

Higham Ferrers Junior School

'Be the best you can be'



COMPLAINTS POLICY

APPROVED:	<i>JANUARY 2024</i>
SIGNED:	<i>CHAIR OF GOVERNORS (JOHN IRELAND)</i>
TO BE REVIEWED: Annually	<i>NOVEMBER 2024</i>

RECORD of CHANGES

Date	Update / Changes
03.2020	Full Policy Review, update and reissue of Complaints Policy. Complaints Policy, Complaints Procedures and Persistent or Serial Complaints / Harassment Policies amalgamated into one document.
06.2021	Policy reviewed
09.2022	Policy reviewed, Complaint Form Addition, Roles and Responsibilities Guidance inclusion.
11.2023	Policy Reviewed
01.2024	Update of Stage 3 timeframe for submission and reply

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Note – This document is available in Word Format from the Admin Office if an Appendix 4 Complaint Form is to be submitted electronically.

1. Introduction

1.1 This policy applies to Higham Ferrers Junior School and it may be used by parents/carers or other members of the public to raise a concern or complaint with the School.

1.2 Higham Ferrers Junior School is committed to maintaining a positive partnership with parents and carers and that all staff understand feedback is an essential process in improving our organisation and communication skills. Occasionally an event or an issue arises which may make pupils, parents and carers feel unhappy or uneasy. It is important that any person feels they are able to raise such concerns through an effective and non-discriminatory process. It is only by knowing and understanding the issue or concern in hand that this process may work efficiently towards finding an early and amicable resolution to such matters or allow the person raising the concern to proceed further in line with this policy.

1.3 Parents, carers and pupils should never feel that raising a concern or a formal complaint will be taken amiss or will adversely affect a pupil or their opportunities at Higham Ferrers Junior school.

1.4 This policy distinguishes between a 'concern or difficulty' which can be resolved informally and a 'formal complaint' which will require some sort of investigation to resolve. The vast majority of concerns can be resolved informally either in person, by telephone, email or in writing. Concerns and complaints should be dealt with quickly and efficiently, but if the complaint is complicated or requires a detailed investigation, it may take a longer time to resolve. The School will keep parents or carers informed on how the concern or the complaint is being addressed and when they can expect to hear the outcome.

2. Scope, Definitions and Legal Framework

2.1 In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

2.2 This policy is written in line with, and utilises advice from, the ***DfE 'Best Practice Advice for School Complaints Procedures 2019'***¹.

¹ <https://www.gov.uk/government/publications>

2.3 For the purposes of this policy the following definitions will apply:

- **Parent** means a current parent or carer or legal guardian.
- **Complainant** means the individual raising a concern or making a complaint whether that be a parent or member of the public.
- **School Concern / Complaint** means a concern raised or a complaint made about the school or one of its employees.
- **Working Days** mean Monday to Friday when the School is open during term time for school concerns / complaints.

2.4 This Policy will apply to most general complaints received by the School and it is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. Detailed guidance on legal appeals is available on the Department of Education (www.education.gov.uk).

2.5 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. You can access these policies on the school website or ask for a paper copy from the main school reception:

- Pupil Admissions to schools - Please refer to the school's admission arrangements on the website ² or contact Northamptonshire County Council.
- Safeguarding ³.
- Staff grievance, capability or disciplinary; these are covered by the school's grievance / disciplinary / capability procedure.
- Complaints about services provided by other providers who may use school premises or facilities; please complain directly to the Headteacher.
- Anonymous complaints – please refer to the Whistleblowing policy.
- Pupil Exclusion of children from our school – please see schools Behaviour Policy.
- The content of the national curriculum – however the 'delivery' of the curriculum is for the school to resolve.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy.

² <https://www.highamferrersjunior.co.uk/index.php/the-school/statutory-information>

³ <https://www.highamferrersjunior.co.uk/index.php/safeguarding>

3. Safeguarding

3.1 The Head, staff and all Governors of Higham Ferrers Junior School are totally committed to safeguarding and promoting the welfare of all its pupils at all times. If a concern is raised by parents / carers and it relates to a possible safeguarding issue, the matter will be referred immediately to the Designated Safeguarding Lead (DSL) or the Senior Leadership Team (SLT) and will be handled in line with our school Safeguarding Policy, a copy of which is available from the schools website.

3.2 Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy on our website.

