



SIR THOMAS RICH'S

Complaints Policy

This Policy was drawn up in accordance with *The Education (Independent School Standards) (England) Regulations 2014* and with regard to the *Department for Education's guidance Creating an academy complaints procedure*.

Date reviewed: August 2023

Status: Statutory

Responsibility: This policy will be reviewed by the School's Senior Leadership Team on a regular basis. The Trustees' Personnel Committee has responsibility for approving the policy and monitoring its Implementation.

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1. Introduction

Sir Thomas Rich's School (the 'School') endeavours to provide the best education possible for all of its pupils in an open and transparent environment. Where concerns are raised, the School intends for these to be dealt with fairly, openly, promptly and without prejudice, and parents can be assured that all concerns and complaints will be treated seriously and confidentially. The following procedure explains what you should do if you have a complaint about the School.

This policy applies to any matter (other than matters relating to a number of specific issues which have their own processes – see section four below for more information) which has been raised with the School by the parents of current pupils as a matter of concern but which has not been capable of resolution informally and which the complainant or the School considers should be dealt with on a formal basis. This procedure is not, however, available for use by prospective parents.

Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.

Complaints that have been raised by persons who are not parents of pupils currently at the School will be dealt with as follows: The complainant should seek to resolve their complaint informally with the Headmaster. If this fails, then the complaint should be put in writing and addressed to the Chair of Trustees at the School. The Chair will acknowledge receipt and issue a final written response within 15 school days.

In this policy, references to 'parents' means the natural parents, or holder(s) of parental responsibility, or those with care of a current pupil about whom the complaint relates.

This policy is made available on the School's website. Copies are also available from the School Office.

Anonymous Complaints

The School will not normally investigate anonymous complaints. However, the Headmaster or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Complaint Campaigns

If large volumes of complaints based on the same subject from complainants unconnected with the School are received we will deem them to be a 'complaint campaign'. Such complaints will be dealt with in line with the procedure set out above for complaints raised by individuals who are not parents of current pupils, however individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants or a single response will be published on the School's website at the discretion of the Headmaster.

2. Avoiding complaints

Complaints can take many forms but in all cases the School's preferred approach is one of pre-emption or early action. As a result, parents are encouraged to bring forward any concerns at an early stage as the School's experience is that many misunderstandings can be quickly cleared up through collaboration. Please refer to Step 1 below which sets out how the School attempts to resolve matters at the informal stage.

3. The complaints procedure

Timeframes

The School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances this will not be possible owing to the complexity of information required or difficulties regarding an individual's availability. Should it become apparent it will not be possible to adhere to a particular timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and endeavour to agree a revised timeframe. Please note that, for the purposes of this procedure, school days refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

The School would ordinarily anticipate complaints to be made within six months of the relevant issue or event, or alternatively from when a parent became aware of the same, and reserves the right not to investigate complaints made after this timeframe. In exceptional circumstances, the School will investigate complaints made after this time. This would normally be in situations where new evidence has come to light, where the complaint is of an especially serious matter, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.

In the event of a delayed complaint, The Headmaster will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Trustees of the decision. Where the Headmaster is the subject of a delayed complaint, it shall be the Chair of Trustees who decides whether exceptional circumstances apply.

a) Step 1: Informal Stage

Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's Form Tutor or subject teacher, and Head of Department or Head of Year before a request is made to deal with it under this policy. This can be done by letter, e-mail, telephone or in person by appointment. It may be appropriate for the Head of Year to involve another senior member of staff at this stage. Where a complaint relates to the Headmaster, it should be raised with the Chair of Trustees whose contact details are available from the School Office on request.

