



TOLWORTH GIRLS' SCHOOL & SIXTH FORM

COMPLAINTS POLICY

Governing Body Committee: Human Resources Committee (HRC)

Date approved: HRC (13/11/23)

Next review: November 2024

Aim

The aim of this policy is to clarify procedures so that concerns and complaints from parents can be resolved as promptly and amicably as possible. The school will always give serious consideration to concerns and complaints that are brought to its attention.

For avoidance of doubt this policy does not apply to those who are not parents of students at this school, complaints that fall into this category will be dealt with as follows:

Complainants should first attempt to address their complaint to the school (as appropriate) informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Headteacher. If the complaint is about the school in general, or to the Chair of Governors if the complaint is about the Headteacher specifically. The Headteacher/Chair of Governors will acknowledge receipt of the complaint before considering it and issuing a final written response.

Which procedure should be used?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints and the correct policy to refer to. These policies are on the school website or on request from the school:

- Safeguarding and Child Protection. If at any time a child protection concern becomes apparent, the child protection process takes precedence over the complaints process, which will be halted until the child protection matter is resolved.
- Student admissions; please see the school's Admission Procedure.
- Student Exclusions; please see the school's Behaviour Policy and the Department for Education (DfE) guidance on exclusions (www.gov.uk).
- Staff grievance, capability or disciplinary proceedings; these are covered by the school's grievance/disciplinary/capability/whistleblowing policies.
- Where a complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests; please see the school's Data Protection and Freedom of Information Policy.
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010. The Complaints Procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.

Anonymous Complaints

Tolworth Girls' School & Sixth Form (TGS) will not normally investigate anonymous complaints.

However, the Headteacher/Chair of Governors (as appropriate) will warrant whether the complaint warrants an investigation.

How to raise a concern

For the purpose of this procedure, concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the complaints procedure (see below). The Governing Board of TGS encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's form tutor/teacher) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

All concerns will be dealt with confidentiality, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection principles set out in the UK General Data Protection Regulation (UK GDPR). However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Complaints about the Headteacher or Governors

Where a complaint is about the Headteacher, the complainant should notify the Clerk to the Governors (see appendix A) in writing. The stage one process (see the formal stages below) will then commence, but with the Chair of Governors as the individual responsible for the investigation, rather than the Headteacher.

Where a complaint concerns a Governor the complainant should contact the Clerk to the Governing Body. The Clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

Timescale for making a complaint

You must raise the complaint within three months of the incident or, where a series of associated incidents outside of this time frame if exceptional circumstances apply. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Headteacher/Chair of the Governing Body/Clerk to the Governing Body (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Complaints received outside of term time

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

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Concerns and complaints will be dealt with confidentiality at all stages and at the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved. The Governing Body of TGS requests that complaints are not discussed publicly, including via social media. Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the UK GDPR.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority, Children's Social Care. Any action taken will be in accordance with the school's Safeguarding and Child Protection Policy which is on the school website or available by contacting the school.

Timescales

TGS will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to below. However, if it becomes clear that for any reason TGS is unable to meet the timetable for completing a stage of the procedure, the complainant will be advised of this as soon as reasonably practicable, along with the reason for the delay.

Complaints Procedure

There are **two** formal stages of the complaints procedure.

Stage 1 - Formal investigation by Headteacher/Chair of Governing Body (as appropriate)

A request for a formal investigation of a complaint by the Headteacher/Chair of the Governing Body (as appropriate) should be made in writing by completing the formal complaints form that is included as Appendix B of this procedure and submitting it to the school (contact details in Appendix A) in writing.

The Headteacher/Chair of the Governing Body will acknowledge the request in writing no later than **15** School days of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.

A log of all correspondence in relation to the complaint will be kept in accordance with the UK GDPR principles.

The Headteacher/Chair of the Governing Body are responsible to consider all relevant evidence. This **may** include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint
- meeting with the complainant and those involved in the complaint
- reviewing correspondence and other documents relating to the complaint

After considering the available evidence, the Headteacher/Chair of the Governing Body can decide to:

- uphold the complaint and direct that certain action be taken to resolve it
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
- dismiss the complaint entirely

The Headteacher/Chair of the Governing Body will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 30 school days of having issued written acknowledgement of receipt of the complaint. The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the Clerk to the Governing Body (Appendix A).

Stage 2 - Review by a panel of the Governing Body

If the complainant is dissatisfied with the outcome of their stage 1 complaint, they are entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the Local Governing Body at a meeting convened by the Clerk to the Governing Body.

Requests for a review of the decision taken at stage 1 should be made in writing to the Clerk (Appendix A) by completing the Stage 2 formal complaints form that is included as Appendix C of this procedure no later than 10 school days after written notification of the stage 1 decision has been received. The complainant should set out briefly the reasons why they are dissatisfied with the stage 1 decision. Requests received outside of this framework will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to acknowledge receipt within 5 school days of receiving the request for an appeal and will invite the school to put in writing its response to the complainant's reasons with 15 school days. At the end of this period regardless of whether the school has responded the Clerk will convene a panel of two Governors and one independent member to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.

The Clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees and collating and distributing all of the relevant documentation five school days in advance of the meeting. The review meeting will take place within 30 school days of the complainant's receipt of the written acknowledgement from the Clerk. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these fail to be suitable then the meeting may be conducted in private by the panel in the complainant's absence on the basis of written submissions from both parties. re taken at stage 2:

The panel **may** decide to invite the following to attend the review meeting:

- the complainant
- the Headteacher/Chair of the Governing Body (as appropriate) who investigated the complaint and made the decision at stage 1
- relevant persons involved in the complaint/witnesses
- persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2

Where the complainant, Headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. The Clerk to the Governing Body should be advised of the name of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the Chair. Legal representatives are not permitted to attend the review meeting.

Where the relevant persons involved in the complaint include students at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

Where the complaint is about a Governor/Governing Body the complainant may request that the review meeting is held by a panel entirely independent of the Governing Body. This is at the discretion of TGS who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school sources appropriate individuals for the review.

The review meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the panel members will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

The meeting will be held in private. Minutes from the review meeting will be taken by the Clerk and provided with the written notification of the decision taken at stage 1. Electronic recordings of meetings or conversations may be taken by the Clerk, but these will be used to provide the minutes for the meeting.

After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken; or
- Dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

The complainant, the Headteacher/Chair of the Governing Body (as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 15 school days after the review meeting has taken place. The findings will be available for inspection on the school premises by TGS and the Headteacher.

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 2 request within the time stated within the policy) the matter is closed. If the complainant is still not satisfied they may contact the ESFA. There is an online procedure at <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>.

The ESFA will not normally reinvestigate the substance of the complaint or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

Record Keeping

A written record will be kept of all complaints that are resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 1, or whether it proceeded to stage 2. The action taken by the school as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

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 Education and Skills Act 2008 request access to them.

Serial, persistent and unreasonable complaints

If a complainant attempts to reopen an issue or closely related issue that has already been dealt with under this Complaints procedure, the Chair of Governors may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed and that further continued correspondence is vexatious. TGS will not respond to any further correspondence on this issue or closely related issues. Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

TGS is committed to dealing with all complaints fairly and impartially, and to providing a high - quality service to those who complain. 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.

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

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

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:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact TGS causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Governors have a responsibility to ensure the wellbeing of students and staff and will therefore act to ensure that schools remain a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the school premises. In serious cases, the Headteacher or the Chair of Governors can notify them in writing

that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought

Teacher Assessed Grades

Complaints about the award of Teacher Assessed Grades as part of the 2021 Summer Exam series are outside the scope of this policy and will be considered under the separate Summer 2021 Exams Appeal Process ("SEAP") contained with the [TGS Centre policy only](#). This is save for where matters relate to Teacher Assessed Grades but lie outside of the SEAP's remit and at the express discretion of the school e.g.

1. any decision to withdraw an entry due to insufficient evidence on which to determine a Teacher Assessed Grade, or not to make an entry in the first place;
2. any failure or delay in offering or following the SEAP.

Any continuing concerns following completion of the school's complaints process may subsequently be raised through the awarding organisation's complaints process.

Appendix A

Contact details for School

contacttheschool@tolworthgirlsschool.co.uk

Contact details for Clerk to Governors

angie.williams@tolworthgirlsschool.co.uk

Appendix B

Tolworth Girls School Formal Complaints Form (Stage 1)

****If you need help with this completing this form - please contact us.**

Name	
Name of student, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	

Details of the complaint
Action taken so far (including staff member who has dealt with it so far) or solutions offered
The reason that this was not a satisfactory resolution for you

What action would you like to be taken to resolve the problem?

Signed:
Date:

Official use

Date received:	Signed:
----------------	---------

Appendix C

Tolworth Girls School Formal Complaints Form (Stage 2)

****If you need help with this completing this form - please contact us.**

Name	
Name of student, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	

Reasons for requesting a Stage 2 Complaint Panel (Reasons why you feel the procedures at the earlier stages of the complaints process were not followed)
Which element(s) of your complaint were not properly considered the previous stages?
What outcome are you seeking from the Stage 2 Complaint Review?

--

Signed:

Date:

Official use

Date received:	Signed:
----------------	---------

