**Complaints Policy sand Procedures**

**Policy ratified: December 2020**

**Date of review: December 2021**

**Signed by the Head Teacher: Julia Low**

**Signed by the Chair of the Advisory Board: Jacqueline Jenkins**

**Equalities Impact Statement:**

**1. This policy has fully considered the School’s Equality objectives and statement.**

The Headteacher, and the Advisory Board aim to ensure that no employee, job applicant, parent or pupil or other member of the school community is treated less favourably than anyone else. This Equality Statement is concerned with all pupils’ access to the curriculum and the recruitment and opportunity of all staff.

**The Tutorial Foundation is committed to child protection and safeguarding children and young people and expects all staff, visitors and volunteers to share this commitment.**

This policy should be read in conjunction with: 

* The Safeguarding – Child Protection Policy
* The TF Staff Handbook
* Staff Code of conduct
* Grievance policy

**The School’s Complaints Procedure is devised with the intention that it will:**

* usually be possible to resolve problems by informal means;
* be simple to use and understand;
* treat complaints confidentially;
* allow problems to be handled swiftly;
* inform future practice so that a problem is unlikely to recur;
* reaffirm the partnership between parents, staff and the Advisory Board as we work together for the good of the pupils / staff in the school;
* ensure that the school’s attitude to a pupil/staff will never be affected by a parental complaint;
* discourage anonymous complaints;
* actively encourage strong home-school links;
* ensure that any person complained against has equal rights with the person making the
* complaint;
* be regularly reviewed.

**An Introduction to the Complaints Policy**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Tutorial Foundation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

**The difference between a concern and a complaint**

 **A concern** may be treated as an expression of worry or doubt over an issue considered to be important for which reassurances are sought. The Tutorial Foundation takes concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. The ability to consider the concern objectively and impartially is more important.

The Advisory Board uses the Local Government Ombudsman definition of what is a complaint.

***What is a complaint?***

 A complaint is an expression of dissatisfaction attributed to the Tutorial Foundation, individuals working at the school by any person, internal or external, about the school’s action, lack of action or quality of service. Persistent or vexatious complaints which the Tutorial Foundation considers to have already been thoroughly investigated and about which appropriate action has been taken to remedy the situation, will not be pursued. However, should circumstances change or new information emerge in connection with the case, the investigation may be re-opened. Where a person is not able to make a complaint himself or herself, a friend or other family member may do so on their behalf, but that person does not become the complainant. The Advisory Board will not accept complaints from legal representatives.

**Purposes of the Complaints Procedure**

The purpose of our Complaints Procedure is to provide a comprehensive, open, transparent, fair and timely vehicle through which:

• something that may have gone wrong can be identified, acknowledged and, where necessary, put right;

• an apology may be made where appropriate;

 • the school and its senior leadership team can, where appropriate, learn from the process, making it less likely that a similar complaint will be brought in the future. A written record will be kept of all complaints along with details of how they were resolved following a formal investigation or progression to a panel hearing.

**Publicising the Complaints Procedure**

We will do this by:

• copies of the procedure and the complaints forms are available from the school office;

• including the procedure and complaints forms on the school’s web site, ensuring that it is easy to find through a link from the home page.

**Adopting the Complaints Procedure**

The Advisory Board formally adopted this revised procedure **on …………**and it will be reviewed in December 2021. A review might be required earlier in the following circumstances:

• to take account of any changes to legislation or to reflect new local authority or government guidance;

• in the light of any recommendations from the Chair or a Review Panel arising from consideration of a complaint. We will review the policy every year.

**Four Stage Complaints Procedure**

**Stage 1** - All complaints are normally first dealt with at this informal stage, with notification from the complainant / parent either orally or in writing to any member of staff.

**Stage 2** - A formal complaint in writing to the Headteacher if Stage 1 does not meet with the complainant/ parent’s satisfaction.

**Stage 3** - A reference to the Advisory Board or LADO if Stage 2 does not meet with the complainant/ parent’s satisfaction.

**Stage 4 – Advisory Board Complaints Committee/ Panel**

**Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the Advisory Board, if appropriate, will determine whether the complaint warrants an investigation.

**Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

 **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

**Preliminary resolution – dealing with concerns informally**

**Stage 1 Informal resolution**

**Before the formal processes are invoked every effort should be made to resolve matters informally. This is in line with Department for Education guidance.**

In the first instance, all complaints raised will be considered initially on an informal basis. Most informal complaints, for which a parent/ complainant or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Many complaints can be resolved simply by talking to or emailing a teacher involved with the issue. Discussing with the teacher concerned, or the most appropriate member of staff who can address the issue, will often result in the speediest and most effective response and resolution.

**Timing**

 Informal complaints should be resolved within ten term-time days.

**Resolution**

If there is no resolution at this stage, parents/ complainants will be advised to proceed to **Stage 2** of the complaint’s procedure.