In all instances, the complaint will be heard with an open mind and a view to establishing the facts and finding a solution. It is the School's experience that almost all complaints are resolved by this stage. Where the matter is not resolved at the informal stage, the complainant may elevate it to the formal stage.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the School's expectations for example as indicated in the School's Home-School agreement. The Chair of Trustees shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

b) Step 2: Formal Stage – Investigation

- If the concern is not resolved at the informal stage the complaint must be put in writing and passed to the Headmaster, or, where the complaint concerns the Headmaster, to the Chair of Trustees. It should briefly set out the facts and state what it is that the complainant considers should have been done, or the way in which the School has not met reasonable expectations. Details which will help the investigation such as dates and times of events, potential witnesses and any documentary evidence should also be included. It is also helpful to include a statement about what might reasonably contribute to a resolution of the problem. A School complaint form is available for guidance, though does not have to be used.
- An investigation will be carried out by a nominated individual identified by the Headmaster (or, where the complaint concerns the Headmaster, by the Chair of Trustees). The investigator will usually be a member of the School's Senior Leadership Team (or, where the complaint concerns the Headmaster, a Trustee), however, in certain circumstances the School may appoint an external investigator.
- There is no prescribed process for investigating complaints. As part of this process, the Investigator may offer the complainant a meeting and speak to others involved and review relevant documents. Any investigative meetings will be solely for the purpose of fact-finding; no decision on the outcome of the complaint will be taken until all relevant information has been obtained. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
- The investigator will put her/his findings in writing, a copy of which will be provided to the complainant, and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 25 school days of the complaint being received.
- Should the complaint be against the Chair of Trustees, then the Vice Chair will investigate the complaint (or appoint another Governor to do so) in the same way as in the first stage of the formal stage as outlined above.

c) Step 3: Formal Stage – Panel Hearing

- If the complainant is not satisfied with the response of the investigator, she/he may request that a complaint is considered by the complaints panel of the Trustees, which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of the School.
- Such a request must be made in writing and should be addressed to the Governance Professional (Clerk to the Governors). It should be sent within 10 school days of the investigator's Stage 2 response being sent to the complainant, and should briefly set out the reasons the complainant is dissatisfied with the response and the resolution that is sought.
- Upon receiving this letter, the Governance Professional will invite the School to put in writing its response to the complainant's reasons. The School will submit such a response within 15 school days of receiving the request and at the end of this period, whether or not the School has responded, the Governance Professional will convene a meeting of the complaints panel as outlined above.
- That meeting will be held on School premises as quickly as practicable (taking into account the need to find a date that is reasonably convenient for the complainant, the School and the members of the panel). Whenever possible, the meeting will be held within 15 school days of the end of the School's response time. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal representation will not be allowed.

- The panel meeting is not a court case and will be as informal as circumstances allow. The panel will choose its own Chair, and is permitted to draw up procedures to accommodate the nature of the complaint being dealt with. At the meeting, the complainant will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them, but may not introduce reasons that were not previously put in writing. The School will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
- In the absence of a compelling reason, should the complainant and/or their representative fail to attend the panel meeting, the panel will hear the complaint in their absence and the process will continue to its conclusion. Any attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.
- The panel can dismiss or uphold the complaint in whole or in part and may make findings and recommendations, including changes to the School's systems and procedures. A copy of the panel's written findings will be: (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and (ii) available for inspection on the School premises by the academy trust and the Headmaster (regardless of whether the complaint was upheld).
- The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.
- Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a Stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied, then they may contact the ESFA. There is an online procedure at: <https://form.education.gov.uk>.

Complaints against individual trustees / the Board of Trustees

If the complaint is against a Trustee, then it should be raised with the Chair of Trustees, (or in the case of a complaint against the Chair the Vice Chair) who will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as in the first stage of the formal process at **Step 2**.

If a complaint is made against the Board of Trustees, the Chair of Trustees will consider the most appropriate way of handling the complaint. This may be for an independent person to investigate the matter at Step 2 and for an entirely independent panel to conduct any hearing at Step 3.

Serial or persistent complaints

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Trustees may write to the complainant to inform her/him that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the School will not respond to any further correspondence on this issue or a closely related issue. An exception to this approach would be where new evidence has come to light which could not reasonably have been included in the original complaint.

