



**GESHER SCHOOL**  
ENGAGE EMPOWER EDUCATE

# Complaints and Procedure Policy

**2020-2021**

<b>Date</b>	<b>Review Date</b>	<b>Coordinator</b>	<b>Nominated Governor</b>
September 2020	September 2021	Tamaryn Yartu	Howard Zetter

We believe that Gesher School provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

We take any complaint or concern seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible. We recognise that complaints that are not resolved quickly can be damaging to relationships and to the culture of the school. In some cases we need to establish whether the issue brought to our attention is a complaint or a concern. A concern is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought', while a complaint is best defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. By making this distinction between a concern and a complaint and taking all informal concerns seriously, we hope that the number of concerns will reduce before developing into formal complaints. We hope that many issues will be able to be resolved informally at Stage 1 without the need to invoke formal procedures under Stages 2 or 3.

We are aware that besides parents/carers of children who are registered at Gesher any member of the general public can make a complaint about 'any provision of facilities or services' that we provide at this school.

We are also aware that under the Education Act 1996(as amended) parents have the right to complain directly to the DfE or inspectorate about any matter relating to the school.

This policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are made in accordance with this policy.

Timescales set out within this policy are relevant for school term time. Where complaints are raised in the school holidays, timescales may need to be adjusted and complainants will be kept informed about the likely time that resolution will take.

# 1. Aims and Objectives

- To deal with any complaint against the school or any individual connected with it by following the correct procedures and timescales.
- To deal with all complaints thoroughly, sympathetically and efficiently, by being open, honest and fair when dealing with the complainant.
- To differentiate between a concern and a complaint.
- To ensure compliance with all relevant legislation connected to this policy.

# 2. Role of the Governing Body

The Governing Body will not condone any bullying and has:

- A duty to have in place a complaints procedure;
- Responsibility to ensure that the complaints procedure complies with their obligation under the Equality Act 2010;
- Delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- Responsibility to deal with any complaint made against the Headteacher;
- Responsibility to arrange for an independent panel to hear a complaint if the whole governing body have been 'contaminated' by having full knowledge of the complaint;
- Responsibility of biannually discussing the concerns/complaints log with the Headteacher;
- Responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- Responsibility for ensuring that the complaints procedure is publicised on the school website and in the school handbook, is concise, simple to understand and impartial;
- Responsibility for ensuring that the school complies with all equalities legislation;
- Responsibility for ensuring funding is in place to support this policy;
- Responsibility for ensuring this policy and all policies are maintained and updated regularly;
- Responsibility for ensuring all policies are made available to parents;

- Responsibility for the effective implementation, monitoring and evaluation of this policy.

### **3. Role of the Headteacher**

Under Section 157 of the Education and Inspections Act 2006 the Headteacher has a duty to encourage good behaviour, the respect for others and to prevent all forms of bullying among pupils.

Therefore, the Headteacher will:

- Deal with all complaints impartially and in a non-adversarial manner;
- Keep records;
- Not share third party information;
- Seek an interpreter if the need arises;
- Refer any complaint made against him/her to the Chair of Governors;
- Ensure full and fair investigations are undertaken by an independent person where necessary;
- Ensure confidentiality at all times;
- Ensure all complaints are resolved as quickly as possible within realistic time limits;
- Log all complaints received by the school and record how they were resolved;
- Discuss the complaints log biannually with the Governing Body;
- Monitor and review complaints to see how they can contribute to school improvement;
- Ensure all school personnel, pupils and parents are aware of and comply with this policy;
- Provide leadership and vision in respect of equality;
- Provide guidance, support and training to all staff;
- Monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
- Annually report to the Governing Body on the success and development of this policy.

## 4. Role of the Complainant

The Complainant will:

- Co-operate with school to find a solution to the complaint as quickly as possible;
- Provide enough information as possible;
- Be respectful to everyone involved in the complaint procedure.

## 5. Complaint Procedure

### Complaints by parents/carers

#### **Stage 1 (Informal Stage)**

- Complainant has an informal discussion with the person closely involved with the complainant's cause for concern or with the Headteacher direct.
- The school will aim to resolve informal complaints within 10 working days of being raised.
- If after the discussion the matter is not resolved or if the complainant is not happy with the way that it has been handled, then the process shall move to the next stage.
- However, every effort should be made to resolve the matter at this stage.

#### **Stage 2 (Formal Stage - Headteacher)**

- An unresolved complaint under Stage 1 should be set out in writing with full details and sent with all relevant documents and full contact details as per the Complaint Form below for the attention of the Head Teacher or the Chair of Governors if the complaint is about the Head Teacher.
- Once a formal written complaint is received from the complainant, it will be acknowledged in writing within 3 working days of receipt. The acknowledgement will indicate the action being taken and the likely timescale for resolution. In most cases, the Headteacher will undertake an investigation and reply in writing to the complainant with the outcome of an investigation and the resolution to the complaint within 15 working days where possible.
- Written records will be kept of any meetings held in respect of the complaint.
- If the complainant is not satisfied with the outcome then the complainant can ask for their complaint to be considered by a panel (see Stage 3).

### **Stage 3 (Formal Stage – Governors Panel Hearing)**

- A request for a complaint to be heard by a panel must be made in writing within 10 working days of the Stage 2 decision.
- The complainant must write formally to the Chair of Governors outlining the reasons why he/she is not happy with the outcome of the Stage 2 investigation and request that an appeals panel review the complaint.
- The Stage 3 complaint must be acknowledged within 3 working days.
- An appeals panel will meet within 20 working days, where possible, after receipt of the complainant's letter. The Panel will not consider any new areas of complaint, which have not been previously raised as part of the complaints procedure.

The Panel will consist of at least three people who have no prior knowledge of the circumstances of the complaint, including School Governor members (one of whom will be the Chair of the Panel) and may include independent members if deemed necessary / appropriate.

The complainant will be invited to attend the hearing, and s/he may be accompanied by one other person. Legal representation is not normally appropriate, but if the parent wishes to be accompanied by a legally qualified person, acting in their professional capacity, s/he must notify the school at least 7 working days before the hearing. Copies of additional documents the complainant wishes the Panel to consider should be sent to the Panel Chair at least 3 working days prior to the hearing.

The role of the Panel is to establish the facts surrounding the complaint by considering:

- the documents provided by both parties
- any representations made by the complainant, the Head or other members of staff.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Head or to the full body of School Governors as appropriate.

All statements made at the hearing will be unsworn and all present will be entitled to make their own notes. The Panel Chair will arrange for a person to take handwritten minutes of the proceedings.

The Chair will conduct the hearing in such a way as to ensure that all present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel is under no obligation to hear witnesses but may do so if it wishes.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the Chair may terminate or adjourn the hearing. If terminated, the original decision will stand. Any person who is dissatisfied with the

conduct of the hearing must say so before the hearing proceeds further and his/her comment will be recorded.

If possible, the Panel will resolve the complainant's complaint immediately without the need for further investigation. However, the Chair may adjourn the hearing for up to 5 working days at his or her discretion for further investigation of any relevant issue including taking legal advice.

After due consideration of the matters discussed at the hearing, the Panel shall reach a decision. The panel will either uphold or dismiss the complaint, making the decision on the balance of probabilities. The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to parents by electronic mail where appropriate within 10 working days. If parents do not wish to receive the decision by electronic mail, a copy will be posted to the address on record. The decisions, findings and any recommendations will be made available for inspection on the school premises by the Governing Body and the Head. Reasons for the decision will be given. The decision may include recommendations and will be sent to parents, the Chair of Governors, the Head and, where relevant, any person about whom the complaint has been made.

If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, there will inevitably be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the school remains unable to satisfy a complainant's concerns they may wish to consider seeking independent legal advice, raising the matter with ISA.

If parents with children in the Early Years wish to make a formal complaint against the school in writing, they can register their complaint with one of the following organisations:

Ofsted – Piccadilly Gate, Store Street, Manchester, M1 2WD

Tel. 0300 123 1231, email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Independent Schools Inspectorate (ISI) – Cap House, 9-12 Long Lane, London, EC1A 9 HA, Tel. 020 7600 0100, email [info@isi.net](mailto:info@isi.net)

The number of formal complaints the school receives in any academic year is made available on the school website. However, parents can be assured that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

Complaints should be made in good faith. Complaints may become unreasonable if the complainant has made the same complaint before and it has already been resolved by following the school's complaints procedure or where a valid complaint is pursued in an unreasonable manner (for example by refusing to cooperate with this procedure). This is not an exhaustive list of unreasonable complaints. The school will take every reasonable step to address a complainant's concerns and give them a clear statement of the school's position and their options. However, in the event of an unreasonably persistent complainant who, because of their frequent contact with the school, hinders consideration of their or other people's complaints, it may be necessary for the Headteacher to write to the complainant to raise such concerns and limit contact with the complainant.

## 6. Complaint Forms

Please complete this form and return it to the Headteacher or Chair of governing body who will acknowledge its receipt and inform you of the next stage in the procedure

### **Complaint Form**

Please complete this form and return it to Headteacher or Chair of the governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Name: .....

Relationship with school [ e.g. parent of a pupil on the schools roll ]:

.....

Pupil's name [ if relevant to your complaint ]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc.], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint?  
(i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint  
referred to:

Date:

## Complaint Review Request Form

Please complete this form and return it to Headteacher [or Clerk to the governing body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Dear \_\_\_\_\_

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on..... .

I have attached copies of my formal complaint and of the response[s] from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			