail the reasons and duration of the barring.

The Headteacher's decision can be appealed; if you wish to appeal against the decision please do so by writing to the Chair of Trustees.

On receipt of such letter the Chair of Trustees will review the decision that has been made and will either confirm or lift the bar. Once the decision has been made by the Chair of Trustees you will be notified in writing. If the bar is to remain, the letter will detail how long the bar will be in place and when the decision will be reviewed.

Once the School's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

## Appendix 2: Horsforth School Complaints Procedure: Flowchart



**Appendix 3:**

**Horsforth School: Complaints Recording Form**

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Daytime telephone number .....

Evening telephone number .....

If applicable, name of child(ren) and year at school

.....

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

.....

Please give details of your complaint: Please be specific.

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

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

Signature .....

Date .....

**Official Use:**

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....