Where the complainant continues to contact the School in relation to the issue, the School may choose not to respond.

Unreasonable Complaints

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the School's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.

- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and Trustees and it is clearly intended to aggravate.
- The complainant acts in a way that is obsessive, harassing, abusive or offensive.

Where a complainant pursues a complaint in an unreasonable manner as set out above, the School will write to the complainant and advise that their actions are unreasonable and ask them to modify their actions, with a warning that if the complainant does not modify their actions the School will cease to deal with the complaint until such time as it is satisfied that the complainant will adopt a reasonable approach.

Record Keeping

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice and Retention of Records policy but in most cases for a period of at least 7 years after the pupil leaves the School.

Records will contain details of whether the complaint was resolved at Stage 2, or whether it proceeded to a Stage 3 panel hearing. The action taken by the School as a result of a complaint (regardless of whether they are upheld) will also be recorded

When dealing with complaints the School (including any panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Privacy Notice), potentially including information relating to physical or mental health) where this is necessary owing to the nature of the complaint].

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under the Education Act 2005 requests access to them.

4. Complaints for which specific procedures are required:

Freedom of Information

- Whenever the School refuses to release information in its control following a valid Freedom of Information request, it will inform the applicant of his/her right to have the decision reviewed by the School. This will be dealt with by [insert a single process that is acceptable to the school. It should be a formal written review and by a governor – this is the "review" process the ICO will expect a public authority to undertake, anything more is superfluous]

If the requester is still dissatisfied, the School will advise of their right to refer the matter to the Information Commissioner's Office (ICO): <https://ico.org.uk>. Helpline: 0303 1231113 or 01625 545745.

- **Data Protection**

If an individual has a complaint about the way in which the school handles data protection matters, they may speak to the Data Protection Officer Daniel Parker – He can be contacted on 01452 583619 or schoolsdpo@gloucestershire.gov.uk. In addition to this we have a Data Protection Lead (DPL) who is a member of the Senior Management Team with day-to-day responsibility for Data Protection – this is currently Mr D Dempsey (Assistant Headteacher) – dd@strs.org.uk An individual can also contact the ICO direct. <https://ico.org.uk>. Helpline: 0303 1231113 or 01625 545745.

- **Child Protection and Safeguarding**

For concerns relating to child protection or safeguarding, please initially consult the School's Child Protection and Safeguarding Children Policy. As per that policy, if a parent or child raises a concern about poor practice towards a child that does not reach the threshold for child protection action, the School's Complaints Policy will be followed. Where a complaint is raised which relates to the way in which the School has dealt with a child protection or safeguarding issue, the School's Complaints Policy will also be followed. Under certain circumstances this may mean both policies are utilised concurrently.

- **Special Educational Needs**

Where a complaint relates to the statutory assessment of a pupil's special educational needs, the parent should contact the SENCO. For other concerns relating to a pupil's special educational needs, please consult the Schools Special Educational Needs Policy. Where the issue is not able to be resolved, the complaint should be put in writing and steps 2 and 3 of this policy will be followed.)

- **Complaints about non-availability of a school place**

If a place at the School is not available and parents wish to appeal, see the School's Admissions Policy.

- **Staff grievances and disciplinary matters**

Complaints made by staff should be dealt with under the relevant staff policy.

- **Whistleblowing complaints**

See the School's Whistleblowing Policy.

- **Exclusions**

Complaints about a pupil exclusion are dealt with under the statutory framework for exclusions and parents are referred to the statutory guidance:

"School suspensions and permanent exclusions Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units." for further information. See the School's Exclusion Policy.

Appendix A



SIR THOMAS RICH'S School Complaints Procedure

Please complete and return to Jane Morton (Head's PA and HR Manager) who will acknowledge receipt and explain what action will be taken.

Your name	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	

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)?**

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

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

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Signature:

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Date:

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FOR OFFICIAL USE

Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	