



# **Complaints Policy**

Reviewed by Governing Body - October 2014

**Torquay Boys' Grammar School is committed to safeguarding and promoting the welfare of students and young people in its care**

## **Rationale**

TBGS aims to provide a safe and positive environment in which students can be helped to fulfil their potential. Sometimes, however, parents, guardians and others may need to make a complaint or raise a concern, and this policy explains what to do if this occurs.

The majority of issues raised by parents, the community or students tend to be concerns rather than formal complaints. The school is committed to taking concerns seriously and reaching a resolution before a formal complaint becomes necessary.

Formal complaints will be dealt with in a sensitive, impartial and confidential manner, with the aim of resolving the complaint as fairly and speedily as possible. Malicious complaints may incur appropriate action by the school.

## **Principles**

- Concerns and complaints will be handled with courtesy and free from confrontation with the aim of dealing with the genuine concerns of the Complainant as fairly and speedily as possible.
- Normally a concern or complaint will be dealt with by moving through the three stages identified below. On occasions, however, it may be more appropriate to move directly to a higher stage.
- All complaints should be submitted in writing (including E-mail).

## **Policy in Practice**

In the majority of cases, the procedures for concerns and complaints will be handled by the Headteacher, to ensure that the matter is dealt with in a timely manner and that the required procedures are followed consistently and fairly.

The time frames set out in the following stages refer to working school days, i.e. days of the school year when students are required to attend or designated Staff Development Days.



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## Stage 1. Informal Stage

Many concerns can be resolved without recourse to formal procedures, and should be dealt with fairly and promptly.

At the informal stage the following procedures should usually be followed:

i. *Concerns communicated directly to a subject teacher or tutor:*

Many concerns can be resolved directly by the member of staff but if the concern relates to departmental policy or to pastoral policies then the matter must be referred to an appropriate member of the Senior Management Team.

If the concern is not resolved the matter must be referred to the Headteacher or if he is not available, to a Deputy Headteacher.

ii. *Concern about an aspect of general school policy or the competency of a member of staff:*

Any concern of this nature must be referred to the Headteacher or if he is not available, to a Deputy Headteacher.

iii. *Concern about the Headteacher or any governor apart from the Chair of Governors:*

The Complainant must refer any concern about the Headteacher or any governor apart from the Chair of Governors to the Chair of Governors.

iv. *Concern about the Chair of Governors:*

The Headteacher must refer any concern about the Chair of Governors to the Vice Chair of Governors, or if he/she is not available to one of the Chairs of Committee not involved in the concern.

v. *Concern or complaint about the entire Board of Governors:*

A complaint about the entire Board of Governors is like to be very rare, and will almost certainly be the result of a failure to reach a resolution of a more limited concern or complaint. It is also very unlikely that every governor will have been actively involved in the event(s) which are subject of the complaint, or in the earlier stages of attempting to reach a resolution. In the event of a complaint about the entire board of Governors, the Complaint Procedure should move straight to Stage Four.

In all cases there should be an expeditious response to the concern.



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If a concern about school policy or any aspect of the school's activities is expressed initially to a governor then he or she should direct the person to contact the Headteacher at the school.

If the person raising the concern or complaint is not satisfied with the result at Stage 1, they should write to the Chair of Governors within ten working school days, confirming the nature of the complaint. The Chair of Governors will then look at the complaint at the next stage.

## Stage 2. Investigation

The Chair of Governors / Headteacher must acknowledge receipt of the complaint within five working school days, giving details of who will be conducting the investigation and the time limit for seeking a resolution.

The Chair of Governors will ask the appropriate person, as outlined below, to conduct an investigation and seek to achieve a resolution with the Complainant within fifteen working school days.

- A complaint about the Chair of Governors must be investigated by the Vice Chair of Governors, or if he/she is not available by one of the Chairs of Committee.
- A complaint about the Headteacher or any governor apart from the Chair of Governors must be investigated by the Chair of Governors.
- Any other complaint must be investigated by the Headteacher, or if he is not available by the Deputy Headteacher.

The person conducting the investigation will arrange for the relevant papers to be copied to any relevant member(s) of staff or governors named in the complaint and request a report from those concerned.

The person conducting the investigation must then seek to achieve a resolution with the Complainant within the stated time limit.

If the person raising the concern or complaint is not satisfied with the result at Stage 2, they should write to the Chair of Governors within ten working school days of receiving a response or the expiry of the fifteen working days notified above – whichever is the earliest. The Chair of Governors will then look at the complaint at the next stage.

