

Higham Ferrers Junior School

'Be the best you can be'



COMPLAINTS POLICY

This Policy was agreed by the Full Governing Body in May 2018

Signed:

(Chair of Governors)

1. Introduction

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

1.2 Higham Ferrers Junior School is committed to maintaining a positive partnership with parents and carers and understand that feedback is essential in improving our organisation. Occasionally something happens which may make students or parents and carers unhappy. Then, it is important that parents and carers feel able to raise concerns in the most effective way as we can only resolve issues or concerns if we know about them.

Parents and students should never feel that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at Higham Ferrers Junior school.

This policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation. 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, but if the complaint is complicated or requires detailed investigation, it may take a longer time to sort out. The School will keep parents or carers informed on how the complaint is being addressed and when they can expect to hear the outcome.

2. Scope, definitions and legal framework

2.1 This policy is written in line with Education Skills and Funding Agency (ESFA) guidance and The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7 and utilises advice from the DfE 'Best Practice Advice for School Complaints Procedures 2016'.

2.2 For the purposes of this policy the following definitions apply:

- **Parent** means a current parent or carer or legal guardian.
- **Complainant** means the individual making a complaint whether that be a parent or member of the public.
- **School concern/complaint** means a concern raised or 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.

2.3 This Policy will apply to most general complaints received by the School. 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).

2.3.1 Therefore this policy does not apply to complaints made about any of the following as separate procedures apply:

- Admissions to schools - Please refer to the academy's admission arrangements on their website.
- Safeguarding
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use academy premises or facilities.
- Whistleblowing
- Exclusion of children from an academy.

3 Safeguarding

3.1 We are committed to safeguarding and promoting the welfare of all its pupils/students. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the Designated Safeguarding Lead on the senior leadership team and will be handled in line with our organisational Safeguarding Policy.

4 Management of complaints

4.1 The school complaints procedure has three stages:

4.1.1 Stage 1 – Initial Approach/Informal Concern: informal raising of a concern or difficulty with a member of staff orally or in writing.

4.1.2 Stage 2 – Formal Complaint: a formal complaint in writing.

4.1.3 Stage 3 – Appeal to The Governing Board.

4.2 Further details of the three stages can be found in the Complaints and Concerns Procedure in appendix 1.

5 Confidentiality

5.1 A written record will be kept of all complaints via the Complaints Log, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a panel hearing.

5.2 The number of formal complaints registered during the preceding school year is reported to the Governing Body.

5.2 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

5.3 In accordance with data protection principles, no personal details relating to complaints will be passed on as part of the complaints reports to the LGB. 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.

6 Anonymous Complaints

6.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. 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 – including our ability to speak to the complainant directly about their concerns. We will always investigate the complaint as far as we are able on the information given, however we will only provide feedback on the outcome of any investigation regarding one of our academies to a known parent of a student at the academy.

6.2 All investigations of **school complaints** will be reported to the Head for full oversight.

7 Expectations in relation to raising a concern

7.1 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 website.
- b) Response within a reasonable time and with courtesy and respect; ¹
- 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

7.2 In turn, the school can expect anyone raising a concern 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;
- 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;
- g) Recognise that resolving a specific problem can sometimes take some time.

8 Persistent Complainants

8.1 For the purpose of this policy, a persistent complainant is a parent 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 unreasonable. Such behaviour may be characterised by:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious;

¹ Timescales are set out in the Concern and Complaints Procedure in Appendix 1

- 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, members of the GB on all occasions irrespective of the issue and the level of delegation 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.

8.2 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.

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

8.4 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to sections 5 and 6 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 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 the school subscribes to.

8.5 The procedure for dealing with persistent or vexatious complaints is outlined in Appendix 1.

9. Governing Body

9.1 The GB have a remit in relation to complaints/concerns. The school and its GB must consider what role Governors will play in relation to school complaints (in line with this policy) and must publish, as part of the appendix showing procedures, these arrangements on their website in conjunction with this policy.

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

11.3 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.

Appendix 1: Concerns and Complaint Procedures

This complaint procedure for has three stages:

Stage 1	Initial Approach/Informal Stage
Stage 2	Formal complaint (to Head or Chair of Governors)
Stage 3	Appeal (to Governor Committee)

Guidelines

- The vast majority of concerns and complaints can be resolved informally, often straightaway by the class teacher or Head.
- 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 someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

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. 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, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Head Teacher or another appropriate member of staff. In either case a note of the name,

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- date and contact details of the complaint should be taken. The first contact should check later to make sure the referral has been successful.
3. The Head should ensure that staff have guidelines about when to refer a matter 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.
 5. The staff member/Head dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
 6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that they may be available to them.
 7. This will be confirmed in writing either by email or letter to clarify the outcome or next steps within 10 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. 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 his/her own involvement at 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 the Stage Two procedures, with support if necessary from another governor.
- Individuals on the Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

Procedure

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of the Governing Body or Head. The Chair of the GB or Head (or designated member of staff) should acknowledge the complaint orally or in writing within three 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.

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2. The Chair of the GB or Head (or designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
 3. If necessary, the Chair of the GB or head (or designated member of staff) 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 parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. The Chair of the GB or Head (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of governors. The complainant should notify the chair of governors within two weeks of receiving the letter detailing the outcome of the complaint.

Complaints against the Head – If the complaint is wholly or mainly about the Head, the GB will need to consider the complaint. The process will follow the timescales outlined above with the Chair of the GB investigating the complaint, arrange to meet with the complainant and invite the Head to respond. Based on the evidence collected, a resolution will be sought and the complainant informed of the outcome.

Stage 3 – Appeal to Panel of Governors

Guidelines

- Complaints only rarely reach the appeal stage, 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 should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body should therefore establish a panel to deal with complaints, by nominating a pool of five governors, 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 he/she may be 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 schools complaints procedure, making the necessary introduction to a member of staff or the Head Teacher if appropriate.
- 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 led to the original complaint.

Procedure

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 write acknowledge receipt of the written request, 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 him/her 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 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 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 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
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.

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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 three days.
 10. All except for the governor's panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action taken by the school and/or the parent; and 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 confidentially on file in the school. This should 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.

Annex A

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.
 - The complainant describes his/her complaint and may call witnesses.
 - The Head may seek clarification from the complainant and any witnesses.
 - The governor's panel or its advisers may seek clarification from the complainant and any witnesses.
 - The Head will respond to the complaint and may call witnesses.
 - The complainant may seek clarification from the Head and any witnesses.
 - The governor's panel (including any advisers) may seek clarification from the Head and any witnesses.
 - The complainant will be given the opportunity to sum up.
 - The Head will be given the opportunity to sum up.
 - 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 make a decision or judgement on:

The validity of the complaint; appropriate action to be taken by the school and/or parent; and 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 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 on sitting.
6. The complainant should be advised that if s/he is dissatisfied with the response, s/he has the right to take the matter further by complaining to the DfE.

Appendix 2: Procedure for dealing with Persistent or Vexatious Complaints

The Schools actions in cases of persistent or vexatious complaints or harassment:

2.1 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.

2.2 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 on the school community:

- a) Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall 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 may 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 be by letter only;
- d) In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- e) Consider taking appropriate advice on pursuing a case under anti-harassment legislation;
- f) Consider taking 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, to be identified by the Chair of the Governing Body, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head accordingly.

8.3.3 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 will be informed in writing.