



# Rossall

INSPIRING EXCELLENCE

## COMPLAINTS AND APPEALS PROCEDURE (FOR CURRENT PUPILS, PARENTS AND GUARDIANS)

<b>SLT Lead:</b> Senior Deputy Head (DP)	<b>Date Reviewed:</b> Lent 23
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<b>Requirement:</b>	
<b>Ratified by Council</b>	<b>Date:</b> 28.11.23

## **ROSSALL SCHOOL**

### **COMPLAINTS AND APPEALS PROCEDURE (FOR CURRENT PUPILS, PARENTS AND GUARDIANS) - WHOLE SCHOOL POLICY**

If you have any concerns about any aspect of your child's life at the school, please contact the appropriate member of staff as soon as possible.

We welcome comments and suggestions and take seriously complaints and concerns, should they arise. A 'complaint' may be generally defined as an expression of dissatisfaction about actions taken or a lack of action. An expression of worry or doubt with reassurances sought would be a concern. Any current pupil or parent / guardian of a pupil enrolled into the school or the nursery may make a complaint.

#### Rossall wishes to ensure that:

- Those wishing to raise concerns know how to do so
- We respond to complaints promptly and in a courteous and efficient way
- We listen and take complaints seriously
- We take action where appropriate
- A complaint will not lead to repercussions for the complainant
- Any complaint will be treated in a confidential manner and with respect

#### Informal Resolution:

- For concerns about the curriculum or the pastoral life of the school, please contact the Senior Deputy Head
- For concerns regarding finance, fees and non-academic services please contact the Bursar. One of the Deputy Heads or the Senior Deputy Head may be involved at this stage.
- For any other concerns please contact the Senior Deputy Head.

Informal concerns will be dealt with as soon as reasonably practicable, normally within 10 working days including communication of resolution. This may be longer during school holidays.

#### Formal Resolution

If you remain unhappy with the outcome of an informal concern, the process now moves to a formal complaint. The complaint should be made in writing and addressed to the Head. The

Head will conduct an investigation of the complaint and may interview any members of staff or pupils involved. The Head may ask to meet you at a mutually convenient time as soon as reasonably practicable, normally within 5 working days of receiving the complaint, for a discussion of the problem. The Head may appoint the Senior Deputy Head to carry out the investigation on his behalf if they have not already been involved in the informal resolution above.

The Head will keep written records of all meetings and interviews held in relation to the complaint and of the final recommendations and action taken. Once the Head is satisfied that, as far as practicable, all of the relevant facts have been established, the Head will make a decision and communicate this in writing to the complainant.

Formal complaints will be dealt with as soon as reasonably practicable, normally within 15 working days from notification in writing. This may be longer during school holidays.

### Appeals

If you are not satisfied with the Head's decision, the Head will offer the complainant the opportunity to appeal the decision to the Chair of Council, Mr Chris Holt (for contact details see below).

The Appeal, together with the completed Appeal Proforma (Annex A) should be sent to the Chair of Council within 7 working days from the date upon which the decision was communicated, or if later, the date of receipt of the letter confirming the Head's decision.

The process for the appeal is as follows:

1. The Chair of Council will appoint a Complaints Panel to consider the Appeal. The Complaints Panel will not include the Chair of Council and will consist of at least three persons not directly involved in matters detailed in the complaint and will include a member independent of the management and running of the School. The complainant will be informed of the names of the people who will form the panel. Should we say who will communicate this, the Chair of Council or the Chair of the Complaints Panel, including the independent person. You can write to the independent member in confidence c/o the Bursar.
2. The complaints panel will carry out a full investigation and, if they deem it necessary, they may require further particulars of the complaint to be supplied in advance of the hearing. Prior to any hearing, the panel may hold a meeting with the complainant during this investigation to obtain further information. Any meetings with the complainant can be held remotely, or in person, as deemed appropriate by the Chair of the Panel.

3. A hearing will be offered and, if appropriate, scheduled as soon as reasonably practicable, usually within 15 working days of receipt of Annex A. The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representatives will not normally be appropriate and will not be allowed without prior approval of the Chair of the Panel.
4. The complaints panel will resolve the complaint as soon as reasonably practicable, usually within 5 working days of the hearing. If further investigation is needed after the hearing, this will extend the time required to resolve the complaint and the Chair of the Panel will communicate a timetable for resolution to the complainant, normally within a further 5 working days.
5. The complaints panel will write to the complainant informing them of their decision and the reasons for it. The decision will be final. The panel's findings and, if any, recommendations will be sent in writing to the complainant, the Head, the Chair of Council and where relevant, the person to whom the complaint refers. A record of the findings and recommendations will be made available on the School premises for inspection.

#### Complaints against the Head

If the complaint is against the Head it will be referred to the Chair of Council directly and the Appeals procedure above will be followed.

#### Further information

If the complainant does not accept the decision of the Complaints Panel, the complainant will be informed in writing that the School's complaints procedure has been exhausted. The School will signpost the parents or guardians towards a certified Alternative Dispute Resolution (ADR) provider stating whether or not the School intends to use ADR in that particular instance.

A written record of all complaints, recommendations and actions taken is kept for 3 years as well as an indication of whether they were resolved at a preliminary stage or if they proceeded to the Chair of Council, a panel hearing, or beyond. This record will include the action taken by the school as a result of these complaints (regardless of whether they are upheld). Correspondence, statements and records relating to individual complaints and outcomes will be kept confidential except where required by the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act, 2008.

## Unreasonable complaints

Unreasonable complaints are defined in Annex B and will be dealt with as outlined in Annex B

## A complaint in the School holidays

If a complaint is received during the School holidays the School will endeavour to keep to the timings for each stage identified above. If this is not possible, because of key individuals being unreachable, the School will keep the complainant informed of revised timings.

## EYFS

Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted.

Rossall School will investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint.

Rossall will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice and Retention of Records Policy.

## Key Contact Details

### **Mr Keith Budge, Chair of Council:**

c/o Michelle Walmsley (Secretary of the Rossall Corporation and Council), Rossall School, Broadway, Fleetwood, Lancashire, FY7 8JW

E-mail: [m.walmsley@rossall.org.uk](mailto:m.walmsley@rossall.org.uk)

### **Ofsted:**

Parents of EYFS children can contact Ofsted on 0300 123 1231 or by email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) if they want to make a complaint or have a concern about the care of their children at the school.

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

### **Independent Schools Inspectorate:**

Parents of boarders and pupils in the senior school, prep school or nursery (EYFS) can contact the ISI if they wish to make a complaint on 020 7600 0100 or by email [concerns@isi.net](mailto:concerns@isi.net).

**ANNEX A:**

**Proforma to Accompany A Written Notice Of Appeal**

Full name of Pupil	Date of birth:
Name of Complainant:	Relationship to Pupil:
Contact telephone number:	Contact Email:

1. Please state the decision of the Head against which the appeal is being made:
2. Please state precisely the grounds on which the appeal is being made. Include in your statement any matters of procedural concern that you intend to raise:
3. List here all documents in support of your case which would like an Appeal Panel to consider: (Please number all relevant documents and include these in your written submission. In case of electronic communications please provide printed copies. Please note that all documents to be considered by the Panel must be included within this pack – new evidence cannot normally be submitted at the time of the Appeal.)

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4. Please specify the outcome you are seeking:

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5. Do you intend to be accompanied by anyone else at a Panel Hearing? If so, please include this person's details and their connection to you. (N.B: Legal representation requires the prior approval of the Chair of the Panel and, in such instances, the Head reserves the right to be supported in the hearing by the School's legal representatives)

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Print name:

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Signature:

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Date:

## **ANNEX B:**

### **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 cooperate 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**