4. Management of Complaints

4.1 The school's concerns and complaints procedure has three key stages to ensure that any concern or formal complaint is considered in depth within a timely manner⁴ and that any necessary investigation being conducted is conducted at an appropriate, and where necessary, at an independent level:

a) Stage 1 – Initial Approach / Informal Concern:

An informal raising of a concern or difficulty with a member of staff either orally, email or in writing.

b) Stage 2 – Formal Complaint:

A formal complaint which must be submitted in writing. [See Appendix 4]

c) Stage 3 – Appeal to The Governing Board:

An appeal to members of the Governing Board following a Stage 2 complaint outcome not being accepted by the complainant.

4.2 If at any stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action has been / is being taken, but they are not entitled to participate in the proceedings or receive any detail about them.

4.3 Further details of the three stages can be found in the Complaints and Concerns Procedure contained in Appendix 1.

⁴ This policy contains guidance in respect of what communication means should be adhered to in response to concerns or complaints and the timescales by which responses should be enforced. It is imperative that where timescales are unable to be achieved iaw this policy the complainant is informed of the reason why and when they may reasonably expect a response. An outline of the times throughout the 3 stages is contained in Appendix 3.

Confidentiality

4.4 A written record will be kept of all complaints and whether they were resolved at Stage 1, Stage 2, or proceeded to a Stage 3 Governor Panel hearing.

4.5 The number of formal complaints registered during the preceding school year is to be reported to the Governing Body at the first Full Governors meeting held in September.

4.6 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or a body conducting an inspection under 'Section 109 of the 2008 Act' requests access to them under legal authority.

4.7 In accordance with General Data Protection Regulation (GDPR) principles, no personal details relating to complaints will be passed on as part of the complaints reports to the Governing Board. Personal details will only be shared internally where it essential for responding to and resolving the complaint and details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

4.8 In order for complaints to be resolved as quickly and fairly as possible to all, Higham Ferrers Junior School requests that complainants do not discuss complaints publicly via social media such as Facebook, Twitter, etc. It is imperative that complaints are dealt with confidentially for all involved, and we expect complainants to observe confidentiality also.

Timeframes

4.9 HFJS will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint.

4.10 If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and update them accordingly as to expected timeframes.

4.11 HFJS reserves the right not to investigate complaints that have been made greater than three months after the subject of the complaint took place, except in 'exceptional circumstances'. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Who should I approach?

4.12 The following should be approached in the first instance, via the school office:

- | | |
|--|-------------------------|
| a. Educational matters: | Class Teacher |
| b. Pastoral care: | Class Teacher / Tutor |
| c. Disciplinary matters: | Headteacher |
| d. Financial / Administration matters: | School Business Manager |
| e. Complaint about a staff member's conduct: | Member of SLT |

4.13 All investigations of **School Complaints** will be reported to the Head for full oversight (but see also paragraph 4.14 and 8.2 regarding a complaint involving the Head).

Complaints About the Headteacher or Governors

4.14 Where a complaint involves the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the governors within the administration office. The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than a member of the SLT.

4.15 Where a complaint involves a Governor, the same process applies as for the headteacher. Where a complaint involves the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair of Governors will mediate any proceedings.

5. Anonymous Complaints

5.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint however anyone considering submitting an anonymous complaint should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information and our ability to speak to the complainant directly about their concerns.

5.2 We will always investigate the complaint as far as we are able to with the information given or available to us, however we will only provide appropriate feedback on the outcome of any investigation of Higham Ferrers Junior School to a known parent / carer of a pupil at the School.

5.3 All investigations of **School Complaints** will be reported to the Head for full oversight (but see also paragraph 4.14 and 8.2 regarding a complaint involving or against the Head or a Governor).

6. Expectations in Relation to Raising a Concern

6.1 Parents / carers / members of the public who raise either informal concerns or formal complaints with the school, can expect:

- a. This policy to be available with the other policies on the school's website.
- b. A response within a reasonable time and with courtesy and respect.⁵
- c. A staff member to be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint.
- d. An attempt to resolve problems using reasonable means in line with this policy, and other policies and practice.
- e. Confidentiality in respect of the concern or complaint to those with a need to know throughout the process.

