
Tumblewood School Complaints Policy

Contents

1	Introduction	2
2	Aims & Purpose	2
3	The Complaints Procedure	2
	3.1 Step One - Informal	2
	3.2 Step Two - Informal	2
	3.3 Step Three - Formal	3
	3.4 Taking matters further – Governors Review	3
	3.5 Complaints against individual Governors	3
	3.6 Complaint Procedure Timescales.....	4
	3.7 External Appeal.....	4
4	Board Complaints Committee Procedure	5
5	Safeguarding Referrals	7
6	Time Limits for making Complaints	8
7	Unreasonable Complainant Behaviour	9

APPENDIX A: Formal Complaint to Governors flowchart

1 Introduction

All schools in England are required to have a policy and procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provides. There are certain complaints which fall outside of this policy because there are established statutory or other prescribed procedures available, for example:

staff grievances or disciplinary procedures

school admissions

exclusions

statutory SEN assessments

Child Protection procedures

public examinations

school reorganisation proposals

The required complaints procedures are different regarding Tumblewood School than for Tumblewood Community, and this policy relates to complaints regarding the School. Any other complaints will be handled in accordance with the Tumblewood Complaints Policy including complaints made by children.

2 Aims and Purpose

At Tumblewood School all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that School and parents/carers must work together in partnership, each carrying out our own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

If it is felt that something is not quite right or we are doing (or not doing) something that creates a feeling of unease, we welcome comments and questions which the School will endeavour to address as thoroughly and speedily as possible.

3 The Complaints process

3.1 Step One – Informal

Any concerns about a child's class teacher should in the first place be discussed with the particular teacher concerned and it is hoped that most problems can be resolved this way.

If you are not the parent/carer of a child at Tumblewood School, please start at the Step 2 and make contact with the Head Teacher to discuss any concerns.

3.2 Step Two – Informal

After discussion with the child's teacher, sufficient time should be allowed for the issue to be resolved. If it is felt that the concern has not been properly dealt with, or if the concern is about the conduct of a particular teacher, the matter should be discussed with the Head Teacher. Matters can usually be

resolved satisfactorily this way.

3.3 Step Three - Formal

If previous attempts to resolve the matter informally have not been successful, a formal written complaint should be made to the Head Teacher, unless the complaint is about the conduct of the Head Teacher.

If the complaint is about the conduct of the Head Teacher, a formal written complaint should be made to the Responsible Individual – Sue Hortop, who is also a director of Tumblewood. Alternatively, a complaint can be made by contacting the school office to arrange an alternative means of managing the complaint.

An acknowledgement will be sent by the Head Teacher or Responsible Individual within five school days. The acknowledgement letter will indicate the date by which you can expect to receive the Head Teacher's (or Responsible Individual's) written response to the formal complaint letter. This will normally be within ten school days from the date of the acknowledgement letter.

3.4 Taking Matters Further – Governors' Review

If the Head Teacher's response to Step Three Formal Complaint is unsatisfactory, or if the complaint is about the conduct of the Head Teacher and the Responsible Individual's written response is unsatisfactory, the Board should be contacted and they will convene a Board Complaints Committee meeting.

Details of the complaint, with any supporting correspondence and evidence should be delivered to the main reception at the school address. Alternatively, the Main Reception can be contacted and they will record the complaint as a statement for signature by the complainant.

The HR manager will write to acknowledge receipt of the complaint within five school days. The acknowledgement letter will explain the process to be followed and the expected timescale for the process. Where the complaint is considered under written representations the process may take up to twenty eight school days, to allow for the collection of representations and evidence.

The Board Complaints Committee will consider the complaint and write to advise the outcome within the timescale provided by the Clerk to Governors.

3.5 Complaints against Individual Governors

For complaints against the Chair of the Board, or an individual board member, written details of the complaint with supporting correspondence and evidence should be delivered to reception at the school address. Alternatively the Clerk, via the school, can be contacted, and they will record the complaint as a statement for signature by the complainant.

The HR manager will acknowledge receipt of your complaint and initiate the correct process. A complaint about a board member will be considered by the remaining board members.

After consideration of the complaint by the Board, the written outcome will be advised within ten school working days. There will be no further internal right of appeal for complaints against individual governors.

3.6 Complaint Procedure Timescales

Complaints will be addressed in a timely and efficient manner; however there will be times when timescales may need to be adjusted. If at any stage of the process, it is not possible to meet the timescales which have been provided, the Head Teacher make contact to explain the reasons for any delay and to provide a new timescale for the conclusion of that part of the process.

3.7 External Appeal

If the final decision of the board is not considered satisfactory and the school's internal processes have been exhausted, the matter may be referred to an external body as part of an overall assessment of the School's performance.

