



# Holmer Green Senior School

## Complaints Policy

March 2019

# Holmer Green Senior School

## Complaints Procedure

### Introduction

This document sets out the school's policy and procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful.

The school defines a concern as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint is defined as 'an expression of dissatisfaction about actions taken or a lack of action'. If you have any concerns about the school or the education provided, please discuss the matter with your child's Form Tutor or Head of Year at the earliest opportunity. If you are not a parent of a pupil attending HGSS currently, you should contact the Headteacher's PA. The school considers any concerns very seriously and most problems can be resolved at this stage. It is our aim to resolve any issues as quickly as possible without the necessity for formal complaints.

Please note that this procedure does not apply to the following issues:

- Admissions
- Statutory assessments of Special Educational Needs
- School re-organisation proposals
- Child Protection investigations
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use school premises or facilities

All other complaints are handled by the school according to the arrangements set out below.

The school endeavours to create positive links with the outside world and values its positive relationship with parents. Parents are encouraged to work with the school to nurture the needs of students and develop their talents and skills. The school promotes mutual respect and fair treatment for all.

### Aims and Objectives

The school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

### Framework of Principles

- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

### Formal Complaints Procedure

## **Stage 1**

If you feel that a concern has not been addressed through informal discussion with the Form Tutor or Head of Year and you wish to have the matter formally investigated by an appropriate person from the school, please complete a complaint form (Appendix 1). If you would like help completing the form, the School will be happy to provide the assistance of someone unconnected with the complaint. It would be helpful if a complainant were to state at this stage what they think might resolve the issue.

If the matter is about:

- the day-to-day running of the school
- the interpretation of school policies
- the actions or inactions of staff at the school

it will be investigated by the Headteacher or a senior member of staff nominated by the Headteacher.

If the matter is about:

- school policies as determined by the governing body
- the actions or inactions of the governing body
- the Headteacher

then it will be investigated by the Chairman of Governors or a governor nominated by the Chairman.

The person carrying out the investigation will review the way in which the complaint has been handled by the school and ensure that the issues have been dealt with properly and fairly. He or she will normally write to you with the outcome of this process within 15 working days of receiving the complaint. If further investigation is needed or this deadline cannot be met, a new deadline will be set and a letter sent with details and explaining the reason for the delay.

If it becomes apparent that the complaint is a disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, but you are not entitled to know which procedure or the final outcome.

## **Stage 2**

If you are not satisfied with the result from Stage 1, you may choose to refer your complaint to Stage 2 of the procedure. This must be done in writing to the school within 15 working days of the completion of Stage 1.

At this Stage, the complaint will be considered by either the Chairman or nominated governor:

- A If Stage 1 was investigated by the Headteacher or a senior member of staff nominated by the Headteacher, the Chairman or nominated governor will consider the manner in which the complaint was addressed and decide whether it has been properly dealt with. The general principle is that the school should be able to produce documentary evidence to show that the complaint has received fair and proper consideration within the school's procedure. If the Chairman or nominated governor have any concerns, they may ask the Headteacher to re-open the investigation. The complainant will be kept informed of any delay.

If the complainant is not satisfied after the Chairman or nominated governor has completed their review, they may request that a panel of three governors meet to consider the complaint and make a final decision about it on behalf of the governing body. This is considered to be Stage 3.

- B When Stage 1 has been investigated by the Chairman or nominated governor, Stage 2 will be carried out by a panel of three governors, who will meet to consider the complaint and make a final decision about it on behalf of the governing body. (see Stage 3)

### **Stage 3**

If the complainant is not satisfied with the response from Stage 2, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of Holmer Green Senior School. That request must be in writing, addressed to the Clerk to the Governors at the Holmer Green Senior School, within fifteen school days of the response being sent to the complainant and must set out the original complaint and briefly the reasons why the complainant is dissatisfied with the response.

The Clerk will invite Holmer Green Senior School to put in writing its response to the complainant's reasons. The Clerk will convene a meeting of the Complaints Panel of the Governing Body with 15 working days of the complainant notifying that they wish to proceed to Stage 3. Both the school and the complainant will be asked if they wish to submit evidence to the Governors Complaint Panel. Wherever possible, this information will be circulated a week in advance of the meeting. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

If further investigation is needed or this deadline cannot be met, a new date will be convened and a letter sent with details and explaining the reason for the delay.

The 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 present its case and all parties, 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.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated at the discretion of the Chair, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in, or arising from the proceedings shall be made available directly or indirectly to the press or other media, including social media.

The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned. The Panel's decision is final.

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Audio or Video Evidence**

Unless exceptional circumstances apply, the school refuses to accept as evidence, recordings (audio or video) of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **Complaint about the Governing Body**

A complaint about the whole Governing Body or the Chair of the Vice Chair must be submitted to the Clerk to Governors for a reasonable course of action (eg independent investigation).

## **Monitoring and Review**

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records the outcome and/or resolution. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

## **Dealing with Unreasonable Complainants**

Holmer Green Senior School is 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 the school. 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. For complainants who excessively contact Holmer Green Senior School 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 6 months.

Holmer Green Senior School defines 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'*.

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 co-operate 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 complaints 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 EFSA;
- 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.

Complainants should limit the numbers of communications with a school while a 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

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 the school.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's or member of the community's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence 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 ESFA.

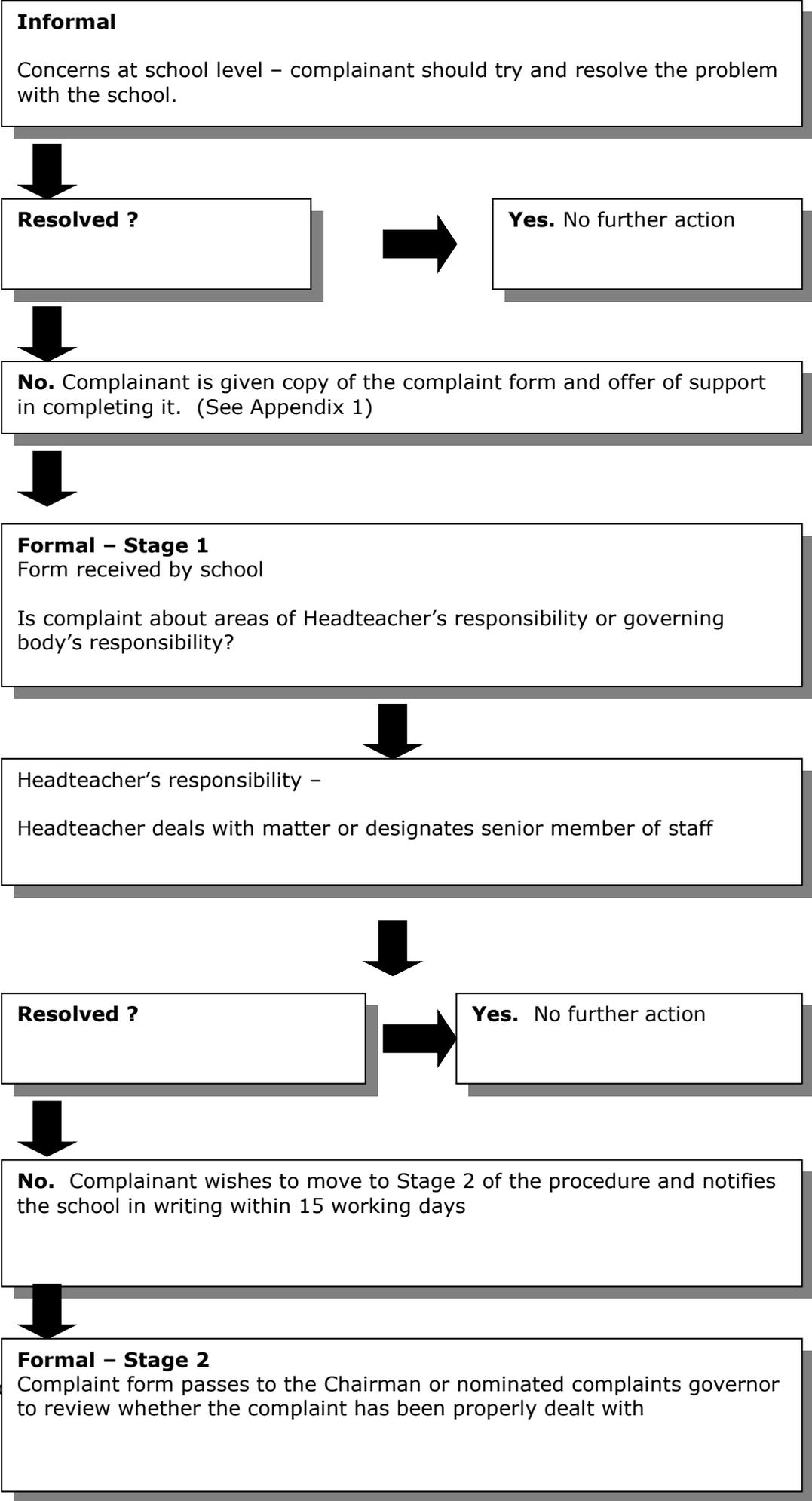
### **Availability**

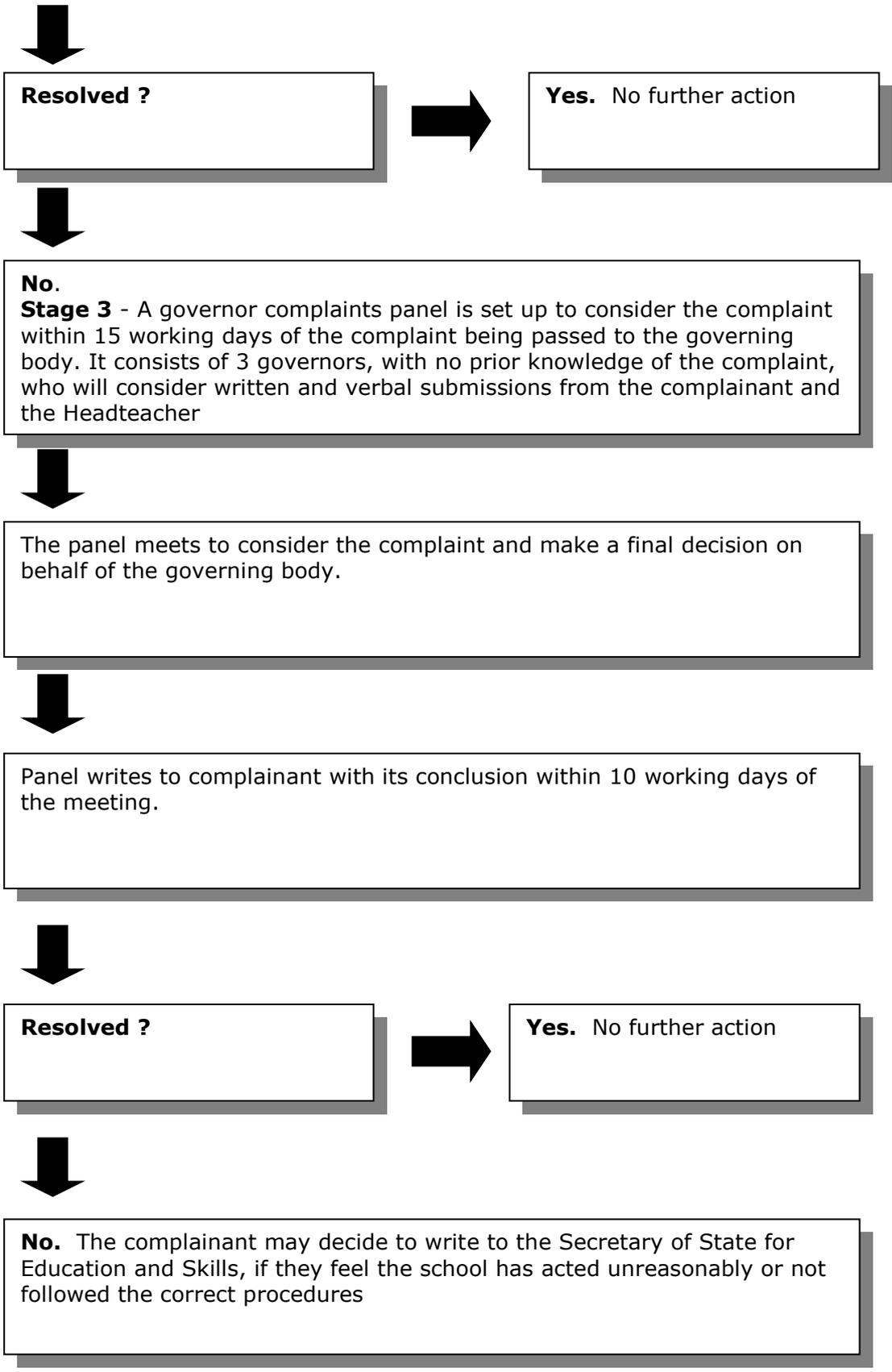
A copy of this procedure is available to all parents on request and is also posted on the school's website.

Policy ratified: March 2019

To be reviewed: March 2021

**Summary of Model Complaints Procedure for Areas of Headteacher’s Responsibility**





**Complaint Form**

**Please complete and return to the Headteacher's PA, who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Student's name (if applicable):**

**Your relationship to the student (if applicable) :**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**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 whom:**

**Complaint referred to:**

**Date:**