



THOMSON HOUSE SCHOOL

Thomson House School Complaints Policy

Agreed by: Governor's Finance and General Purposes Committee
Date: June 2019

Review Cycle: Three years
Next Review Date: June 2022

All the Thomson House School policies should be read in conjunction with the Equality Policy, Child Protection Policy and Whistle-Blowing Policy

If you require a copy of this document in large print, Braille or audio format, please contact the School Business Manager

Thomson House School

Complaints Policy

Introduction

Thomson House School prides itself on being a learning organisation with an open-door policy. Feedback of all sorts is welcomed, for the school aspires to high standards for staff as well as for pupils. Therefore, if a person wishes to raise a concern or to make a complaint, they can expect it to be dealt with swiftly and in accordance with the policy and procedures set out in this document.

All references in the policy to a 'school day' means Monday to Friday during school term time.

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

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 stages of the complaints procedure. Thomson House School takes concerns seriously and will make every effort to resolve matters informally by having a meeting within 72 hours of the receipt of the initial complaint. Concerns should be raised initially with a pupil's class teacher or with a Senior Leader.

If the complainant has difficulty discussing a concern with a member of staff, the Head Teacher will refer the complainant to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer the complainant to another staff member. The member

of staff may be more senior but will not necessarily be. The ability to consider the concern objectively and impartially is more important.

The school understands that there may be occasions when people would like to raise their concerns more formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint.

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

Concerns should be raised with either the class teacher, a member of the Senior Leadership Team or the Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints must be made in writing to the school.

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

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

Complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body 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 complainants require help in completing the form, please contact the school office. Complainants can also ask third party organisations, like the Citizens Advice, to help.

In accordance with equality law, the school 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.

Anonymous complaints

The Head Teacher or Chair of Governors, if appropriate, will determine whether an anonymous complaint warrants an investigation.

Time scales

Complainants must raise the complaint within six weeks of the incident or, where a series of associated incidents have occurred, within six weeks of the last of these incidents. The school will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Thomson House School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Schools Appeals Team Democratic Services York House Twickenham TW1 3AA Tel: 0208 891 7163 email: democratic.services@richmond.gov.uk
Statutory Assessments of Special Educational Needs	Tel: 020 8831 6179 Email: RichmondKingston@kids.org.uk Website: http://www.kids.org.uk/richmond-and-kingston-sendiaass
Child Protection & Safeguarding	Complaints about child protection matters are handled under the 'THS Child Protection and Safeguarding Policy' and in accordance with relevant statutory guidance. If individuals have serious concerns, they may wish to contact the local authority's Single Point of Access on 020 8547 5008.

Staff Grievances / Whistle-Blowing	
Staff Conduct	
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may affect the school's 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 Thomson House School in relation to their complaint, the school will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Thomson House School aims to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, the school 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 the school 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

Withdrawal of a Complaint

If a complainant wants to withdraw the complaint, this must be confirmed by the complainant in writing to the school.

Stage 1

Complaints must be made in writing to the Head Teacher (unless they are about the Head Teacher), via the school office. This must be done in writing –

complainants may use the Complaint Form at the end of this policy, but do not have to.

The Head Teacher (Chair of Governors or delegated Governor) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 24 hours.

Within this response, the Head Teacher (Chair of Governors or delegated Governor) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Head Teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Head Teacher (Chair of Governors or delegated Governor) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head Teacher (Chair of Governors or delegated Governor) will provide a formal written response within 7 school days of the date of receipt of the complaint.

If the Head Teacher (Chair of Governors or delegated Governor) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 Thomson House School will take to resolve the complaint.

The Head Teacher (Chair of Governors or delegated Governor) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head Teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

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 governing body's complaints committee, which will be formed of two Thomson House School governors (who have not been previously involved in the complaint) plus an independent governor. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 7 school days of receipt of the Stage 1 response. The request to move to Stage 2 must clearly articulate why exactly complainants are not satisfied with the way the previous stage of the complaint has been handled. The school reserves the right not to take spurious complaints forward if specific reasons are not identified.

The Clerk will record the date the request to escalate to stage 2 is received and acknowledge receipt of the request in writing (either by letter or email) within 2 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 the date of the meeting. They will aim to convene a meeting within 14 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 the offer of 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 three governors 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 two governors from Thomson House School available, the Clerk will source any additional, independent governors through another local school or through the 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, it is not encouraged for 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 complaint's 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 the complainant/s.

Representatives from the media are not permitted to attend any complaint meetings whether formal or informal.

At least 2 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 5 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. Prior knowledge and consent of all parties attending must be sought before 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 Thomson House School with a full explanation of their decision and the reason(s) for it, in writing, within 7 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 Thomson House School.

If the complaint is jointly about the Chair and Vice Chair, or the entire governing body, or the majority of the governing body, Stage 2 will be heard by a committee of independent governors.

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 Thomson House School will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Behaviour throughout the process.

The complainant must respect confidentiality at all times throughout the complaints procedure. If the complainant shares information about the complaint with others (outside of those involved in the process) verbally, in writing or on social media, the school reserves the right to determine the complaint null and void.

School staff will not tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour that is abusive, aggressive, offensive or threatening. We will take action to protect staff or investigators from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious in that it hinders investigation of the complaint or of the operations of the school then the Head Teacher or Chair of Governors may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Thomson House School. They will

consider whether Thomson House School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

DfE Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it:	
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:	

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond

- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the head teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if

any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Policy for managing serial and unreasonable complaints

Thomson House School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school 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.

Thomson House 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 for complaint after offers of assistance
- refuses to articulate the outcomes sought by raising the complaint after offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept when 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
- expects questions or information unrelated to the complaint to be taken into account and commented on
- makes 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 after previous investigations or responses have concluded 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 inappropriate or confidential 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 Head Teacher 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 Thomson House 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 Thomson House School.

This Complaints Policy will be reviewed by the Finance and General Purposes Committee, every three years.

Date of this policy: June 2019

Review cycle: Three years

Next review date due: June 2022