Independent Schools Inspectorate

The Independent Schools Inspectorate is a Government approved inspectorate responsible for the inspection of Association independent schools. It gets its authority from Section 162A of the Education Act 2002. The Independent Schools Inspectorate cannot investigate individual cases or disputes about fees. It cannot investigate complaints for children who no longer attend the school.

Contact details:

Independent Schools Inspectorate
CAP House
9-12 Long Lane
London EC1A 9HA

T: 0370 000 2288

E: concerns@isi.net

<http://www.isi.net/parents-and-pupils/concerns-about-a-school>

The Department for Education Independent and Boarding Team can consider complaints against an independent school if the response received from the school is unsatisfactory but cannot investigate individual complaints. It can investigate whether the school is meeting expected standards for:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents

Contact details:

Independent and Boarding Team
Department for Education
Mowden Hall

Staindrop Road
Darlington DL3 9BG

T: 01325 392 159

NOTE: the Local Government Ombudsman and Ofsted are not able to look into complaints about independent schools.

4 Board Complaints Committee Procedure

General Principles

If a person is not satisfied with the response from the Head Teacher regarding a complaint or if a complaint is about the Head Teacher, then he/she is entitled to take the complaint to the Board's Complaints Committee. If a person is not satisfied with the response from the Head Teacher, or from the board if the complaint is about the Head Teacher, then he/she is entitled to take the complaint to the Board's Complaints Committee.

- All complaints to the Board's Complaints Committee are to be in writing and should include full details of the complaint, along with any supporting evidence. This should be sent to the Board, care of the school. The HR manager will ensure the complaints process is started as soon as possible. If the complaint cannot be put in writing, the HR manager should be contacted to arrange an alternative means of managing the complaint.
- A minimum of three governors should be selected from a bank of nominated governors to form the Complaints Committee to consider the complaint. The Chair of Governors will not usually sit on this committee. Those governors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves. The Complaints Committee can choose its own Chair.
- It is appreciated that it may not always be possible to find governors with no knowledge at all. However the Governing Body should use their best endeavours to find governors who are as impartial as can be. If this proves particularly difficult in any given case, the HR manager should be contacted for further advice on how to proceed.
- Once the Complaints Committee has been formed, members of the Complaints Committee must ensure they are familiar with the school's complaints procedure. They must then decide how they wish to consider the complaint.
- Governors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has.

Oral Hearings

If the governors choose to have an oral hearing, the HR manager will invite the complainant to attend a meeting where they will be able to put their complaint personally to the Boards' Complaints Committee.

- The complainant should receive not less than ten days' notice of the meeting. The complainant should also be advised that they have the right to submit any further information or documentation relevant to the complaint and that this information should be received in sufficient

time so it can be provided to the Committee at least five working days before the hearing. They should also be informed that any written materials will be provided to the Head Teacher in advance of the hearing.

- The HR manager should inform the Head Teacher of the time and date of the meeting, invite him/her to attend and provide all the details of the complaint available at that time, so that the Head Teacher can provide a written report in response to the complaint. This report should be provided at least five working days before the meeting so it can be shared with all parties.
- The Head Teacher should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Head Teacher, or where this is not appropriate, by a governor either before or after the meeting with the complainant.
- Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. Governors should seek advice from HR with responsibility for Data Protection matters if there are concerns as to what materials can be shared. The governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.
- The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Committee should outline the procedure. The complainant will then present his/her case. The Complaints Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the Head Teacher. The complaint should then be responded to by the Head Teacher and both the complainant and the Committee will have the opportunity to ask questions. Each party can then be asked to summarise their position in brief. Both parties will then leave to allow the Committee members to make their decision in private. The complainant and the Head Teacher should enter and leave the room at the same time; neither should be alone with the Committee.
- Both the complainant and Head Teacher are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Board before the hearing to notify them.

Written Representations

If the governors do not wish to hold an oral hearing (that decision being at the discretion of the Complaints Committee) the consideration will proceed by way of written representations.

- Should the governors choose to adopt this procedure, the Board will write to the complainant, outlining the procedure.
- The complaint will be forwarded to the Head Teacher who will have 7 working days in which to respond.
- That response will be sent to the complainant for comment, any responses to be provided within 7 working days.
- Finally, that response will go to the Complaints Committee who has 7 working days in which to respond to the HR manager.
- A copy of the Head Teacher's final response should be sent to the complainant with the advice

that it is only for their information and that any further response will not be considered except in exceptional circumstances.

- All the responses are then put before the Complaints Committee for consideration.
- For the avoidance of doubt, all communication should be through the Board, neither party should send their response to the other directly.

