

## COMPLAINTS PROCEDURES

### Parents' Complaints Procedure

Ratcliffe College welcomes suggestions and comments from parents, and takes seriously complaints that are raised. The following stages show you how to use our complaints procedure.

We wish to ensure that:

- parents wishing to make a complaint know how to do so
- we respond to complaints within a reasonable time, and in a courteous and efficient way
- parents realise that we listen and take complaints seriously
- we take action where appropriate.

### Scope and application

This policy applies to the whole school including the Early Years Foundation Stage (EYFS).

This procedure applies to parents current students of the School. It does **not apply retrospectively** to parents of students who are no longer at the School unless the complaint was initial raised when the student was registered at the School.

**A complaint will be treated as an expression of dissatisfaction however made about actions taken, or a lack of action, by the School where the parent seeks action by the School.**

This policy does not apply to exclusions, to which the School's Exclusion Policy review procedure applies.

Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's complaints procedures. All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, students or parents.

A hard copy of this policy may be requested from the school Reception.

### Timescales

References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs.

It is expected that the management of every complaint will progress in a timely manner. The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible.

Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the School will notify the parents and inform them of the new timescales as soon as possible.

### **Expected standards of behaviour**

Attention is drawn to the information included in Appendix 1 which is drawn from the Department for Education's [Best practice advice for school complaints procedures 2016](#) (January 2016).

### **“How should I complain?”**

You can talk directly to a member of staff, write a letter, or telephone. Be as clear as possible about what is troubling you.

We expect that most complaints can be resolved informally.

Any member of staff will be happy to help. It is best to start with the person most closely concerned with the issue:

- routine academic or pastoral matters should be raised with:
  - the Form Tutor or Head of Year in the Senior School; or
  - the Class Teacher or Head of Preparatory School or Head of Nursery (as appropriate) in the Preparatory School
- boarding matters should be raised with the Housemaster/Housemistress
- matters regarding finance, fees and non-academic services should be raised with the Director's Department (the Director's Secretary can refer you to the appropriate Section Head).

Alternatively, you may prefer to contact a more senior member of staff:

- the Deputy/Assistant Heads in the Senior School (Mr Ryce – Academic concerns, Mr Donegan – Pastoral concerns, Mrs Leite – Boarding concerns)
- Preparatory School Deputy Head, Mrs Cartwright for Pastoral concerns in the Nursery and Preparatory School
- Head of Preparatory School for Academic concerns in the Nursery and Preparatory School
- the Director of Finance, Mr Robson – Financial/non-academic concerns.

An informal complaint will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.

Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.

The parent will receive a response to the complaint within 15 working days.

If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure.

### Complaints about the Headmaster

The procedure for dealing with an informal complaint about the Headmaster is set out below:

- parents may choose to raise complaints directly with the Headmaster if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Headmaster will endeavour to resolve the complaint informally;
- the Headmaster will acknowledge informal complaints within three working days and will seek to resolve the matter under this informal stage by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint;
- if the parent is dissatisfied with the Headmaster's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure.

### **“What if I am not satisfied with the outcome?”**

We hope that you will feel satisfied with the outcome, or at least that your concerns have been fully and fairly considered. If you are not satisfied with the response to the complaint, you may make a formal complaint in accordance with Stage 2 of this procedure.

### **Stage 2 - Formal Complaint**

#### How to make a formal complaint

- Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.
- The formal complaint must be in writing addressed to the Headmaster of the School and should include:
  - a copy of all relevant documents and full contact details; and
  - details of all the grounds of the complaint and the outcome desired.
- The complaint will be acknowledged by telephone, email or letter within three working days, indicating the action that is being taken and the likely timescales.

## Investigation

- The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
  - delegation of the investigation to a senior member of staff;
  - involvement of one or more Governors;
  - request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
  - request for a conversation and / or a meeting with the parent personally and / or others with relevant knowledge of the circumstances.
- Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he / she will prepare a report on the investigation which will be considered by the Headmaster. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

## Decision

- The Headmaster will notify the parent by email or letter of his Stage 2 decision and the reasons for it within 15 working days from the receipt of the formal complaint.
- If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 of this procedure.
- **EYFS:** Parents of students in the EYFS setting will be notified of the outcome of the investigation within 28 calendar days of the complaint being received.

## Complaints about the Headmaster

The procedure for dealing with a formal complaint about the Headmaster of the School is set out below:

- The complaint should be put in writing to the Chairman of Governors (via the Clerk to the Governing Body or directly by email - [Martinglynsmith@aol.com](mailto:Martinglynsmith@aol.com)). The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
- The Chairman of Governors (via the Clerk to the Governing Body or directly) will acknowledge the complaint by telephone, email or letter within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will receive a response to the complaint within 15 working days.
- If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 of this procedure.

Complaints against the Chairman of Governors or any individual Governor should be made in writing to the Clerk to the Governing Body who will appoint an appropriate individual to conduct this procedure.

### **“What if I am not satisfied with the outcome?”**

If you are not satisfied with the Stage 2 response to the complaint, you may make request a Complaints Panel Hearing in accordance with Stage 3 of this procedure.

### **Stage 3 - Complaints Panel**

A Complaints Panel Hearing (**Hearing**) is a Hearing to consider those elements of the Stage 2 response to the parent's complaint with which the parent remains dissatisfied. The Complaints Panel is not obliged to consider any new complaints which have not been previously raised.

#### How to request a Hearing

- A request for a Hearing must be put in writing to the Clerk to the Governing Body and will usually only be considered if the procedure at Stage 2 has been completed. It is expected that the complaints procedure will progress in a timely manner and requests should be made within 10 working days of the date of the Stage 2 decision.
- The written request should include:
  - a copy of all relevant documents and full contact details;
  - details of all the grounds of the complaint and the outcome desired;
  - a list of the documents which the parents believe to be in the School's possession and wish the complaints panel to consider; and
  - whether the parent proposes to be accompanied to the hearing by someone who is legally qualified (see also 'Planning the Hearing' section below).
- If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governing Body who will be happy to make appropriate arrangements.
- The Clerk to the Governing Body will acknowledge the request for a Hearing in writing within three working days of receipt.
- Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request.
- Parents may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

#### Planning the Hearing

- The Clerk to the Governing Body will send written notification to each party of the date, time and place of the Hearing at least 10 working days before the date of the Hearing.
- Copies of any documents (additional to those specified in the 'How to Request a Hearing' section above) that the parent wishes the Complaints Panel to consider should

be sent to the Clerk to the Governing Body to be received at least 7 working days prior to the Hearing.

- The Clerk to the Governing Body will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties at least three working days prior to the Hearing.
- The parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not legal proceedings, and legal representation is unnecessary.
- As set out in the 'How to Request a Hearing' section above, the parent is required to notify the Clerk to the Governing Body if he / she wishes to be accompanied by someone who is legally qualified in his / her initial request for a Hearing. The parent should note that the Complaints Panel will wish to speak to him / her directly. The legally qualified person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Complaints Panel.
- A person will be appointed to take a minute of the Hearing.

#### Composition of the Complaints Panel

- The Panel will consist of at least three persons not directly involved in the matter detailed in the complaint, one of whom shall be independent of the management and running of the School. Each of the Panel members shall be appointed by the Chairman of Governors.
- The parent may ask the Clerk to the Governing Body to inform them who has been appointed to sit on the Complaints Panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- The Complaints Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

#### Role of the Complaints Panel

The role of the Complaints Panel is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties; and
- any representations made by the parties

and to reach a decision, on the balance of probabilities, as to whether or not to uphold each complaint.

#### The Hearing

- The Hearing should proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel should consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.

- During the Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- All those present during 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. 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 his / her comment will be minuted.
- The Chair may, at his / her discretion, adjourn the Hearing if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- When the Chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Hearing.

### Decision

- When further investigation is required before findings can be made, the Panel will decide how this should be carried out.
- The Panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- The Complaints Panel's findings and any recommendations will be provided in writing to the parents and, where relevant, the person complained about, within 10 working days of the Hearing. The Panel will write to you informing you of its decision and the reasons for it. The Complaints Panel's findings and any recommendations will also be available for inspection on the School premises by the Governing Body and the Headmaster.
- The Panel may only make recommendations following a hearing. It cannot make decisions with regard to past, existing or future financial arrangements between the complainant and the School, nor to impose sanctions on staff, students or parents.
- The completion of Stage 3 represents the conclusion of the School's complaints procedure.

## **Record keeping and confidentiality**

You can be assured that all concerns and complaints will be treated seriously and confidentially.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, the School will make available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year. The School makes this information available on the School website.

During the academic school year 2016-2017, the School received 1 complaint under the formal procedure.

The School keeps a written record of all formal complaints, including the following:

- whether they were resolved at Stage 2 or Stage 3
- the action taken by the School as a result of the complaints (regardless of whether they are upheld)
- whether the complaint relates to the School's boarding provision.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

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 108 or 109 of the Education and Skills Act 2008 requests access to them.

The School will provide ISI/Ofsted, on request, with a written record of all complaints made about the fulfilment of the School's EYFS requirements.

## **Complaints to Ofsted and the Independent Schools Inspectorate (ISI)**

Parents may complain directly to Ofsted or to ISI if they believe the School is not meeting the EYFS requirements.

Ofsted may be contacted on 0300 1234 234 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

ISI may be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)

## **Review**

This policy was last reviewed by Chairman of Governors, Headmaster and Director of Finance September 2017.

## **Appendix 1 Unreasonable complaints**

We are 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 us. 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.

We adopt the Department for Education definition of 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.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

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

- 1.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- 1.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- 1.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
- 1.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 1.5 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;
- 1.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 1.7 changes the basis of the complaint as the investigation proceeds;
- 1.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 1.9 refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
- 1.10 seeks an unrealistic outcome;
- 1.11 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.

- 2 **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:**
- 2.1 maliciously;
  - 2.2 aggressively;
  - 2.3 using threats, intimidation or violence;
  - 2.4 using abusive, offensive or discriminatory language;
  - 2.5 knowing it to be false;
  - 2.6 using falsified information;
  - 2.7 publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 3 **A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.**

In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:

- 3.1 whether a complaint has reasonable foundation;
- 3.2 the history and context of the complaint (and any evidence where relevant);
- 3.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- 3.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- 3.5 unexplained delay in raising a complaint or issue;
- 3.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- 3.7 any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Head will normally only do so after consultation with the Chair of Governors.

It is open to a complainant to request that a complaints panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.