6.2 In turn, the school can expect anyone raising a concern or formal complaint to:

- a. Treat all staff with courtesy and respect.
- b. Respect the needs and well-being of pupils and staff.
- c. Avoid any use, or threatened use, of violence to people or property.
- d. Avoid any aggression, verbal abuse or other intimidating behaviour more so especially within the confines of the school where pupils may be witness.
- e. Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language.
- f. Recognise the time constraints under which members of staff in our school work and allow the school a reasonable time to respond.⁶
- g. Recognise that resolving a specific problem can sometimes take some time.
- h. Maintain the confidentiality expected following discussions with staff.

7. Persistent or Serial Complaints / Harassment Policy

7.1 The Head Teacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with this **School's Complaints Policy**.

7.2 The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

⁵ Timescales are set out in Appendix 3.

⁶ Timescales are set out in the Concern and Complaints Procedure in Appendix 1 and pictorially shown in Appendix 3

7.3 The aims of this section are to:

- a. Uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint.
- b. Support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents.
- c. Deal fairly, honestly, openly and transparently with those who make persistent complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.
- d. Ensure confidentiality of the procedure is maintained throughout the process to ensure the identity of all parties and the content of the complaint is maintained.

7.4 **Parents Expectations of the School.** Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- a. Regularly communicate to parents/carers in writing.
 - How and when problems can be raised with the school.
 - The existence of the school's complaints procedureAND
 - The existence of the Policy for Dealing with Persistent or Serial Complaints and/or Harassment in Schools.
- b. Respond within a reasonable time.
- c. Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint.
- d. Respond with courtesy and respect.
- e. Attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with advice from the Local Authority (LA) keep complainants informed of progress towards a resolution of the issues raised.

7.5 **School's Expectations of Parents/Carers/Members of the Public.** The school can expect parents/carers/members of the public who wish to raise problems with the school to:

- a. Treat all school staff with courtesy and respect.
- b. Respect the needs and well-being of pupils and staff in the school.
- c. Avoid any use, or threatened use, of violence to people or property.
- d. Avoid any aggression or verbal abuse.
- e. Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond.

- f. Recognise that resolving a specific problem can sometimes take some time.
- g. (In the case of a complaint) follow this School's Complaints Procedure.

7.6 Who is a Persistent Complainant? For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is considered to be unreasonable. Such behaviour may be characterised by:

- a. Actions which are obsessive, persistent, harassing, prolific, repetitious.
- b. Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- c. Uses Freedom of Information requests excessively and unreasonably.
- d. An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes.
- e. An insistence upon pursuing complaints in an unreasonable manner.
- f. An insistence on only dealing with the Head or members of the Governing Body on all occasions irrespective of the issue and the level of delegation to staff in the school to deal with such matters.
- g. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

7.7 Harassment. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a. Appear to be targeted over a significant period of time on one or more members of school staff
AND / OR
- b. Cause on-going distress to individual member(s) of school staff
AND / OR
- c. Have a significant adverse effect on the whole/parts of the school community
AND / OR
- d. Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

7.8 The Head and SLT will keep the Governing Body informed at all times regarding any cases of vexatious complaints or harassment.

7.9 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to this Section of this policy. However, advice should be sought from the Head who will ensure that the appropriate HR/Legal advice is received. If a

complainant's persistent complaining/harassing behaviour is modified and an acceptable standard of behaviour is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal services to which the school subscribes.

7.10 Review. The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

7.11 The procedure for dealing with persistent or vexatious complaints is outlined in Appendix 2.

8. Roles and Responsibilities

8.1 Governing Body: The Governing Body have a remit in relation to complaints / concerns. The school and its Governing Body 'must' consider what role Governors will play in relation to school complaints (in line with this policy) and must ensure that this policy and its arrangements are published on their website.

8.2 Individual governors should not get involved within the informal Stage 1 or formal Stage 2 of the complaints process (unless the complaint is in relation to the Head as per the process outlined in Appendix 1) to avoid prejudicing their potential involvement at a later stage.

8.3 If individual governors are approached by parents or others with complaints, they should refer the complainant to the School's complaints procedure, making the necessary introduction to a member of staff if appropriate.

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

- Engage with staff as soon as a concern becomes evident.
- Explain the concern or complaint in full as early as possible.
- Co-operate with the school in seeking a solution to the concern or complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the concern or complaint.
- Ask for assistance as needed
- Treat all those involved in the concern or complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

8.5 Investigator: The role of an Investigator 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 Clerk to the Governors as appropriate to clarify what the complainant feels would put things right.