Adjudications

- Regardless of which method is adopted, the Complaints Committee should take a robust approach and not simply endorse the decision of the Head Teacher without any consideration of the evidence.
- The Complaints Committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the Complaints Committee should be given to the complainant in writing within 5 working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. In the case of written representations, the decision letter should be sufficiently thorough so as to obviate the need for minutes to include any other information.
- Under the Data Protection Act, complainants can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in 'Section A06 – Disclosure of Information to Parents and Others' of the School Administration Handbook.

It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child. Tumblewood keeps a central register of complaints received, and monitors and reviews complaints and responses when assessing the school's performance.

5 Safeguarding Referrals

Legal framework and Guidance

Keeping Children Safe in Education

Wiltshire Safeguarding Board - Child protection procedures

Child Protection and Safeguarding Policy

Tumblewood School has a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. Where members of staff have a concern about the welfare of a child, they have a duty to make a referral to the appropriate organisation, usually Local Authority Children's Social Care Services. They should follow the **Child Protection and Safeguarding Policy** and Procedure.

It is not for the school to investigate or make a judgment about possible abuse or neglect but they

must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.

Children's Social Care referrals:

Multi-Agency Safeguarding Hub (MASH): 0300 456 0108
Out of hours: 0845 6070 888

If you believe a child is at immediate risk of significant harm or injury
you **MUST** call the police on 999

Wiltshire Designated Officer For Allegations (DOFA):

01225 713945

Early Help Single Point of Entry:

01225 718230

6 Time Limits for making Complaints

The complaint should be notified to Tumblewood School as soon as possible after the matter or incident has occurred.

If a complaint is not raised within three months of the event it relates to, it will not normally be considered. If the complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence.

If there are exceptional circumstances that have prevented the time limit from being met, an explanation of the circumstances along with the complaint should be submitted so that Governors can take these into account.

The final decision rests with Governors as to whether a complaint will be considered when it is raised outside of the three month time limit.

Where the child is no longer a student at the school and the complaint is considered exceptionally, it will usually only be possible for the complaint to be considered under the final stage of the school's procedure.

7 Unreasonable Complainant Behaviour

Tumblewood Board, Governors and staff are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with agreed procedures.

There are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, and may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school.

Examples of behaviours that are considered unacceptable are:

- Refusing to articulate the complaint or specify the grounds of a complaint or the outcomes sought, despite offers of assistance
- Making excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff in person, in writing, by email and by telephone while the complaint is being dealt with
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions, and insisting they are fully answered, often immediately, and to the complainant's own timescales
- Making unjustified complaints about staff who are trying to deal with the issues and/or harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution
- Refusing to cooperate with the complaints procedure as set out in this policy, while still wishing the complaint to be resolved
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand
- Persisting in repetitious complaints when these have been previously determined under the school complaints procedure
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved

Communications about the complaint will be considered unreasonable if they are:

- malicious
- aggressive
- use threats, intimidation or violence
- use abusive, offensive or discriminatory language
- are made knowing them to be false

- use falsified information
- involve publication of unacceptable information in media such as social media websites and newspapers

Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent as it could delay the outcome being reached.

In addition, the school expects that any person wishing to raise a concern or complaint will:

1. Follow the school complaints procedure.
2. Treat all members of the school community with courtesy and respect.
3. Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond / address any issues.

Where a complainant raises a complaint in a manner which the school feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified
- A tailored communications strategy such as limiting the method and/or frequency of contact with staff / school personnel
- A refusal to register and process further complaints that are
 - about the same or similar subject where the matter has already been determined
 - vexatious
 - personally harassing
 - deliberately targeted at one or more members of staff without good cause
- Setting restrictions on the person's access to the Tumblewood School premises

In respect of the last point, it should be noted that parents/carers and members of the wider community do not have an automatic right to enter school grounds and may be barred from entering the school site with immediate effect following any incident where behaviour has been verbally and/or physically aggressive.

In the event of such behaviour, the school will write to the person concerned to advise that his/her licence to enter the school premises has been temporarily revoked, subject to a review of the decision. The letter will invite the individual to put forward his/her views as to the ban and also advise how he/she can appeal the decision. The decision will be reviewed and the ban either confirmed or lifted. If the decision is confirmed, the person will be notified in writing and advised how long the ban will be in place.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted. The period of review will usually be three months; however, for more serious breaches, this may extend to a period of six months. Any breach of a ban on access to the School premises, especially including unreasonable behaviour, may be reported to the Police without notice.

The Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this policy. However, Tumblewood reserves the right to take any necessary actions in those rare cases where a person does not.

APPENDIX A: Formal Complaint to Governors

This action should only be taken once the Headteacher has responded in writing to a formal complaint OR if the complaint is about the Head Teacher, if the Chair of Governors has responded in writing to a complaint about the Head Teacher.



