



The
Rosewood
School

Complaints Policy

Ratified/Reviewed	To be reviewed
February 2022	February 2023

Equality Statement

The Rosewood School promotes equality of opportunity. We are committed to take a positive stand to ensure all stakeholders have a right to equality of opportunity and achievement regardless of race and ethnicity, faith, belief and religion, disability and access, age, gender identification, sexual orientation, and marital status.

Equality of opportunity is related to all areas of the schools work and is a fundamental aspect of the ethos of the school

Introduction

This policy has been drawn up following Department for Education Guidance and takes into account equality strands, gender, disability, ethnicity, sexuality, belief and age.

At **TRS** all staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that **TRS** and the parents should work in partnership, each carrying out their particular responsibilities to help the students gain the most from their time at the School.

If you feel that something is not occurring quite as you would like it to be, or we are doing something you are unhappy with, or not doing something you feel we should, please tell us about it.

In the first instance, parents/carers should discuss any concerns informally with the inclusion manager, or the particular teacher most closely concerned with the issue.

If after these discussions you remain dissatisfied and wish your complaint to be considered further you should refer your complaint to a Complaints Coordinator = assistant headteacher (AHT) – J. Fewtrell (Leybourne), K Holden Smith (Canterbury), R. Sharma (Staplehurst)

Upon receipt of your complaint the AHT will arrange for the matter to be fully reviewed and for a response to be sent to you within 10 school working days. This response may invite you to a meeting to discuss the matter further and to try to achieve a satisfactory resolution.

If you remain dissatisfied and feel your complaint has not been properly addressed through these earlier discussions, you can indicate that you wish to refer your complaint to be referred to the Headteacher. Upon a complaint being referred to the Headteacher (or in his/her absence, the nominated deputy), will arrange for a separate investigation into the circumstances of your complaint to be completed and a response will be sent to you within 10 school working days. This response may invite you to a meeting to discuss the matter further and to try to achieve a satisfactory resolution.

If after doing this you are still not satisfied with our actions or decisions, you can send a formal complaint to the Management Committee of **TRS** School, addressed to the Clerk to the Management Committee. At this point your formal letter of complaint should briefly set out the main circumstances and reasons for your complaint, together with the reasons you remain dissatisfied by earlier discussions and attempts to resolve the matter. These various stages of our Complaints Process are set out in more details below for ease of reference.

Stage One: Complaint heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many can be resolved quickly and informally to the satisfaction of all parties and wherever possible this is what we endeavour to do. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The School respects the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator (a member of the Senior Leadership Team) can refer the complainant to another appropriate staff member.

Where the complaint concerns the Headteacher, the Complaints Co-ordinator can refer the complainant to the Chair of Management Committee.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another appropriate staff member. This member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step is to refer the complainant to the Complaints Coordinator so that an appropriate member of staff can be identified to consider the complaint. In normal circumstances, Management Committee will not be involved at the early stages of complaints in case they are needed to sit on a Complaints Panel at a later stage.

The role of the Complaints Coordinator is to ensure fair and impartial consideration of all complaints and to ensure that complainants are provided with a well-considered response to their concerns within the appropriate timescales. Complainants can contact the Complaints Coordinator to discuss the progress of their complaints or to indicate they wish their complaint to be considered further at the next stage. The Complaints Coordinator will maintain a record of all complaints that are referred to them and ensure that all correspondence, statements and records of any such complaints are kept confidential. Upon reference of any complaint to the Complaints Coordinator a response will be sent to the complainant within 10 school working days (see above).

Stage Two: Complaint heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Complainant should be advised by the Complaints Coordinator of their right to have the matter considered at Stage 2. The Headteacher may delegate the task of undertaking a further investigation, or of collating all the relevant information to another staff member, but not the decision on the action to be taken. Upon reference of any complaint to the Head Teacher, a response will be sent to the complainant within 10 school working days (see above).

Stage Three: Complaint heard by Chair of the Management Committee or nominated Member

If still dissatisfied after Stage 2, the complainant will be advised of their right to make a **formal complaint** to the Chair of the Management Committee or nominated Member by writing to the Clerk

of the Management Committee at Stage 3. This letter should set out the details of the complaint, together with reasons for the complainants continued dissatisfaction.

Stage Four: Complaint heard by Management Committee Complaint Appeal Panel

If still dissatisfied after Stage 3, the complainant will be advised of their right to make a formal complaint to the Management Committee Appeal Panel

Upon receipt of a formal complaint, a nominated Member will arrange for all the information on the complaint to be collated and will convene a Management Committee Complaints Appeal Panel within 20 school working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of **TRS** School.

The appeal hearing by the Management Committee' Complaints Panel is the last **TRS** School based stage of the complaints process and will review the earlier stages of the process, together with any additional information that is available.

Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing, against a member of staff following a serious complaint.

