



# Complaints Policy

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Ratified by the Trustee Board	April 2022

# Complaints Policy

## 1 Aims

To explain procedures for responding to complaints made against Horsforth School.

## 2 Context

Horsforth School operates within guidance and procedures set out by the Department for Education.

### 2.1 Who can make a complaint?

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 Horsforth School about any provision of facilities or services that we provide. Unless complaints are dealt with under the separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### 2.2 The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal states of the complaints procedure. Horsforth School 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. In these cases, we will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Horsforth School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### 2.3 How to raise a concern or make a complaint.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with a member of staff. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to Dr Paul Bell (the headteacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Miss Rosemary Edwards (the Chair of Trustees), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual trustee or the whole trustee board should be addressed to Mrs Tracy Hartley (the Clerk to the Trustees) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Please be aware we will not normally investigate anonymous complaints. However, the headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

You must raise a 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.

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

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

## **2.4 Types of complaints NOT covered by school complaints procedure**

It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child abuse, staff discipline, special needs assessments, school admissions or exclusions.

Where your complaint is relating to your child's attendance within school or a request for a leave of absence from the school, the school will decide whether this matter is investigated through the complaints procedure.

If your complaint is relating to a specific statutory process it may not be appropriate for this matter to be investigated in line with this policy. If this is the case on receipt and review of your letter, Horsforth School will write to you to advise you this.

The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from school.

- Pupil admissions; please see the School's Admissions policy.
- Pupil exclusions; please see the School's Behaviour policy.
- Staff grievance, capability or disciplinary; these are covered by the School's Grievance/Disciplinary/Capability Procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.

- Anonymous complaints- please refer to the Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests – please see the School’s Data Protection Policy.
- Complaints about the content of the national curriculum – please contact the Department for Education at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Horsforth School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **2.5 Social Media**

In order for complaints to be resolved as quickly and fairly as possible, Horsforth School requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

## **3 Resolving complaints**

At each stage in the procedure, Horsforth School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **4 Evaluation**

This policy will be evaluated annually by the Trustee Board to ensure it is still fit for purpose. Circumstances may require more frequent modifications.

## **5 Author**

This policy has been updated by LVR in April 2022.

## **6 Procedures**

Procedures to support this policy are appended as follows:

- |            |   |
|------------|---|
| Appendix 1 | Horsforth School Complaints Procedure: Information for Parents/ Carers/Others |
| Appendix 2 | Horsforth School Complaints Procedure: Flowchart                              |
| Appendix 3 | Horsforth School Complaints Recording Form                                    |

## **Appendix 1: Horsforth School Complaints Procedure: Information for Parents / Carers/ Others**

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages;

- (a) The Informal Stage** aims to resolve the concern through informal contact at the appropriate level in school.
- (b) Stage 1** is the first formal stage at which written complaints are considered by the Investigating Officer or the designated Trustee, who has special responsibility for dealing with complaints.
- (c) Stage 2** is the next stage once Stage 1 has been worked through. It involves a complaints appeal panel of Trustees.
- (d) Stage 3** Appeal to the Department for Education if you feel the Board of Trustees is acting or proposing to act unreasonably or illegally.

How each of these stages operates is explained below:

### **(a) The Informal Stage – your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form tutor, subject teacher or Pastoral Leader.
2. Once your concern is made known to us, we will see you, or contact you by telephone, by email, or in writing, as soon as possible. The member of staff will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within ten school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

### **(b) Stage 1 - formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where initial attempts to resolve issues have been unsuccessful and you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of the Trustee Board".
2. We will acknowledge your complaint in writing within three school days of receiving it. The Headteacher will appoint an Investigating Officer to investigate your complaint, if the complaint is regarding the Headteacher, the Chair of the Trustee Board will appoint an Investigating Officer to investigate your complaint.

The Investigating Officer can be any one of the following:

- The Headteacher
- A designated member of staff assigned by the Headteacher
- The Director of HR

- The Chair of the Trustee Board
- A designated Trustee

3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond to your complaint in full within a further 20 school days, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint (not acting in a legal capacity).
6. The Investigating Officer may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Investigating Officer will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. When a complaint is made and the Investigating Officer decides it is necessary to interview a student, we will contact parents/carers and advise them that the investigation will require an interview with their child. If a parent/carer specifically states that they want to be present for the interview, the appropriate arrangements will be made. (Please note any questions asked by the Investigating Officer will be made directly to the student. Parents/carers will not be given the opportunity to respond on their behalf, as the role of a parent/carer in the process is purely to accompany the student and act as a witness to the process.) If the parent/carer is not available and they or the student request another person to be present at the interview, we will ensure that another member of staff, with whom the student feels comfortable, is present. Under normal circumstances all interviews will be recorded and the parent/carer will be offered a typed transcript of the interview in due course. Please note that due to the Data Protection Act it may not be possible to provide you with a recording of the interview.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Investigating Officer will keep written/typed, signed and dated records of all meetings and other related documentation.
11. Once we have established all the relevant facts, the Investigating Officer will provide a written response to your complaint. This will give an explanation of the Investigating Officer's decision and the reasons for it. If follow-up action is required, we will indicate, where appropriate, what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The Investigating Officer may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage 2, as described below.

Complaints about the headteacher or a Trustee must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trustee board or
- the majority of the trustee board

Stage 1 will be considered by an independent investigator appointed by the Clerk to the Trustee Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **(c) Stage 2 - consideration by a Trustees Appeal Panel**

If the complaint has already been through Stage 1 and you are not happy with the way in which the complaint has been handled, you can take it further to a Trustees Appeal Panel. This is a formal process and the ultimate recourse at school level.

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the trustee board's complaints committee, which will be formed of the first three, impartial, trustees available. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of three alternative dates for the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects all three proposed dates, without good reason, the Clerk 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 complaints committee will consist of at least three trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three trustees from Horsforth School available, the Clerk will source any additional, independent trustees through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. If a meeting is to be recorded prior consent of all parties attending must be sought before the meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Horsforth School with a full explanation of their decision and the reason(s) for it, in writing, within 3 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Horsforth School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trustee board or
- the majority of the trustee board

Stage 2 will be heard by a committee of independent trustees.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Horsforth School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

#### **(d) Stage 3 - Referral to the Secretary of State for Education**

If the complainant feels that the Trustees Appeal Panel acted 'unreasonably' in the handling of the complaint, they can complain to the DfE after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

If you wish to pursue your complaint beyond this stage, you can write to the Secretary of State for Education at the address shown below:

Secretary of State  
Department for Education (DfE)  
Sanctuary Buildings  
Great Smith Street  
LONDON  
SW1P 3BT

#### **Closure of Complaints**

- Very occasionally, we may feel that we need regretfully, to close a complaint where the complainant is still dissatisfied.
- We will do all we can to help to resolve a complaint against the School but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the School – to the Headteacher, Chair of the Trustee Board or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. In exceptional circumstances, closure may occur before a complaint has reached Stage 2 of the procedures described in this document. This is because we must be sure that a Stage 2 hearing is likely to assist the process of investigating the complaint.

The Chair of the Trustee Board *may* decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Review Panel would not help to move things forward. Where a complaint relates to a Trustee or the Trustee Board and has been investigated by an independent investigator, then the independent investigator may decide, that every reasonable action has been undertaken to resolve the complaint and that a Complaints Review Panel would not help to move things forward.

## **Vexatious and persistent Complaints**

Where a complainant raises an issue that has already been dealt with via the School's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

As a complainant you may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all your concerns and meet all your wishes. Therefore, it may, on occasion, simply be a case of 'agreeing to disagree' and moving on.

If you continue to make representations to the School or attempt to re-open the same issue, the Headteacher will inform you in writing, that the procedures have been followed and that all reasonable action has been taken to resolve the issue and that the matter is now closed.

A complaint may be seen to be unreasonable when the person making the complaint:

- Refuses to articulate their complaint, specify the grounds of the complaint or detail their desired outcome.
- Refuses to cooperate with the complaints investigation process or relevant procedures.
- Insist on the complaint being dealt with in ways that are incompatible with the complaints procedure or good practice.
- Changes the basis of the complaint as the investigation proceeds.
- Does not allow the school time to investigate the issues and respond accordingly.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school Trustees and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

After closing the complaint if the School receives a duplicate complaint about the same subject we may inform you that the School has already considered the complaint and full procedures have been followed. We will ensure prior to notifying you of this that we have considered all aspects of the duplicate complaint, if it is felt that any of the issues raised were not investigated previously we will consider these. If, however, we feel this complaint is duplication and has been fully investigated previously we will advise you of this in writing.

This applies to duplicate complaints received from the following:

- Spouse
- Partner
- Grandparent
- Child

## **Complaint campaigns**

Where the school becomes the focus of a campaign and receives a large volume of complaints:

- All based on the same subject
- From complainants unconnected with the school

It may be that the School will send a template letter to all complainants or publish a response on the School's website.

## **Parental Responsibility**

Conflict between estranged parents can lead to a number of complaints in school. Horsforth School will endeavour to be understanding towards complex family relations and will communicate with parents accordingly and in line with our procedures.

### **Barring from School Premises**

It is important to stress that Horsforth School is a private place and the public has no automatic right of entry. It is the responsibility of the Headteacher and Trustees that Horsforth School is a safe place for students, staff and other members of the community.

If an individual's behaviour is a cause for concern they may be asked to leave school premises. In some cases the School may take the decision to bar an individual from entering school premises. The individual will be given the opportunity to formally express their views on the decision to bar them from site.

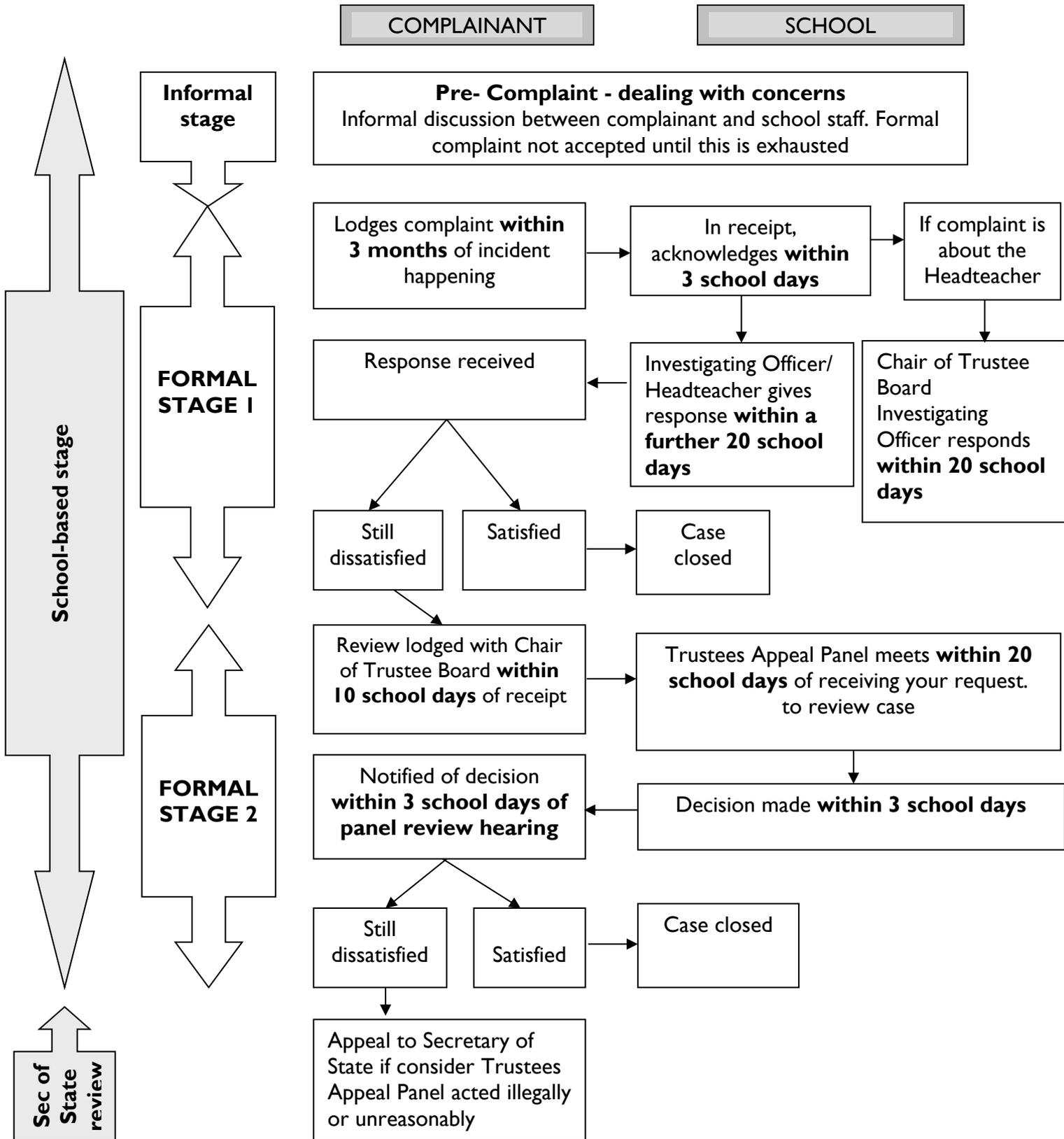
You will be advised of the bar in writing, the letter will detail the reasons and duration of the barring.

The Headteacher's decision can be appealed; if you wish to appeal against the decision please do so by writing to the Chair of Trustees.

On receipt of such letter the Chair of Trustees will review the decision that has been made and will either confirm or lift the bar. Once the decision has been made by the Chair of Trustees you will be notified in writing. If the bar is to remain, the letter will detail how long the bar will be in place and when the decision will be reviewed.

Once the School's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

# Appendix 2: Horsforth School Complaints Procedure: Flowchart



**Appendix 3:**

**Horsforth School: Complaints Recording Form**

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Daytime telephone number .....

Evening telephone number .....

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint: Please be specific

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature .....

Date .....

**Official Use:**

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....