

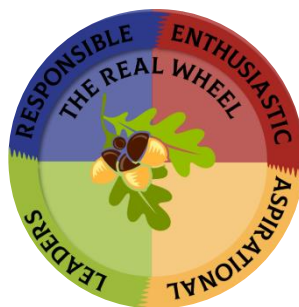



Hursthead Junior School

Complaints Procedure

(Approval delegated to Personnel Committee)

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Safeguarding Duty	“Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.”
UN Convention on the Rights of the Child 	Article 3- Best interests of the child Article 28- Right to education Article 29- Goals of education

Complaint Procedure

The academy's complaint procedure complies with the standards set out in **The Education (Independent School Standards) Regulations 2014, Schedule 1, Part 7** which sets out how complaint procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint procedure. We would like to reassure you that the school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaint procedure.

Who can make a complaint?

Complaints to or about the school are not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, such as appeals relating to exclusions or admissions, we will use this complaint procedure. With regards complaints received from someone other than a pupil's parent, the school may handle this complaint differently and you will be advised if this is the case.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on your behalf, as long as they have appropriate consent to do so.

General concerns should be raised in the first instance with the class teacher / form tutor, head of year, or head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

You should not approach Individual members of the governing body to raise concerns or complaints because they have no power to act on an individual basis, and it may also prevent them from considering your complaint at a later stage in the procedure.

On this basis:

- Complaints about the school or its staff (except the head teacher) should be made in the first instance, to the head teacher via the school office and preferably in writing;
- Complaints that involve or are about the head teacher should be addressed to the chair of governors via the school office and preferably in writing;
- Complaints about a member of the governing body should be addressed to the chair of governors via the school office and preferably in writing;
- Complaints about the chair of governors should be addressed to the vice chair of governors via the school office and preferably in writing;
- Complaints about the entire governing body or complaints involving both the chair and vice chair should be sent to the clerk of the trustees for the attention of the trustees.

Please mark all written complaints as private and confidential.

Please note: Complaints about staff conduct will be dealt with under the school's internal disciplinary procedure, if appropriate. You will not be informed of any disciplinary action against a staff member as a result of a complaint. However, you will be notified the matter is being addressed.

For ease of use, a template complaint form is included at the end of this document. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice Bureau to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable you to access and complete this complaint procedure: for instance, providing information in alternative formats, assisting you in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the head teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Timescales

Complaints should be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

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. If a complaint is received within 10 school days before a school holiday, the school will endeavour to respond before the commencement of the holiday. If this is not possible the school will advise you of the revised date of the response.

If legal action is commenced against the school in relation to the complaint, we will consider whether to suspend the complaint procedure in relation to the complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure we want to work with you to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an acknowledgement that the situation could have been handled differently (this is not the same as an admission of unlawful or negligent action)
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again, and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If you wish to withdraw a complaint, we will ask you to confirm this in writing.

Stages of the complaint procedure

Stage 1

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person, in writing (preferably using the complaint form), or by telephone. Please mark any correspondence as Private and Confidential.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) **within 3 school days.**

Within this acknowledgement, the head teacher may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. The head teacher will consider whether a face to face meeting is the most appropriate way of doing this.

The head teacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

During the investigation, the head teacher (or investigator) will:

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

At the conclusion of the investigation, the head teacher will provide a formal written response **within 10 school days** of the date of receipt of the complaint. If the head teacher is unable to meet this deadline, s/he will provide you with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The head teacher will also advise you how to escalate your complaint should you remain dissatisfied with the outcome of stage 1.

Stage 2

If you remain dissatisfied with the head teacher's response at stage 1, you can request the matter be progressed to the next stage and put your complaint in writing to the chair of governors, via the school office, **within 15 school days of receipt of the stage 1 response.** Please mark as Private and Confidential. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The school will forward the letter to the chair of governors **within 3 school days.**

The chair will acknowledge the complaint within 3 school days of receipt. Within this acknowledgement, the chair may seek to clarify the nature of the complaint and what outcome you would like to see. The chair will consider whether a face to face meeting is the most appropriate way of doing this.

During the investigation, the chair of governors will:

- where appropriate, interview those involved in the matter and / or those complained of, allowing them to be accompanied if they wish. Interviews with pupils will not be carried out by the chair: these will be designated to an appropriate member of staff with no previous involvement, such as the deputy head or other senior member of staff.
- keep a written record of any meetings / interviews in relation to their investigation.

At the conclusion of the investigation, the chair of governors will provide a formal written response **within 15 school days of the date of receipt of the complaint.** The response will outline their decision, any actions that have, or will be taken as a result of the complaint, and any recommendations to the school or governing body.

If the chair of governors is unable to meet the deadline, s/he will provide you with an update and revised response date.

The chair of governors will also advise you how to escalate your complaint should you remain dissatisfied with the outcome of stage 2.

Stage 3 - Note for schools when compiling model policy:

If you remain dissatisfied with the chair's response at stage 2 and wish to take the matter further, you can request the matter is escalated to stage 3: a meeting with the governing body complaints panel. This is the final stage of the complaint procedure.

A request to escalate to stage 3 must be made in writing to the Complaints Resolution Service (CRS) **within a maximum of 15 school days of receipt of the stage 2 response letter** from the chairperson. Requests received outside of this time frame will only be considered in exceptional circumstances. Your letter should outline the elements of the chair's response you remain dissatisfied with and your preferred outcome. The CRS will then liaise with the clerk of the governing body and commence arrangements for the meeting of the governing body complaints panel.

The CRS will record the date the request is received and acknowledge its receipt in writing (either by letter or email) **within 3 school days.**

The CRS will write to inform you of the date of the meeting of the complaint panel. They will aim to convene a meeting **within 20 school days of receipt of the stage 3 request.** If this is not possible, the CRS will inform you of an anticipated date and keep you informed. If there is insufficient time for the meeting to be held before the end of a term, the earliest most convenient date will be arranged following the commencement of the new term and you will be advised accordingly.

If the offer of three proposed dates is rejected by you, without good reason, the CRS will decide when to hold the meeting. It will then proceed in your absence based on written submissions from both parties.

The complaints panel will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the academy. Prior to the meeting, they will decide amongst themselves who will act as the chairperson. If there are fewer than three governors available, the clerk will source any additional, independent governors through another local school or through the local authority's Governor Services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint.

You may bring someone along to provide support at the meeting. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting as these panels are not a form of legal proceedings. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union and / or legal representative.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the CRS will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least five school days before the meeting.

Any written material will be circulated to all parties **at least 5 school days before the date of the meeting**. **Please note: The panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.**

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes or notes taken.

Whilst it is the formal stage of the complaint process, the standard of proof applied by the panel will be the civil standard of, 'balance of probability' and not the criminal standard of, 'beyond reasonable doubt' as generated under police or Court processes.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- not uphold the complaint in whole or in part

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to

prevent similar issues in the future

The chair of the panel will provide you and the school with a full written explanation of their decision and the reason(s) for it within 15 school days.

If you remain dissatisfied with the response of the governing body complaint panel, you can submit a complaint to the Education & Skills Funding Agency. The ESFA can only investigate if there is a problem with the school's complaint procedure or if the school is not following the terms of its funding agreement.

You can request a copy of the funding agreement from the school and check to see whether the school have complied with this agreement.

The Role of ESFA

There are certain areas by which complaints about academies are dealt with under a different procedure:

- undue delay or non-compliance with published complaint procedures;
- allegations that the academy has acted unlawfully or failed to comply with a contractual duty imposed on it under its funding agreement with the Secretary of State or any other legal obligation;
- dealing with complaints that independent appeal panels for admission to academies have not complied with the School Admission Appeals Code.

In these circumstances the complaint will be dealt with by ESFA.

ESFA's role is to make sure the academy handles complaints properly by following a published procedure. It is not able to help with:

- a child or young person's statement of special educational need where there is an appeal to the First-Tier Tribunal (Special Educational Needs & Disability);
- the quality of education or leadership, or concerns affecting the school, which are addressed through OFSTED inspections;
- discrimination. Complaints should be raised about this with the Equality Advisory Support Service;
- data protection. Complaints should be raised about this with the Information Commissioner's Office;
- exam malpractice or maladministration. Complaints should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) or the relevant awarding body;
- child protection (safeguarding). Issues should be raised with the local authority designated officer (LADO) and / or the Director of Children's Services

Recording meetings – audio-visual evidence

Where there may be communication difficulties, the school may wish to use recording devices to ensure all parties are able to access and review the discussions at a later point.

The school is a data controller in its own right and has the discretion to decide whether to allow meetings to be recorded, if it is not required for the purposes of a reasonable adjustment.

It is also responsible for ensuring there is a fair and reasonable purpose for allowing meetings to be recorded as there may be various levels of identifiable personal information recorded.

Consent from all parties present at a meeting should be sought before recording conversations or meetings.

Managing serial and unreasonable complaints

As a school 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contacts with the school, such as, if the complainant:

- 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaint procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides false or falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the head teacher or chair of governors will discuss any concerns with the complainant informally before applying any restriction on contact.

If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school or individual staff, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed at the end of the school term following the term during which the plan was put in place, but no later than 6 months after the date of the plan.

In response to any serious incident of aggression or violence, we will immediately inform the police and local authority, and communicate our actions in writing. This may include barring an individual from the school premises.

Complaint Form

Please complete and return to the school office. Please address the complaint to the head teacher (for stage 1), the chair of governors (for stage 2, or complaints against the head teacher). Please mark Private and Confidential.

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

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Staged approach to complaint procedure - Complainants