## Stage 3. Hearing by the Governors' Complaints Appeal Panel

If the Complainant is not satisfied with the result at Stage 2 they should write to the Chair of Governors within ten working school days of receiving the response. The Complainant must indicate in the letter what matters remain unresolved. No new complaint may be included at this stage.



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The Chair of Governors must acknowledge receipt of a request for a hearing by the Governors' Complaints Appeal Panel within five working school days and must inform the Complainant whether the following conditions for an Appeal Panel hearing have been met:

Has the Complainant:

- sought to resolve the concern through the 2 stages above?
- allowed reasonable time (as indicated above) for the concern to be investigated?
- accepted any reasonable offer by the school to discuss the results of the investigation?
- put the complaint in writing (within 3 months of the event)?

If these conditions have been met, the Chair of Governors will convene a meeting of the Complaints Appeal Panel. The meeting must, normally be held within twenty working school days of receipt of the request for a Stage 3 Hearing.

The Panel will consist of three Governors who have not been involved in the previous stages of the complaint and who are not specifically named in the complaint, one of whom will be the named Chairman of the Panel, plus an independent member of the Panel.

- i. The Chair of Governors, as appropriate, must:
  - a) contact the Complaints Panel and make all arrangements for the meeting including time and place
  - b) agree with the person appointed to investigate the complaint under Stage 2 which of the following individuals from the school should be asked to attend the Panel to represent the school:
    - the Headteacher or his/her representative
    - the Chair of Governors or his/her representative
    - the person appointed to investigate the complaint under Stage 2 or his/her representative
    - any other member of staff named in the complaint
  - c) immediately send the text of the formal complaint to the Headteacher, the Chair of Governors and, if appropriate, the person appointed to investigate the complaint under Stage 2. The person responsible for investigating the complaint under Stage 2 and the Headteacher and/or Chair of Governors as appropriate must submit a response to the Complaints Manager within ten working school days
  - d) confirm the date of the meeting to all parties. This meeting must normally be held within twenty working school days of receipt of the Complainant's



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request. The letter must inform the Complainant, the Headteacher, the Chair of Governors and the person appointed to investigate the complaint under Stage 2 as appropriate, that all documents to be considered by the Panel must be submitted to the Chair of Governors at least seven working school days before the meeting, together with the names of any witnesses or friends who might attend

- e) copies of all documents submitted and the agenda must be sent five working school days before the meeting to:
- all Panel Members
  - the Complainant
  - the person or persons identified under (b) above

The Chair of Governors must copy relevant papers to any member of staff named in the paper.

- ii. The Complainant may bring a friend, interpreter or advocate to the meeting.

The Headteacher, Chair of Governors and/or other member of staff or governor named in the complaint may bring a friend or professional representative to the meeting.

A student may not attend the meeting unless over the age of 18 and bringing the complaint on their own behalf.

Legal representation will not normally be appropriate.

### The Proceedings of the Panel

The Chair will introduce the Panel and outline the procedures and order of events to be followed. These will be:

- a) The Complainant or his/her representative will present their case
- b) The person representing the school may be invited to question the Complainant
- c) The Panel may question the Complainant
- d) The Complainant can call any witnesses previously named and after those witnesses have given their evidence the person representing the school and the Panel may ask the witnesses questions
- e) The person representing the school will present his/her response to the Complainant
- f) The Complainant or his/her representative may question the Headteacher
- g) The Panel may question the person representing the school
- h) The person representing the school may call any witnesses previously named and after giving evidence these witnesses may be questioned by the Complainant and his/her representative, and by the Panel.



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- i) The panel will deliberate in private and may seek advice from a professional advisor if they deem it necessary.

### The Decision of the Panel

The 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 the school's systems or procedures to ensure that problems of a similar nature do not recur
- Recommend that the complaint is dealt with under another procedure

The decision of the Panel is final and no further appeal to the Governing Body is available.

Within five working school days of the Panel meeting, the Chair of Governors must inform the Complainant, the Headteacher, the person appointed to investigate the complaint under Stage 2 and any other member of staff named in the complaint of the Panel's decision.

### Stage 4. Appeal to the Secretary of State

If the Complainant wishes to pursue the complaint he/she can lodge a complaint with the Secretary of State and should be informed of their right to do so in the letter indicating the decision under Section 4.

Details of the procedure for submitting a complaint to the Secretary of State can be found on the following website:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

**'TBGS's commitment to equality and diversity means that this policy has been screened in relation to the use of gender-neutral language, jargon-free plain English, recognition of the needs of disabled people, promotion of the positive duty in relation to race and disability and avoidance of stereotypes. This document is available in alternative formats on request.'**