



Whitehill Junior School Complaints Policy and Procedure

Policy Review

This policy will be reviewed in full by the Governing Body every three years.

The policy was last reviewed and agreed by the Governing Body in

October 2020

It is due for review in October 2023.

Signature

Date

Head Teacher

Signature

Date

Chair of Governors

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1. Definition

A **complaint** can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

Complaints can be resolved formally or informally depending on the complainant's choice.

A **concern** can be defined as 'an expression of worry or doubt' for which reassurance is sought.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

2. Scope

The complaints procedure is based on a principle that concerns expressed by a student, parent, guardian or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the increasing more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

- Stage 1 - Informal resolution to concern.
- Stage 2 – Formal complaint heard by the Headteacher.
- Stage 3 – Formal complaint heard by the Governing Body Complaints Appeal Panel.
- Handling of complaint referred to the Local Authority

Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy.

Complaints brought by Governors should be dealt with through the Chair of Governors as an item for consideration at an informal level.

Complaints brought by contractors should be dealt with through informal routes but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement and not through this Complaints Policy.

Complaints about students should be directed to the relevant School Staff. If a complainant is not happy with the manner in which the complaint was handled then they may raise a separate complaint through this policy and procedure. The complaints procedure cannot consider the complaint about the student it can only consider the complaint about how the School handled the original complaint.

Complaints about a contractor or visitor to the School should be directed to the Headteacher. If a complainant is not happy with the manner in which the complaint was handled then they may raise a separate complaint through this policy and procedure.

The complaints procedure cannot consider the complaint about the contractor or visitor it can only consider the complaint about how the School handled the original complaint.

This complaints policy has been written with reference to 'Best Practice Advice for School Complaints Procedures 2016' – DfE, January 2016.

3. Policy

The complaints procedure is based on a principle that concerns expressed by a student, parent, guardian or any individual or organisation with a concern should be resolved as quickly

as possible without the need to escalate to the increasing more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.

Complaints must be made within 3 months of the event. Complaints after this period will not be considered. Line Managers or other delegated managers will investigate a complaint about a member of staff. Anonymous complaints will not be considered.

The School will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.

All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State or a body conducting an inspection under section 162A of the 2002 Education Act, if they request access to them.

Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School sees fit.

The School has three stages to its complaints procedure.

The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:

- Impartial;
- Non-adversarial;
- Timely;
- Objective;
- Evidenced based;
- Respects confidentiality;
- Fair;
- Addresses all of the points at issue;
- Provides an effective response;
- Provides appropriate redress where necessary;
- Is reported to senior management team so that services can be improved.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

At each stage of the complaints procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event(s) 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 relevant School policies in light of the complaint.

- An apology.

The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the Headteacher or Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

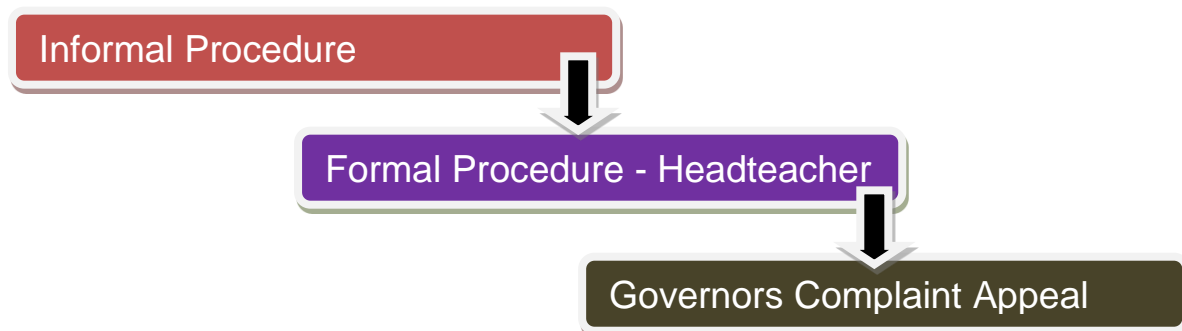
The complaints procedure sets out the time limits for each stage of the complaints processes. School staff will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

The Governors will publish the complaints policy procedure on the School web site.

4. Procedure

The Three Stages of the Complaints Procedure

The complaints procedure has three clear levels. The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level.



Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governors' Panel.

Principles of Investigating a Complaint

The principles that will be the basis for all investigations of complaints will be that the investigation:

- Clarifies the nature of the complaint and what remains unresolved;
- Establish what has happened so far, and who has been involved;
- Clarifies what the complainant feels would put things right;
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conducts the interview with an open mind;
- Keeps a written record of the interview.

Stage 1 – Informal Procedure

The class teacher, the Headteacher or other members of staff without the need to resort to a formal procedure can deal with many enquiries and concerns satisfactorily. The School values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 working days. Should this informal stage require more time then the School will inform the complainant of this in writing as soon as this is known.

If the complaint is about the Headteacher or a Governor then the Chair of Governors will consider the complaint at the informal level. If the complaint is about the Chair of Governors then the Vice Chair will consider the complaint at the Informal level.

Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage.

The complainant will be asked to complete the formal complaints form and return it to the Headteacher.

Stage 2 – Formal Complaint Heard by the Headteacher

The School will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the Headteacher. In these cases, the matter will be referred to the Deputy Headteacher.

Similarly, if the Headteacher feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

Where the complaint concerns the Headteacher or a Governor, the complainant will be referred to the Chair of Governors. The Chair of Governors will consider the complaint as a Stage 2 formal complaint. Where the complaint concerns the Chair of Governors, the Vice Chair will consider the complaint as a Stage 2 formal complaint.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The Headteacher will ensure that a written acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give an explanation of the School's complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

The Headteacher will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

Once all of the facts have been established the Headteacher will then produce a written response to the complainant, or may wish to meet the complainant to discuss / resolve the matter directly.

A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded the complainant and the member of staff concerned (if the complaint is about a member of staff) will be informed in writing of the outcome. This may be to the effect that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;

The evidence did not substantiate the concern, so the complaint cannot be upheld;

The complaint was substantiated in part or full. A brief description should then be given of the remedial action being taken by the School as a consequence of the complaint.

Details of the investigation or of any disciplinary procedures to be taken against a third party cannot be released.

The matter has been fully investigated and as a consequence further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations must not be referred to.

The Headteacher will advise the complainant that should they not accept the findings of the Headteacher, they can appeal by escalating the complaint to 'Stage 3' to be heard by a Governing Body Appeals Panel within 10 working days of receiving the response.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

The Vice Chair of Governors will consider a formal complaint about the Chair of Governors as a Stage 2 formal complaint. The Vice Chair will consult with the Headteacher in their consideration of the complaint.

The Chair of Governors will consider a formal complaint about the Headteacher or another Governor as a Stage 2 formal complaint. In this case the Chair of Governors will consider the complaint rather than the Headteacher.

Stage 3 – Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors, as directed by the Headteacher, giving details of the complaint. A copy of the original complaint and details of which aspects remain unresolved should be included within the request.

New complaints will not be included in a request for a panel hearing and will be dealt with as a separate complaint.

The Chair should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

The Complaints Appeal Panel will be made up of 3 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.

If the complaint is about the Headteacher or a Governor then the Chair of Governors will hear the complaint at 'Stage 2'. If the complainant is unhappy with the outcome at 'Stage 2' then a Governors Appeal Panel, made up of 3 members that have had no previous involvement with the complaint, will hear it. If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 2 complaint. If the complainant is unhappy with the outcome at 'Stage 2' then a Governors Appeal Panel, made up of 3 members that have had no previous involvement with the complaint, will hear it.

The findings of the Governing Body Complaints Appeal Panel are final.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

The Chair of the Governing Body will send a formal written response to the complainant within 10 working days.

For almost all complaints there is **no right of further complaint or appeal** to the Local Authority beyond the school's Governing Body.

Parents may contact the complaints helpline (www.hertsdirect.org/complaints; email: cs.complaints@hertfordshire.gov.uk) for further advice but will be told there is no right of a further stage of formal investigation by the Local Authority.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

When it is a complaint about the way the school is providing for a child's Special Educational Needs, parents may complain further to the Local Authority by writing to the Children's Services Complaints Manager.

The Children's Services Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the CS Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation.

5. Serial and Persistent Complainants

Whitehill Junior School reserves the right to refuse to investigate a complaint if it is reasonable to regard the complaint as vexatious and/or repeated.

Where the school decides that a complaint is vexatious and/or repeated, the complainant will receive written notification that the complaint is not being investigated within five school days.

If the complainant is unhappy with a decision not to investigate or believes that the school is being unlawful in their actions, they may refer the complaint to the Local Authority or Secretary of State.

Appendix 1 – Glossary

The definitions used in this glossary are:

Chair of Governors - The Governing Body elects a Chair each year.

Complaint - If a parent, guardian, student or any individual or organisation feels that an element of the School's service is unsatisfactory or unacceptable then that is a valid complaint.

Complainant - A Person or organisation who makes a complaint.

Governing Body - School Governors delegate the day-to-day management of the School to the Headteacher and their staff. Apart from Staff Governors, other Governors are non-executives in that they receive no payment for being a Governor.

Grievance - A 'grievance' is the term used for a complaint brought by a member of staff and is not dealt with in the complaints policy and procedures.

Panel Members - The Governors Complaints Appeal Panel members are those Governors, and any independent persons, appointed by the Governors to hear a Stage 3 complaint.

Working Day - School term-time weekdays excluding bank holidays, weekends and school holidays.

Appendix 2 – Conduct of Governing Body Complaints Appeal Panel

1. The Chair of Governors will write and inform the complainant, any witnesses and the panel of the date and location of the meeting at least **5 working days** in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.
2. The panel can:
 - Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Decide on the appropriate action to be taken to resolve the complaint;
 - Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.
3. The individual Governors sitting on the appeal panel should bear the following in mind:
 - It is essential that the appeal hearing is independent and impartial. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
 - The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
 - An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chairman will ensure that the proceedings are as welcoming as possible.
4. The Chair of Governors is the contact point for the complainant and will:
 - Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
 - Collate any written material and send it to the parties in advance of the hearing;
 - Meet and welcome the parties as they arrive at the hearing;
 - Record the proceedings;
 - Notify all parties of the panel's decision.
5. The Chair of the panel has a key role in ensuring that:
 - The remit of the panel is explained to all parties;
 - Ensuring that all parties have the opportunity of putting their case without interruption;
 - Parents and others who may not be used to addressing a formal panel are made to feel comfortable;
 - The proceedings are fair and objective and employ the principles of natural justice.
6. The usual conduct of the meeting will be:
 - The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.

- The Chair of the panel will invite the complainant to explain the complaint.
- The Committee members may question the complainant about the complaint and the reasons why it has been made.
- The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- The Committee members may question the Headteacher and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the panel.
- The panel has the right to question any such witness.
- The Headteacher will be invited by the Chair of the panel to make a final statement.
- The complainant will be invited by the Chair of the panel to make a final statement.
- The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 10 working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- The Committee will then consider the complaint and all the evidence presented and;
 - Reach a decision on the complaint and the reasons for it;
 - Decide upon the appropriate action to be taken to resolve the Complaint.

Whitehill Junior School Complaints Policy and Procedure



Appendix 3 – Complaints Form

Please complete and return to the School who will acknowledge receipt and explain what action will be taken.

Your Name:
Student's Name (If applicable):
Your relationship to the student:
Address:
Postcode:
Daytime 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:

For Official Use

Date Acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 4 – Policy for Unreasonable Complainants

Whitehill Junior 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.

Whitehill Junior 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 expecting 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 DfE.
- 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/or 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 the 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 the Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Whitehill Junior 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.

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 Whitehill Junior School premises.