8.6 The investigator should:

- a. Conduct interviews with an open mind and be prepared to persist in the questioning.
- b. Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- c. Ensure that any papers produced during the investigation are kept secure pending any appeal.
- d. Be mindful of the timescales to respond.
- e. Prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

8.7 The headteacher 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.

8.8 **Clerk to the Governing Body:** The Clerk is the contact point for the complainant and the committee and should:

- a. Ensure that all people involved in the complaint procedure are aware of their legal rights and duties⁷.
- b. Arrange 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.
- c. Ensure that the complainant is fully updated at each stage of the procedure.
- d. Liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure.

⁷ This includes 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).

- e. 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.
- f. 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).
- g. Keep records of the proceedings.
- h. Circulate the minutes of the meeting.
- i. Notify all parties of the committee's decision.

8.9 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 and boundaries of the committee is explained to the complainant early in the meeting.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy⁸ 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.

⁸ This is particularly relevant to complaints where disciplinary action may require to be taken by the Head teacher in respect of a member of staff.

- They liaise with the Clerk throughout the process.

8.10 **Committee Members:** Committee members should be aware that:

- a. 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.
- b. Any governor having a personal interest with the complainant should declare such a conflict of interest and excuse themselves from the involvement.
- c. 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.
- d. Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- e. 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.

9. Useful Guidance

9.1 Some references and guidance to complaints procedures have already been included within the policy. These are additional references for users in support of this policy:

- Governance Handbook
<https://www.gov.uk/government/publications/governance-handbook>
- How to complain about a school - advice for complainants
<https://www.gov.uk/complain-about-school>
- Understanding and dealing with issues relating to parental responsibility
<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility>
- Controlling access to school premises
<https://www.gov.uk/government/publications/controlling-access-to-school-premises>

Appendix 1

Concerns and Complaint Procedures

This Concerns and Complaints Procedure for HFJS has three key stages which any complainant is expected to follow:

- Stage 1 Initial Approach / Informal Stage
- Stage 2 Formal Complaint (*to Head or Chair of Governors if complaint regards the Head*)
- Stage 3 Appeal (to a Governor Committee)

Guidelines

- Most concerns and complaints can be resolved informally at an early stage, often straightaway by the class teacher, SLT member or the Head if they are brought to their attention early.
- The school should aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for an individual to accompany or assist a parent and this should not be discouraged in any way.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion so a preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.
- Any concern or complaint following an incident arising should be raised at the earliest opportunity and should be submitted no later than **three months** after the incident HOWEVER additional time can be given in exceptional circumstances.
- Decisions taken by staff / investigators of a complaint should ensure that that they are in line with the principles of administrative law. This means a decision is:
 - Lawful - complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
 - Rational
 - Reasonable
 - Fair
 - Proportionate
 - Mindful of the 7 principles of Public Life ⁹

⁹ Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership

Stage 1 – Initial Approach/Informal Stage **Raising a Concern**

Procedure

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff who have responsibility at an appropriate level. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, they should make a firm arrangement to deal with it at the earliest future date or refer the matter to the Head Teacher or another appropriate member of staff. In either case a note of the name, contact details and date of the concern made by the complainant should be taken. The first contact should ensure that, at the earliest opportunity, the referral has been successful, and action is underway or under consideration.
3. The Head should ensure that all staff have guidelines about when to refer a matter of concern and to whom.
4. If the concern relates to the Head and the parent feels unable to raise it with the Head, they should be advised to contact the Chair of Governors whose contact details are available from the school's administration office staff.
5. The staff member/Head dealing with the concern should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing by the staff member if it seems the best way of making the next steps or outcome clear. Consideration should be given to providing a copy of this policy to the complainant with any advice.
6. If no satisfactory solution is found within this Stage, the complainant should be informed about how they should proceed if they wish to take their concern further e.g. a Stage 2 formal complaint. They should be informed of any advice and support that may be available to them.
7. Following any meeting or receipt of a concern in writing/email, confirmation should be provided in writing either by email or letter to clarify the outcome or next steps within **ten working days** of the concern first being raised.
8. When the complainant feels unhappy or that no satisfactory solution has been found, they should be informed that they will need to consider raising a formal complaint in writing to the Head (or Chair of Governors if the complaint involves the Head). This will invoke Stage 2 of the complaints procedure.

Stage 2 – Formal Complaint to Head (or Chair of Governing Body)

Guidelines

- The Head needs to determine who has responsibility for responding to a formal complaint, including the decision about their own involvement at the various stages.
- If the complainant is dissatisfied with the action of the Head, or the Head has been very closely involved informally, the Chair of Governors, or in exceptional circumstances another designated governor, should carry out all Stage Two procedures with support if necessary, from another governor.
- Other individual members of the Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement in a Stage 3 procedure.

Complaints Procedure (Not Involving or Against the Head)

1. Parents who wish to pursue a formal complaint at Stage Two will be asked to put the complaint and their desired outcome in writing to the Head Teacher in the first instance (See Appendix 4). The Head should acknowledge the complaint orally or in writing within **three working days** of receipt giving a brief explanation of the Complaints procedures and a target date for providing a response. Ideally, this should be within **ten working days**. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Head may offer an opportunity for the complainant to meet them or the designated member of staff who has been appointed by the Head to fully investigate the complaint. The complainant should, if they so wish, be allowed to be accompanied by a friend or relative who can speak on their behalf. Interpreting facilities should be made available if required.
3. If necessary, the Head should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with a parent/guardian present. In some circumstances this may not be possible or appropriate therefore a senior member of staff with whom the pupil feels comfortable should attend with them. If a member of staff is complained against, the needs of that person should also be borne in mind.
4. If a meeting is conducted a letter summarising the outcome of the meeting should be provided to the complainant advising them that if they remain unhappy with the outcome, they may appeal to a Panel of Governors. The complainant should notify the Chair of Governors within **ten working days**¹⁰ of receiving the letter detailing the outcome of the complaint.

¹⁰ Ten working days may be extended by the Head Teacher if during the Stage 2 investigation measures have been put in place to assist in addressing the complaint. These actions may require greater than ten working

Complaints Procedure (Involving or Against the Head)

1. Parents who wish to pursue a formal complaint at Stage Two where the Head Teacher is involved should be asked to put the complaint and their desired outcome in writing to the Chair of Governors in the first instance. The Chair of the Governing Board should acknowledge the complaint orally or in writing within **three working days** of receipt giving a brief explanation of the Complaints procedures and a target date for providing a response. Ideally, this should be within **ten working days**. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Chair of the Governing Board may offer an opportunity for the complainant to meet them to discuss or resolve the matter and the complainant should, if they so wish, be allowed to be accompanied by a friend or relative who can speak on their behalf. Interpreting facilities should be made available if required.
3. If necessary, the Chair of the Governing Board should interview any witnesses and take statements from those involved and may require further evidence in the form of any correspondence previously submitted by the complainant to the head e.g. emails, letters, texts etc. As the complaint involves the Head Teacher the needs of that person should be borne in mind when undertaking any investigation.
4. If a meeting is conducted a letter summarising the outcome of the meeting should be provided to the complainant advising them that if they remain unhappy with the outcome, they may appeal to a separately chaired Panel of Governors of which the Chair of Governors would no longer take part in except to justify and explain the conclusions and recommendations reached from the Stage 2 complaint. The complainant should notify the Chair of Governors within **ten working days**¹¹ of receiving the letter detailing the outcome of the complaint.

days to show tangible evidence of results and an extension removes the pressure for a parent to submit a stage 3 complaint before ten working days elapses. The period of extension if implemented MUST be included in the Stage 2 reply letter to the complainant.

¹¹ Ten working days may be extended by the Chair of Governors if during the Stage 2 investigation measures have been put in place to assist in addressing the complaint. These actions may require greater than ten working days to show tangible evidence of results and an extension removes the pressure for a parent to submit a stage 3 complaint before ten working days elapses. The period of extension if implemented MUST be included in the Stage 2 reply letter to the complainant.

Stage 3 – Appeal to Panel of Governors


Guidelines

- Complaints only rarely reach the appeal stage to a panel of Governors, but it is important that governing bodies are prepared to deal with them.
- The aim of the appeal to a Panel of Governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important that any complaint reaching the appeal stage is treated by the Governing Body as wholly impartial and independent and is seen to be so. Individual complaints should not be considered by the Full Governing Body and the governing body should therefore establish a panel to deal with the appeal. A pool of governors should be designated from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as they may have been involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints 'before' this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the school's complaints procedure, making the necessary introduction to a member of staff or the Head Teacher if appropriate. Any Governor or the nominated clerk having a personal interest with the complainant should declare such a conflict of interest and excuse themselves from the involvement.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

Complaints Procedure to Panel of Governors

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed.
2. The clerk should acknowledge receipt of the written request by letter, informing the complainant that it will be heard by a committee of the governing body within **fifteen working days of receipt**.
3. The clerk should convene a meeting of the complaints committee at a time, which is convenient for the complainant and the school.
4. The clerk should ensure that the complainant, Head Teacher and any other witnesses are given at least **five working days'** notice in writing of the date, time and place of the hearing or otherwise in full agreement of a shorter timescale. The letter of notification to the complainant should also inform them of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.
5. The clerk should invite the Head (or Chair of Governors when the original complaint was regarding or involved the Head) to attend the hearing and to submit a written report for the committee in response to the complaint. The Head may also invite the Chair of Governors or any other member of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complainant. Any involvement of other staff should be at the discretion of the chair of the committee.
6. All relevant documents should be received by all parties, (including the complainant) at least **five working days** before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting. All parties should receive the same documents within a meeting pack.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within **five working days**. Where this timescale is not achievable then the complainant should be informed and an indication of when the decision will be made available provided.
10. All except for the governor's panel and any advisers should then withdraw and the panel should consider all evidence provided. This should include:

- 
- a. A judgement about the validity of the complaint.
 - b. Appropriate action taken by the school and/or the parent.
 - c. Where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

11. The school should ensure that a copy of all correspondence and notes are kept confidential and on file in the school. This should always be kept separate from pupil's personal records.


12. The broad outcomes recommended by the panel can be reported at the next Full Governing Body or appropriate committee with the identity of all those taking part kept confidential. The Governing Body should monitor implementation of the recommendations.

Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the procedure is acceptable. If so, the meeting will proceed along the following lines.
 - a. The complainant describes their complaint and may call witnesses as required.
 - b. The Head / Chair/Vice Chair Governors may seek clarification from the complainant and any witnesses.
 - c. The Governors' Panel or its advisers may seek clarification from the complainant and any witnesses.
 - d. The Head / Chair/Vice Chair will respond to the complaint and may call witnesses. The complainant may seek clarification from the Head and any witnesses.
 - e. The Governors' panel (including any advisers) may seek clarification from the Head and any witnesses.
 - f. The complainant will be given the opportunity to sum up.
 - g. The Head will be given the opportunity to sum up.
 - h. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should decide or make a judgement based on:
 - a. The validity of the complaint.
 - b. Appropriate action to be taken by the school and/or parent.
 - c. Where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within **five working days**.

NB if there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

6. The complainant should be advised that if they are dissatisfied with the response, they have the right to take the matter further by complaining to the DfE.



7. If the complainant is still not satisfied after this Stage they have the right to refer their complaint to an Independent Body.

Appendix 2

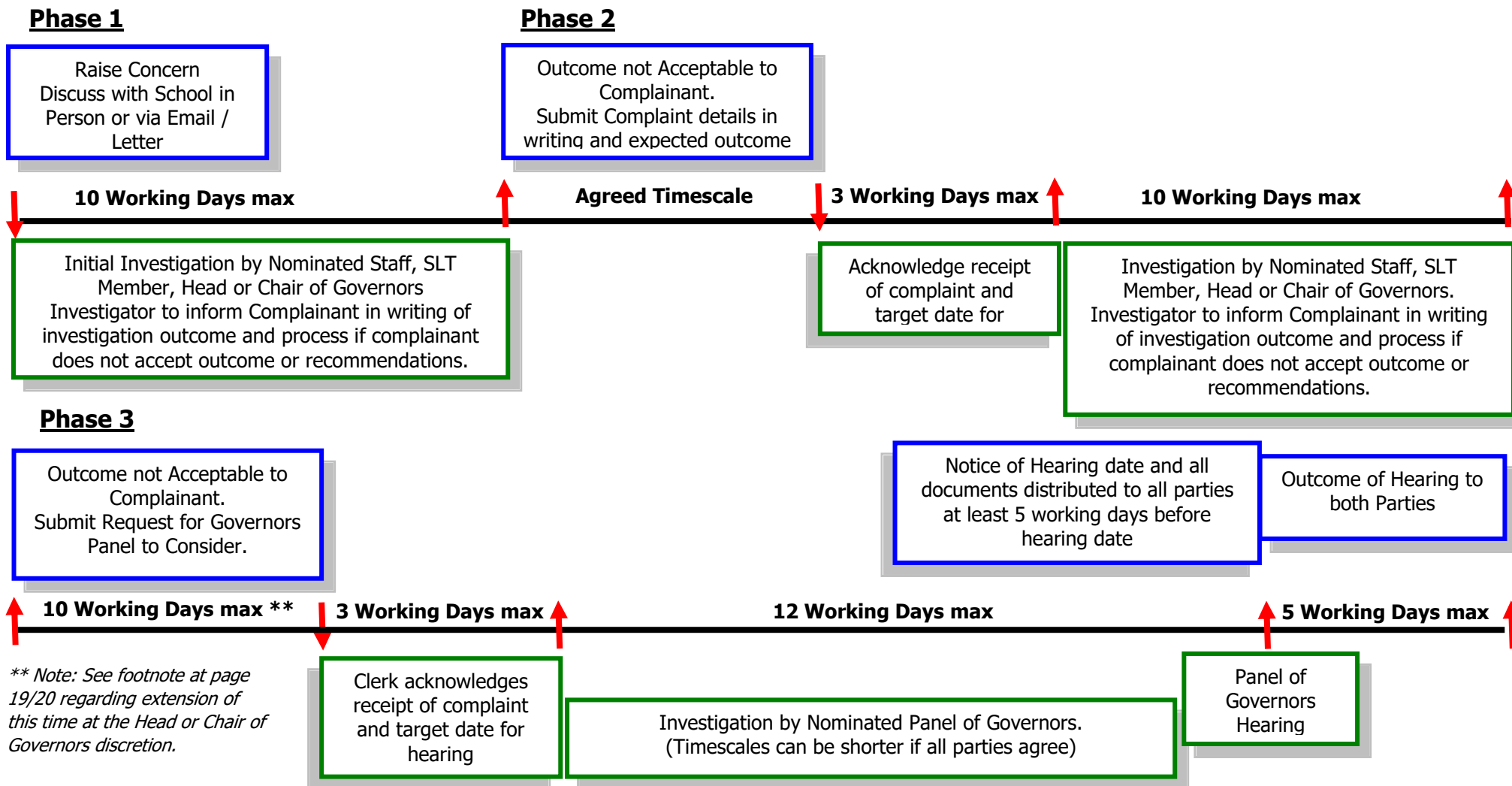
Procedure for dealing with Persistent or Vexatious Complaints

The Schools actions in cases of persistent or vexatious complaints or harassment will follow the following procedure:

1. In the first instance the school will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that their behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.
2. If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this within and on the school community:
 - a. Inform the complainant in writing that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, falls under the terms of this section of the policy.
 - b. Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties.
 - c. Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should only be by letter or email to one single point of contact nominated by the Head and that the number of times contact can be made per term may be restricted.
 - d. In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice from LA HR / Legal Services and consider warning the complainant about being banned from the school site or if considered to be serious enough, proceed straight to a temporary ban. This decision will be reviewed by the Chair of Governors or a committee of governors as appropriate.
 - e. Consider taking appropriate advice from the LA on pursuing a case under Anti-Harassment legislation.
3. Consider seeking professional advice from the HR / Legal services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Head but only with a third person who will be identified by the Chair of the Governing Body and who will investigate and determine whether or not the concern / complaint is reasonable or vexatious and advise the Head accordingly.
4. In the event of extreme situations or events, the school may take the decision to move to implementing one of the above steps immediately. In this situation the complainant may be verbally informed immediately but will also be informed in writing.

Appendix 3

Procedure Timescales for Dealing with Concerns or Complaints





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Appendix 4
Complaint Form

In the event that a concern or issue cannot be resolved at Stage 1 then a Formal Complaint may be submitted in line with this policy with the following information required.

This form should be completed and returned via the Clerk to the Governors and annotated for the attention of the Head Teacher [or Chair of Governors if the complaint involves the Head Teacher] who in turn will acknowledge receipt of the complaint and the date received.

The form may be completed electronically and submitted via email or may be hand written and passed by hand to the Clerk.

Your Name:	
Pupils name (if relevant)	
Your relationship to the pupil (if relevant):	
Address (including Postcode)	
Day time telephone number: Evening telephone number:	
Email address:	

Please give details of your complaint, including whether you have spoken to anybody at the school about it and any outcome(s).

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: