



**REDRUTH SCHOOL**

# **Complaints Procedure Policy**

**This policy was adopted on March 2018**

**The policy is to be reviewed in March 2021**

**The name of the designated individual is Mrs D Roberts**

## COMPLAINTS PROCEDURE

### Redruth School – Complaints Policy

School Complaints Officer: Mr Craig Martin, Headteacher

Contact: c/o Sheila Kane, Clerk to Governors (& Complaints Co-ordinator)

Email: sheila@redruth.cornwall.sch.uk

Address: Redruth School, Tolgus Vean, Redruth, TR15 1TA

### Introduction

- The school welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of the school, it is important that the school learns about this.
- 1.2. As schools have legal responsibilities to deal with many general complaints, this policy outlines how such complaints will be dealt with by the school. Some issues should not be dealt with by the school and these are listed in Appendix 1.
- 1.3. Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the school will consider a complaint on its merits. Please note that a person does not have to be a parent or a pupil of the school to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints procedure.
- 1.4. Governors have an important role to play in considering complaints. However, it is important for parents to understand that individual governors must not investigate complaints outside this procedure. All complaints should be addressed to the school complaints officer in the first instance whose details are recorded above.
- 1.5. Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

### Stage 1 - Informal Resolution

- 2.1. Many enquiries and concerns can be dealt with satisfactorily by the Headteacher or other members of staff without the need to resort to a formal procedure. The school values informal meetings and discussions.
- 2.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days. Should this informal stage require more time then the school will inform the complainant of this in writing as soon as this is known.
- 2.3. Please note that 'in writing' means a letter or an email. The final report of any formal investigation will be sent in paper form.

- 2.4. Should the face to face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2 below) of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage if it has not been provided as part of Stage 1.

## **Stage 2 - Formal Written Complaints**

- 3.1. The complainant should set out the precise nature of the complaint on the form provided and return this to the complaints officer. The complainant should keep a copy of this form and all other relevant correspondence. See Appendix 2 for the form.
- 3.2. Should a complaint be about a general matter, the complaints officer may be able to respond immediately, e.g. if it only requires an explanation of school policy. For complaints that relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The complaints officer or their nominee will normally undertake this investigation.
- 3.3. However, if in the early stages of the investigation, the complaints officer considers that the complaint is best dealt with at Stage 3, it will be passed to the chair of governors (or to the clerk to the governing body for the chair's attention) and the complainant informed of this action without delay.
- 3.4. Should the complaints officer, the Headteacher or a Governor be the subject of a complaint, these will be dealt with under Stage 3 below. The complainant should send the form directly to the Chair of Governors (or to the clerk to the Governing body for the chair's attention) c/o the school marking the envelope 'private and confidential'.
- 3.5. Should the Chair of Governors be the subject of a complaint, the complainant should send the form directly to the vice-chair of governors (or to the clerk to the governing body for the vice-chair's attention) c/o the school marking the envelope 'private and confidential'.
- 3.6. All formal complaints will be acknowledged within 5 school days of receipt.
- 3.7. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there are circumstances that require a longer investigatory period. The complainant will be informed in writing should more time be required
- 3.8. The school will aim to send a formal written response within 5 school days of the completion of the investigation. This gives a target of 5 school weeks for the completion of this stage of the procedure.
- 3.9. Following the stage 2 investigation, the complaints officer will decide on one of two outcomes:
  - 1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or

- 2. Confirm that all internal investigative measures have been exhausted and uphold the original informal response if this had occurred.
- 3.10. The decision is confidential to the complainant and to the governing body.
- 3.11. The complainant may take the complaint further if they are unhappy with the Stage 2 outcome by giving notice of their intention within 10 school days of their receipt of the formal outcome. This notice should be made in writing to the chair of governors (or to the clerk to the governing body for the chair's attention) c/o the school marking the envelope 'private and confidential'.

### **Stage 3 - The Governing Body**

- 4.1. Where the complaints officer is unable to resolve a complaint to the satisfaction of the complainant or where there is a complaint against the complaints officer, the Headteacher or a Governor, the complainant should write to the Chair of Governors (or to the clerk to the governing body for the chair's attention) c/o the school marking the envelope 'private and confidential' including copies of all relevant documents.
- 4.2. Should the Chair of Governors be the subject of a complaint, the complainant should send the form directly to the vice-chair of governors (or to the clerk to the governing body for the vice-chair's attention) c/o the school marking the envelope 'private and confidential'.
- 4.3. A panel of three governors must be convened by the chair (or vice-chair) of governors to investigate the complaint.
- 4.4. All formal complaints will be acknowledged within 5 school days of receipt.
- 4.5. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there are circumstances that require a longer investigatory period. The complainant will be informed in writing should more time be required.
- 4.6. The school will aim to send a formal written response within 5 school days of the completion of the investigation.
- 4.7. This gives a target of 5 school weeks for the completion of this stage of the procedure.
- 4.8. Following the stage 3 investigation, the panel will decide on one of two outcomes:
  - Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
  - Confirm that all internal investigative measures have been exhausted and uphold the original response.

- 4.9. The decision is confidential to the complainant and to the governing body.

**What can I do if I am not happy with the School's and Governing body's responses?**

Cornwall Council is responsible for education in Cornwall and may be able to offer guidance and advice.

**Please note that some educational matters have a separate procedure or appeal process and are not dealt with by the school.**

For advice and guidance on how to complain about the following services please contact the Cornwall Council Complaint Manager.

- School Admissions
- School Transport.
- Special Educational Needs
- Children's Social Care
- Complaints about the curriculum; collective worship or religious education
- Disapplication of the National Curriculum

**Contact Details for the Cornwall Council Complaint Manager:-**

- By telephone: **0300 1234 100**
- By email: [comments@cornwall.gov.uk](mailto:comments@cornwall.gov.uk)
- By post:

**Compliments, comments and complaints  
Cornwall Council  
New County Hall  
Treyew Road  
Truro  
TR1 3AY**

If your complaint is unresolved and you feel that the school has behaved unreasonably about your concerns, you can write to the Secretary of State for Education. Write to:

The Secretary of State  
Department for Education  
Castle View House  
East Lane  
Runcorn  
Cheshire  
WA7 2GJ

Telephone: 0370 000 2288

**<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>**

## **Redruth School – Complaints Policy**

### **Appendix 1: Complaints areas where Cornwall Council has responsibility**

The following areas are those that should not be addressed through the school complaints policy:

- Complaints about the curriculum and the provision of collective worship and religious education.
- 2. Complaints about the Council's assessment of a child's special educational needs.
- 3. Appeals against refusal to admit a child to the parent's preferred school.
- 4. Appeals against exclusions (although an appeal to the governing body will be involved in the earlier stages).

Details of the procedures for these complaints are available from the Council:

Children, Schools and Families

New County Hall,

Truro

Cornwall

TR1 3AY

Please note that should a complaint, informal or formal, reveal an issue for which the above applies or where other internal procedures exist (for example, child protection) then it will be dealt with under these procedures rather than as a complaint.

## **Redruth School – Complaints Policy**

### **Appendix 2: Complaints Form**

Please complete and return to the school's complaints co-ordinator (address details at end below) 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)?

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

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Complaints Co-ordinator contact details: Sheila Kane, Clerk to Governors

Email: [sheila@redruth.cornwall.sch.uk](mailto:sheila@redruth.cornwall.sch.uk)

Address: Redruth School, Tolgus Vean, Redruth, TR15 1TA

## Redruth School – Complaints Policy

### Appendix 3: Guidance notes for schools

#### General

- Please note that a complaint is a complaint if the person making it thinks it is a complaint.
- 2. There is some evidence that some schools immediately refer a complainant to Cornwall Council as the Children’s Service Authority (CSA). Schools should not refer people with a general complaint to the CSA (unless the subject of the complaint falls within the procedures outlined in Appendix 1) until all school based stages have been exhausted. After this stage the complainant should be advised to follow the policy by requesting the Secretary of State to investigate how the school handled their complaint.
- 3. Should there be any suggestion at any stage that the complaint relates to a **child protection** issue then it has to be dealt with immediately under the child protection procedures.
- 4. It is recommended that schools appoint a complaints officer (this can be the Headteacher) to ensure that the complaints procedures are delivered and monitored satisfactorily.
- 5. It is suggested that all complaints, informal or formal, are logged at the school and the number and nature of the complaints are reported to the governing body in summary form on a regular basis and at least annually. It is suggested that the complaint is dealt with in writing (emails and/or letters) as far as possible as this will protect the accuracy of the complaint record. Meetings should have notes taken by the school as it is likely that the complainant will take their own notes.
- 6. Individual governors must not investigate complaints outside this procedure.
- 7. It is recommended that the school's complaints policy is publicised as widely as possible. Knowledge of this policy will aid complainants to make a complaint in the proper manner and prevent unfocused complaints which could build up frustrations and exacerbate the situation.
- 8. It is important to note that any complaint that relates to a diversity issue has to be also recorded on the diversity incident report form available from the School. Please remember that a "diversity" complaint is one if the person making it thinks it is one and it includes race, disability, gender, sexual orientation, etc. The diversity incident report form must be completed in all cases and returned to the CSA (as stated on the form) without delay.
- 9. Should a governor make a complaint against the school or another governor, it is suggested that the same 3 Stage process is followed. Here there could be two additional outcomes – the suspension of a governor (separate procedures to be followed if this is recommended) or the dismissal of a governor (separate procedures to be followed if this is recommended N.B. Elected governors cannot be dismissed).
- 10. Finally, take control of the situation otherwise it will only get worse.



## Stage 1 - Informal Resolution

- 1. The best approach to resolving complaints is in an informal manner that prevents matters getting too complicated with the risk of a loss of control. It is important that a meeting is held between the appropriate person within the school and the complainant at the earliest possible stage. Notes of this meeting should be kept.
- 2. Experience indicates that a complainant being dealt with under this stage is often unaware that the matter is being dealt with informally – they usually think they are making a formal complaint. Experience also suggests that this informal stage can become too protracted. This can lead to a deterioration of relationships exacerbated when the complaint becomes formal. In the light of this, the complaints policy suggests that most informal complaints should be resolved within 10 school days. Should the informal stage require more than 10 school days but the complaint is still best dealt with informally, this should be made known to the complainant in writing immediately this becomes clear.
- 3. It is further suggested that any complaint that obviously is better dealt with formally via the first written stage (Stage 2) should be moved to this stage immediately unless there are exceptional or particular circumstances when a move direct to Stage 3 could be invoked. These decisions should be conveyed to the complainant in writing. Moreover, it would be quite appropriate for the school to take the initiative and invoke the formal procedure explaining why this step is deemed necessary and enclosing a copy of the school complaints policy.
- 4. Schools may want to issue the school complaints policy at this informal stage as the CSA's model policy has this as an integral part of the process. There are benefits of doing this as both parties will know the details of the process a complaint could go through from the start.
- 5. It is suggested that, before setting out to look at the complaint, the school's or CSA's policy/guidance documents covering the subject matter are checked to ensure that these have been or will be followed e.g., there is guidance on dispensing medicines in school. Should a complaint be about this subject, it would be useful to know what should have happened before even discussing the matter with the complainant.

## Stage 2 - Formal Written Complaints

- 1. Depending on the nature of the complaint, the complaints officer may decide that the informal stage should be bypassed and move it direct to Stage 2. Other complaints would have reached this stage via Stage 1. In both cases, the school's complaints policy and complaints form should have been sent out to the complainant if not sent out previously.
- 2. Should the complaint involve an allegation of a potentially serious criminal nature, the complaints officer, the Headteacher or the Chair of Governors will immediately inform the Director of Children, Schools and Families so that the allegation can be recorded and the school advised about further action. Should there be any suggestion at any stage that the complaint relates to a child protection issue then it has to be dealt with immediately under the child protection procedures.
- 3. Complaints with respect to the conduct of a member of staff or governor will be dealt with in accordance with the additional guidance laid out below. A meeting will be arranged between the complainant and the complaints officer, Headteacher or relevant person but this will not automatically include any member of staff or governor named in the complaint.
- 4. All complaints that reach this stage will be recorded on the complaints log to maintain a complete record of the issue.
- 5. At any stage where the investigation is likely to exceed the published time scale, it is important to let the complainant know of this fact at the earliest possible date.
- 6. Where both parties indicate a willingness to meet, the onus lies with the complaints officer to take the initiative and arrange this meeting.
- 7. The complaints officer should report all outcomes of these investigations to the governing body.

### Stage 3 - The Governing Body

- 1. All complaints that reach this stage will be recorded on the complaints log to maintain a complete record of the issue.
- 2. A panel of three governors must be convened by the chair (or vice-chair if the chair is the subject of the complaint) of governors. It is advisable that this panel's membership has already been selected to save time should a complaint be received.
- 3. The panel will normally review the investigations carried out under stage 2 and may decide only to consider the evidence already presented. It is a matter of judgement and may depend on any additional information provided by the complainant. Where complaints have been referred directly to stage 3 (relating to the complaints officer, Headteacher or a Governor), the panel will undertake the initial investigation.
- 4. Once more, should the complaint involve an allegation of a potentially serious criminal nature, complaints officer, the Headteacher or the Chair of Governors will immediately inform the Director of Children, Schools and Families so that the allegation can be recorded and the school advised about further action. Should there be any suggestion at any stage that the complaint relates to a child protection issue then it has to be dealt with immediately under the child protection procedures.
- 5. At any stage where the investigation is likely to exceed the published time scale, it is important to let the complainant know of this fact at the earliest possible date.
- 6. Where both parties indicate a willingness to meet, the onus lies with the panel to take the initiative and arrange this meeting.

### **Additional guidance for complaints regarding staff or governors**

All formal complaints against a member of staff will be dealt with by the Headteacher and not the complaints officer unless s/he is the Headteacher.

A member of staff who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff:

- i. If, at any time during the investigation, there is a prima facie case for disciplinary action, the school's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- ii. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- iii. If a formal investigation is required, then the Headteacher will adhere to the following principles:
  - (a) When a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - (b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The Headteacher will invite all parties (including witnesses) to provide written statements as part of the investigation.

## **Complaints about the Headteacher**

Formal complaints about a Headteacher will be referred directly to stage 3 (governors' panel investigation) via the chair of governors. A Headteacher who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed by the panel to investigate complaints about the conduct of the Headteacher:

- i. If, at any time during the investigation, there is a prima facie case for disciplinary action, the school's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- ii. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- iii. If a formal investigation is required, then the panel will adhere to the following principles:
  - (a) When a Headteacher is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - (b) The Headteacher will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The panel will invite all parties (including witnesses) to provide written statements as part of the investigation.

## **Complaints about a Governor**

Formal complaints about a governor will be referred directly to stage 3 (governors' panel investigation) via the chair (or vice-chair) of governors. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed by the panel to investigate complaints about the conduct of a governor:

- It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- If a formal investigation is required, then the panel will adhere to the following principles:
  - (a) When a governor is the subject of a complaint, he/she will be given a copy and advised to contact another governor for advice and support.
  - (b) The governor will be advised that another governor or a 'friend' may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The panel will invite all parties (including witnesses) to provide written statements as part of the investigation.

## **Policy on Serial and Unreasonably Persistent Complainants**

Redruth 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 our 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.

Redruth School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Redruth School.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement. New complaints from people who have come under the unreasonably persistent complainants policy will be treated on their merits.