The complainant will be invited to the appeal hearing of the Management Committee Complaint Panel and will be given at least seven days' notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

The Remit of the Complaints Appeal Panel

The Management Committee Complaints Panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to **TRS** Schools systems or procedures to ensure that similar problems do not recur.

Management Committee or any independent members of the Appeals Panel will keep certain points clearly in mind:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Complaints Panel if they have had a prior involvement in the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel that their independence may be compromised in this or any other way must draw this to the attention of the Chair of Management Committee. In deciding the make-up of the panel, Management Committee need to try and ensure that it is a cross-selection of the categories of Governor and sensitive to the needs of race, gender and religious affiliation.

- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between **TRS** School and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some cases, it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
- Extra care needs to be taken when a complaint directly concerns a student. The Complaints Panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent is the complainant, the panel will provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the student to attend.
- The Management Committee sitting on the Complaints Panel need to be fully aware of this complaints procedure.

Roles and Responsibilities

The role of the Clerk to the Management Committee

The Clerk to the Management Committee is the contact point for the complainant at Stage 3 and required to:

- Set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Ensure that the Complaints Panel is convened within 20 school working days of the notice of formal complaint being received unless all parties agree to any further deferral;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings and outcomes of the hearing;
- Notify all parties in writing of the panel's decision and any recommendations within 20 school working days of the hearing;
- Ensure that copies of all the written records of the hearing are included on the Complaints Coordinators confidential file and record of complaints.

The role of the Chair of Governor

The nominated Member/Chair of Management Committee is required to:

Check the correct procedure has been followed;

Notify the clerk to arrange a panel if a hearing is required.

The role of the Chair of the Panel

The Chair of the Complaints Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;

- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- Any friend or adviser accompanying the parent/complainant is advised of their role and how the panel will arrange for their contribution to proceedings.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- One member of the panel is independent of the management and running of the school;
- Each side is given the opportunity to state their case and ask questions;
- All parties see written material. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure, via the Clerk to the Management Committee, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 school working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Further complaint: If the school is unable to resolve your complaint by first exhausting the process above then further complaint can be made to the DFE, here:

Policy for Unreasonable Complainants

TRS School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

TRS School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers, or threatens to do so;

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously; ○ Aggressively;
- Using threats, intimidation or violence; ○ Using abusive, offensive or discriminatory language; ○ Knowing it to be false; ○ Using falsified information;
- The school reserves the right not to respond to communication which does not meet the expectations outlined above, and is considered to be abusive, unnecessarily aggressive, and/or bullying or harassing in nature. If staff judge your communication to be such, they may send a standard email response which can be found as Appendix A.
- If a member of staff believes that a communication they have received is abusive, unnecessarily aggressive, and/or bullying or harassing in nature, they will refer this to the Headteacher for his/her consideration.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact **TRS** School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from **TRS** School.

End

Appendix A [TO BE PRINTED ON SCHOOL HEADED PAPER]

STRICTLY PRIVATE & CONFIDENTIAL

ADDRESSEE ONLY

[INSERT NAME]

[INSERT ADDRESS]

By [HAND/EMAIL]

[INSERT DATE]

Dear **[INSERT NAME]**

I write to confirm receipt of your **[email/letter]** of **[DATE]**.

[I have enclosed/attached the School's complaint and communication policies for your information] OR [Please follow these links [INSERT] to access the School's complaint and communication policies for your information]. In particular, I would like to draw your attention to pages 7 to 9 of our Complaints Policy, headed "unreasonable complaints" and page 7 of our Communications Policy, addressing "parental conduct".

We do our utmost to address reasonable concerns and complaints we receive from parents in a professional, reasoned, and considered manner. We are not, however, willing to engage in correspondence when the nature of that correspondence constitutes a clear breach of our policies, most notably when the correspondence in our view is **[abusive, unnecessarily aggressive, and/or bullying or harassing in nature.]** Such communications are unlikely to be conducive to helping resolve the issue at hand and reaching a constructive resolution.

Our view is that your correspondence **[of DATE]** is **[clearly] [abusive, unnecessarily aggressive, and bullying or harassing in nature and in violation of or rules]**. Our policy, as explained, is not to engage with you when such an approach is adopted in the interests of all parties.

Whilst we appreciate you have strong feelings about the issues you have raised, we would strongly encourage you to reconsider the manner of your communications towards the School and its staff, who work hard to develop the children we teach. If you wish to re-submit a complaint in a reasonable and civil manner, clearly setting out what your concerns are and what you would like us to do to assist you, we will be willing to do so. If further correspondence is received of the type set out above, we will not be responding further.

Yours sincerely

[INSERT NAME]

For and on behalf of **[name of school]** School

Complaint Form

Please complete and return to (INSERT EMAIL ADDRESS FOR RECEIPT) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address
Please give details of your concern, including whether you have spoken to anybody at the school about it:
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:
Official use by school
Date acknowledgement sent:

By who:

Complaint referred to:

Date:

