



## COMPLAINTS POLICY

### Introduction

Highcliffe School is committed to encouraging the involvement of parents and carers in the community of the school and their children's education. One aspect of this commitment is reflected in the recognition that occasionally, things may occur which cause parents concern.

Highcliffe School recognise it is important that parents, carers and pupils know the steps to take to ensure any problems are resolved. This document is intended to provide guidance to help parents in this process.

Highcliffe aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

### The principles of our procedure

- No group will be excluded from making a complaint.
- Resolution of problems by informal means wherever possible is encouraged.
- Our steps are simple to understand and use.
- In investigating complaints, we are impartial and non-adversarial. We will ensure a full and fair investigation by an independent person where necessary.
- We provide clear time frames in each step.
- We respect people's desire for confidentiality.
- We will address all the points at issue and provide an effective response and appropriate redress, we take on board feedback so that provision can improve.
- We have due regard to the principles of the Equality Act 2010 and how they impact upon schools, parents, carers and children/young people.

### Scope of this complaint procedure

This procedure covers all complaints with the exceptions listed below, for which there are separate (statutory) procedures.

This policy does not cover the following issues:-

- admissions to schools;
- exclusion of children/young peoples from school;
- statutory assessments of special education needs;
- school re-organisation proposals subject to statutory procedures;
- matters likely to require a Child Protection Investigation;
- whistle-blowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by other providers, such as contractors.

### Concurrent considerations

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Complaints Co-ordinator will write to the complainant explaining the reason for the decision and the nature of the concurrent consideration.

Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

### **What is a complaint?**

A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or lack of actions'*. This is different to a concern which can generally be described as *"an expression of worry or doubt over an issue considered to be important for which reassurances are sought"*.

### **Who can make a complaint?**

- Parents, carers and/or children/young people attending the school.
- Parents, carers and/or children/young people who have recently attended the school. Consideration will be given to complaints lodged within six months of leaving the school.
- Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about.

### **Informal complaints**

Most concerns are dealt with quickly, through informal discussion with members of staff at the school. Parents are always welcome to come into school to discuss concerns or problems that have arisen. You can expect that matters you raise will be treated in confidence, but parents also need to understand that to resolve issues and find the best way forward, the person dealing with matter may have to make further enquiries. If this is necessary, you can expect that it will be done with sensitivity to how the issues affect your child. It is always preferable to find an informal resolution before entering a formal complaints procedure.

However, it is not always possible to resolve an issue informally and, when this occurs, the formal procedure can be invoked when the person raising the concern remains dissatisfied and wishes to take the matter further.

### **Anonymous complaints**

Normally, an anonymous complaint will not be actioned. However, the Head Teacher and Chair of Governors will, at their discretion, determine whether the gravity of an anonymous complaint warrants its investigation.

### **Complaints received out of term time**

A school day refers to Monday to Friday during a school term and specifically excludes school holidays and public holidays

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

## How to make a formal complaint

There are three stages to this procedure

### **Stage 1 – Complaint Heard by Head Teacher**

If the Head Teacher is the subject to the complaint then Stage 2 will be activated.

### **Stage 2 – Complaint Heard by Head Teacher or Chair of Governors**

If the Head Teacher has already considered at Stage 1, or if the complaint is about the Head Teacher, this will be undertaken by the Chair of Governors.

### **Stage 3 – Complaint Heard by Governing Body Review Panel**

This will consist of Governors not involved in the complaints process at an earlier stage and in addition, one panel member independent of the management and running of the school.

## Detailed Procedure

### **Stage 1**

Formal complaints should be made in the first instance, to Angie Parsons, PA to the Headteacher.

A complaint can be made in person, in writing or by telephone and you will be asked to complete a complaints form unless there are specific communication preferences due to disability or learning barriers. The Complaints Co-ordinator will record the date the complaint is received and will acknowledge in writing (letter or email) receipt of the complaint within five school days.

The Headteacher, or a designated member of the Leadership Team, should respond to the complaint in writing as soon as possible. If the Headteacher or LT member believes it to be appropriate, a meeting may be called with the complainant, which will be minuted. If the complaint requires in-depth investigation, this will be acknowledged within five days and the complainant will be informed that a full response will take longer. Standard practice is to investigate the complaint, prepare and then send a response within ten school days. The Headteacher should summarise the main points in a follow-up letter. This is to help prevent any misunderstandings and ensure that all parties have a clear record of progress.

### **Stage 2 – Complaint Heard by the Chair of Governors**

If the subject matter of the complaint is the Head Teacher then Stage 2 shall be activated as the initial stage. Alternatively, if the Complainant is dissatisfied with the outcome of the Head Teacher's investigation at Stage 1 and wishes to take the matter further, they can ask for the matter to be considered by the Chair of Governors.

The Complainant should write to the Chair of Governors outlining their complaint, explaining the reasons for pursuing it beyond the Headteacher's response and enclosing any relevant paperwork. Standard practice is to acknowledge the complaint within five school days. A full response to the complaint, should be sent within twenty school days, unless this is impracticable.

Stage 2 offers an opportunity for achieving conciliation between parties. Informal discussions between the Chair of Governors and the Headteacher are key to resolving the complaint and agreeing a way forward. The aim is to resolve the complaint and prevent further escalation of the disagreement. The Chair of Governors will need to decide who is responsible for dealing with the issues involved and, therefore, what powers are available to governors with respect to the particular complaint. The Chair may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

When the issues relate to delegated responsibilities, the Chair may look at the matter afresh (or, if the complaint has not been considered by the Headteacher because Stage 1 has not been activated), with new information that the Head Teacher may not have been aware of at the time of the Headteacher's response. In the light of additional information, the Chair may decide to write and ask the Headteacher to give the matter further consideration.

However, if the complaint has already been considered by the Headteacher and the matter falls within the Headteacher's decision-making remit, then the Chair will only have the power to review the decision not to consider the matter afresh. The Chair may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: that is, a decision that no reasonable Headteacher would make if properly aware of their duties and properly taking into account the facts of the case before them would make. The Chair will need to consider the facts, as they were known to the Headteacher at the time and then consider whether the Headteacher:

1. failed to take account of a relevant consideration and/or 2. took into account an irrelevant consideration; and/or 3. made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the Chair should refer it back to the Headteacher, who may consider amending the decision in the light of that new information. In deciding whether the Headteacher's decision was perverse, the Chair will need to judge whether the decision was one that, on the information available, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

If the complainant is unhappy with the outcome, they can request an appeal hearing with the Governing Body's Complaint's Review Panel through the Clerk to the Governors email - [clerktogovernors@highcliffeschool.com](mailto:clerktogovernors@highcliffeschool.com)

### **Stage 3 – Complaint Heard by the Governing Body's Complaints Review Panel**

The Complainant should write to the Chair of Governors and/or the Complaints Co-ordinator giving details of the complaint. Complaints must have been considered by the first two stages before proceeding to panel. The panel will not consider new complaints at this stage of the procedure.

The Complaints Coordinator should acknowledge the request in writing within five school days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given. This should be at least five days before the hearing.

The Clerk to the Governors should convene the complaints committee elected from the Governing Body. The Complaints Panel should consist of at least three people who were not directly involved in the matters detailed in the complaint. In addition, at least one member of the panel should be independent of the management and running of the academy.

The Complaints Panel should set a timetable for the hearing and should notify the Complainant of this. The review hearing should be heard within 20 school days of receiving the request, unless this is impracticable. The Complainant to be invited and advised that they may be accompanied.

The panel will be provided with the Stage 1 and 2 responses together with any written responses from the Head Teacher and the Chair of Governors as appropriate. The panel may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The aim of the panel should be to resolve the complaint and achieve reconciliation between the school and the Complainant if this is possible. The panel will only have the power to review the Chair's decisions and not to consider the matter afresh.

It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: that is, a decision that no reasonable or Chair would make if properly aware of their duties and properly taking into account the facts of the case before them would make. The panel will need to consider the facts, as they were known to the Chair at the time and then consider whether the Chair: 1. failed to take account of a relevant consideration and/or 2. took into account an irrelevant consideration; and/or 3. made a 'perverse' decision in the light of the evidence available at the time. If new evidence does come to light, the panel should refer it back to the Headteacher, who may consider amending the decision in the light of that new information. In deciding whether the Chair's decision was perverse, the panel will need to judge whether the decision was one that, on the information available, was open to the Chair to make; that is, within a reasonable range of responses in the light of the evidence available.

### **The Panel Meeting**

The Clerk to the Governors should arrange the meeting, but not participate in the meeting.

The meeting should be held in private. Any witnesses (other than the Complainant; who may be accompanied and the Head Teacher) should only attend for the part of the hearing in which they give their evidence.

The outline agenda of the meeting will include:

- Introductions of all those present
- Note that the Headteacher and Chair of Governors can make submission to the panel but not participate in the judgement process
- Confirmation that the panel has no prior knowledge of the complaint
- Explain the need for a formal agenda to ensure all parties have the opportunity to make full representation
- Explain the powers open to the panel in respect to the complaint
- Remind the complainant that the complaint(s) to be heard will be those already handled by the Headteacher and Chair of Governors and that no new complaints can be heard during the meeting
- Complainant's verbal submission
- Questions by the Headteacher and/or Chair of Governors
- The school's verbal submission
- Questions by the complainant
- Panel members may ask questions for clarification throughout the hearing
- A summary by the complainant
- A summary by the school
- Close of the hearing

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the Complainant within 15 school days and, where relevant, the person complained about. The decisions, recommendations and the basis on which these have been made will be retained at Highcliffe School for inspection purposes. The Complainant should be notified of the right to refer their concerns to the Department for Education if they are dissatisfied with the way their complaint has been dealt with.

## Decisions

Any decision at any stage of the complaints procedure, after consideration of the complaint and all the evidence presented, can include a decision to either:

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint; and/or
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar difficulties in the future.

## Complaints Record Keeping

A written record will be kept of all complaints detailing whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints (regardless of whether they are upheld).

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 requests access to them.

## Unreasonable, serial and persistent complainants

Highcliffe School is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain and they will not normally limit the contact complainants have with the school. However, the school does not expect their staff to tolerate unacceptable behaviour and it will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The 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'*.

The school defines serial or persistent complainants as *"those who repeatedly contact the school making the same points, or who repeatedly ask schools to reconsider their position"*.

A complaint can be regarded as unreasonable when the person making the complaint:-

- Has given the school reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
- Refuses to 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 a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 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.
- Raises numerous, detailed but unimportant questions; insisting that they are answered often immediately or to their own timescales.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing and/or by telephone.

- Makes covert recordings of meetings.
- A complaint will also be considered unreasonable if the person making the complaint does so:-
- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false or using falsified information.
- Making insulting personal comments about or threats towards staff.
- Making inappropriate comments on the internet, social networking sites and newspapers.

Whenever possible, the Headteacher or Chair of Governors should discuss the concerns with the complainant informally. If the behaviour continues the Headteacher should write to the complainant explaining what behaviour is unreasonable and asking them to change it. For complainants who excessively contact the 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 six months.


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 premises. Legal advice may be sought if a complainant persists after they have reasonably been asked not to.

**Useful Contacts**

Complaints Co-ordinator  
 Angie Parsons  
 01425 282323  
 aparsons@highcliffeschool.com

Education and Skills  
 Funding Agency  
 Earlsdon Park  
 55 Butts Road  
 Coventry  
 CV1 3BH

The Chair of Governors  
 clerktogovernors@highcliffeschool.com

Adopted by Governing Body	Date: 10.5.2018	Signed:  Chair of Governors
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