**Record Keeping**

Any complaint or issue that is put in writing should be written clearly outlining all the issues and what it is hoped that the preferred outcome should be.

Records will be logged internally for management purposes to enable patterns to be monitored, including resolutions. The member of staff involved will also inform the Assistant Heads who will consider whether any further action is merited. A template (Appendix 1) has been created should complainants wish to use it.

**All information will be kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.**

**Stage 2: Making a formal complaint to the Headteacher**

**The procedure**

The procedure for making a formal complaint requires a complainant/ parent to complete, and to submit, a Complaint Form and to do so within **90 calendar days** of the issue about which they are complaining. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period. The complaint may be done in person, in writing, or by telephone. If the complaint is made by telephone a Complaint Form will be completed during the conversation and a copy will be sent to the complainant for their record.

 The Headteacher will record the date the complaint is received and acknowledge receipt of the complaint form in writing within **3 school days** and investigate the matter so that the complainant/parent receives a formal written response within **10 school days**.

 On occasion, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Headteacher will write to the complainant/parent explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued. The Headteacher may delegate the complaint to another member of the senior leadership team, but not the decision to be taken.

The Headteacher will offer a meeting with the parent or other complainant at a mutually convenient time. At the meeting, and through discussion, the Headteacher will clarify what the issues are. The hopes of what the parent is trying to achieve will also be discussed. Together all parties will agree an acceptable outcome, if possible. This should be to the satisfaction of all parties involved. During the investigation, the Headteacher (or investigator) will:

• If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, for example by a family member, friend or colleague

• keep a written record of any meetings/interviews in relation to their investigation.

 If the complaint is against the Headteacher, the complaint form should be sent directly to the Chair of the Advisory Board, c/o the school.

**Expected Outcomes**

The actions that the school may take to put matters right might involve one or more of the following:

1. a review of policy or procedure
2. changes to routines;
3. action to remedy a health and safety concern;
4. restorative work involving a pupil and a member of staff;
5. risk assessment to determine the likelihood of similar problems recurring
6. an apology or an admission that the situation could have been handled differently or better;
7. action towards a member of staff (on the occasions that this is of a disciplinary nature, no further information will be shared, as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers);
8. a decision that no action is necessary or justified with a full explanation.

**Resolution**

If there is no resolution at this stage, the Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. The complainant will be advised to proceed to Stage 3 of the complaint’s procedure.

**Record Keeping**

Records of formal complaints will be logged internally for management purposes to enable patterns to be monitored, including resolutions. At the conclusion of her investigation, the Headteacher will provide a formal written response within fifteen school days of the date of receipt of the complaint.

**Formal Stage 3 – Chair of the Advisory Board/LADO**

**Referring a formal complaint to the Chair of the Advisory Board**

Where the complainant/ parent considers that the Headteacher’s formal written response does not resolve the complaint, the complainant/ parent may ask the Chair of the Advisory Board to reconsider the Headteacher’s response. This request must be made **within 10 school days** of receiving the Headteacher’s response.

 If the complaint is **about the Headteacher** then the complaint form will be submitted direct to the Chair of the Advisory Board. Unless the complaint is about the Headteacher, the Chair of The Advisory Board will not consider the complaint unless the Headteacher has had the opportunity to seek to resolve the matter first, and Stage 2 has been completed.

**At least five school days before the Stage 3 meeting, the Headteacher will:**

• notify the complainant of the date of the meeting

• provide any written materials gathered during Stages 1 and 2 to all parties

• If the Headteacher is the subject of the complaint, the complaint should go straight to the Chair of the Advisory Board and miss out Stage 1 and Stage2. The Chair of the Advisory Board may ask for the complaint to be put in writing (if this has not already happened).

 • The Chair of the Advisory Board will offer to meet with the parent or other complainant, at a mutually convenient time, if it is felt more information is required, or if the parent/complainant asks for a meeting

• The Chair of the Advisory Board has **15 school days** to investigate the complaint. If the Chair of the Advisory Board is unable to meet this deadline, she will provide the parent/ complainant with an update and revised response date. Reasons for this may be that the complaint is complex and needs more time or someone involved is absent through sickness or holidays.

**Formal Stage 4 –** **Referring a formal complaint to the Advisory Board Complaints Committee / Panel**

Where the complainant/parent considers that the Chair of the Advisory Board’s written response does not resolve the complaint, the complainant/ parent may ask the Business Manager to convene a Panel of members of the Advisory Board who have had no prior involvement with the complaint (or the issues which led to the complaint) to review the Chair’s response. The complainant/ parent must complete, and submit to the Business Manager a Review Request Form **(available to download from the school website or from the school office Appendix B).** She should do this within **10 school days** of the date of issue of the letter giving the decision on the complaint. This form is structured in a way that helps ensure that the reasons for requesting a review can be readily understood, and that contact information is recorded and available to those who might need it

The Business manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

If the complaint is still not resolved to the complainant/ parent’s satisfaction, the Chair of the

 The Advisory Board Committee will write to the parent/ complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 4 request.

If the complainant rejects the offer of three proposed dates, without good reason, the Business Manager will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.

• The Chair of the Advisory Board can appoint an Investigating Officer to gather evidence and conduct preliminary interviews on the Chair’s behalf. The Investigating Officer will provide a detailed report of his/her investigation of the complaint, and the complainant should be given a copy of this report

• It is important that the Investigating Officer is seen as impartial. So, whilst the Investigating Officer may be another Governor, s/he cannot be a member of the associated Complaints Committee.

• The Complaints Committee is made up of three members of the School’s Advisory Board who have had nothing to do with the subject of the complaint. The Complaints Committee should meet at a time convenient to all parties, within 10 days of being set up.

• The complainant, the Headteacher, the Chair of the Advisory Board and any member of staff the complaint is about will be invited to the meeting. Any person invited can bring a friend or supporter if they wish. The Complaints Committee will consider any written material, and also give the person making the complaint, the Headteacher and staff an opportunity to state their case and to question others present. The Complaints Committee will ensure that all present are treated fairly. The meeting will be minuted and everyone present will be given a copy of the minutes.

 • The Complaints Committee will give its decision, in writing, within 5 school days after the meeting, along with the reasons for their decision.

• If after this School based process the complaint is still not resolved to the parent’s satisfaction, they should write to the Secretary of State if it is a general complaint, or to the Local Authority if the complaint is about the curriculum and is a curriculum related matter

**Conduct**

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated owing to the conduct of the parents/complainant or the accompanying, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and these comments will be minuted.

**Conclusions and Recommendations**

The Review Panel must come to a conclusion as to whether the request for a review was justified in identifying alleged shortcomings in the investigation of the complaint by the Chair of the Advisory board.

The committee can uphold the complaint in whole or in part, or dismiss the complaint in whole or in part. Because the review is not an appeal, the Review Panel cannot reverse the earlier decision of the Chair of the Advisory Board. However, it can make any recommendations that it sees fit that can be taken to resolve the complaint. Such recommendations might include:

▪ an apology;

▪ a re-consideration of an earlier decision;

▪ informing improvements within the school;

▪ improving the effectiveness of the complaints procedure

▪ a review of a policy or a procedure or a recommendation to change the school’s systems or policies or procedures, or

▪ a fully explained decision that no further action is necessary or justified.

**Communicating the Outcome**

 The matter should remain confidential. The Business manager will promptly communicate the outcome, and set out the reasons for it, in a letter to the parent/ complainant, the outline of which will have been formulated by the Review Panel in the meeting. The final version will be agreed and signed by the Chair of the Panel. It is essential that the review decision letter is sent to the complainant/parent and where relevant the person complained about and the Chair at the same time. This will be in the form of an email or letter. Whilst the letter should avoid unnecessary detail, there should be sufficient information to demonstrate that the review was considered in full, provide an explanation of the decisions taken and include details or any actions or recommendations that will be taken to resolve the complaint.

 A written record will be kept of the complaint. Correspondence, statements and records relating to the complaint will be filed confidentially. The actions taken as a result of the complaint will be recorded (regardless of whether they are upheld).

The issue of the review decision letter concludes the school complaints process and the school will not enter into any further correspondence with the complainant.

Signed and Date Signed and Date





**Julia Low (Headteacher & Proprietor). Karen Turner (Proprietor).**

**APPENDIX B**

**Complaints Form 2020**

Please complete and return to the school office marked Private and Confidential to the Head teacher who will acknowledge receipt and explain what action will be taken.

|  |
| --- |
| Your name: |
| Pupil’s name: |
| Your relationship to the pupil: |
| Address: |
| Postcode: |
| Tel No: |
| Please provide details of your complaint including any relevant times and dates: |
| What action, if any, have you already taken to try and resolve your complaint? What was the response? |
| What actions do you feel might resolve the problem at this stage? |
| Signature: |
| Date: |
| ***Official Use Only*** |
| *Date acknowledgement sent:* |
| *By whom:* |
| *Complaint referred to:* |
| *Date:* |

|  |
| --- |
| **APPENDIX B** **Complaint review request form** |
| School name: The Tutorial Foundation School |
| Section A – Your Details |
| Title – Mr/Mrs/Ms/Other |
| Surname |
| Forename |
| Home Tel No |
| Mobile Tel No |
| Email Address |
| Address and Postcode |
| How would you prefer us to contact you? |
| Section B |
| Please give reasons why you consider the response to your complaint from the Chair of the Advisory Board should be reviewed?  |
| What would constitute a satisfactory outcome by way of resolution of your complaint?Please use a continuation sheet if required |
| If at the end of the process you are not satisfied with the handling of your complaint, and are seeking redress beyond the school you can contact the DFE |
| **Please add details**  |