

# **Complaints Policy and Procedure**

**Policy Number: STAT004**

**Governor Committee: Pastoral**

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**Owner: Mr. F Moane**

**Issue Date: 26 January 2022**

**Review Date: 26 January 2023**



## Policy Review

This policy will be reviewed in full by the Governing Body no less than annually.

The policy was last reviewed and agreed by the Governing Body on 26 January 2022.  
It is due for review in 12 months from the above date.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Head Teacher**

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Chair of Governors**



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## Revision History

Rev.	Date	Reason for Revision
1.0	03/12/2020	New version
2.0	18/01/2022	Updated

## Reference

Hertfordshire County Council: Model Complaints Policy and Procedure for Schools. Issued August 2020



### **1.1. Statement of intent**

Hitchin Boys' School 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.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Deputy Headteacher will be the first point of contact when following the complaints procedure.



## 2. Legal framework

2.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

2.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

2.3. This policy will be implemented in accordance with the following school policies:

- Records Management Policy
- Child Protection
- Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy
- Equality Policy
- Data Protection Policy and Freedom of Information Policy
- Other policies that discharge duties that are outlined in 1.1

## 1. Definitions

2.4. For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

2.5. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.

2.6. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.

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



2.8. A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

2.9. For the purpose of this policy, concerns will be classed and addressed as complaints.

2.10. For the purpose of this policy, “**unreasonable complaints**” include:

Vexatious complaints:

- Are obsessive, persistent, harassing, prolific, repetitious.
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

Serial or persistent complaints:

- Are duplicated, sent by the same complainant once the initial complaint has been closed.

2.11. Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

2.12. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

2.13. Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

## 2. Roles and responsibilities

2.14. The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.



2.15. The Headteacher will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, clerk and chair of governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

2.16. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and students.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and Deputy Headteacher to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

2.17. The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.



- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any students involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and Deputy Headteacher to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

2.18. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.





2.19. The panel clerk will:

- Continuously liaise with the Deputy Headteacher.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

### 3. Making a complaint

2.20. This complaints process is not limited only to parents or carers of children that are registered on roll at the School. Other people, including members of the public, may make a complaint to our School, provided that the complaint relates to the provision of facilities or services that we provide. Any issues for which a separate statutory process applies (such as appeals regarding exclusions or admissions) do not fall within the scope of this process. The School will confirm to you upon receipt whether or not your complaint falls under this policy and procedure and what will happen next if it does. For issues that fall outside of this policy and procedure, the School will confirm the correct process that applies instead.

2.21. The school will ensure the complaints procedure is:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

2.22. Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

2.23. The School will consider any complaints made outside of term time to have been received on the first School day after the holiday period. The School will send the complainant an acknowledgement of their complaint, confirming the date of



receipt, what will happen next and the timescale that applies. This will differ depending on what stage of the complaints process has been reached.

- 2.24. All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. The School will consider exercising the discretion to consider matters raised outside of this timeframe, only if the School deems that exceptional circumstances apply. To enable the School to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or the School deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, the School will confirm this in writing and take no further action.
- 2.25. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 2.26. Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
- 2.27. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as a legal representative.)
- 2.28. A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.
- 2.29. Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the governing board.
- 2.30. Any complaint made against the Headteacher shall be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board.
- 2.31. Any complaint made against the Chair of Governors or any other member of the governing board should be made in writing to the clerk.
- 2.32. Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.
- 2.33. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 2.34. Information about a complaint will not be disclosed to a third party without written consent from the complainant.



- 2.35. If a complainant wishes to withdraw their complaint, they must inform the School. The School will ask them to confirm this in writing. If they are unable to do this however, the School will write to them to confirm that their complaint has been withdrawn, in accordance with their wishes.

#### **4. Complaints procedure**

##### **Stage one – Informal concern made to a member of staff**

- 2.36. A complaint may be made in person, by telephone or in writing.
- 2.37. Generally, it is expected that where the matter relates to a student it will have been raised with the student's form tutor and/or Head of Year (and where it relates to a subject it will have been raised with the subject teacher and/or Head of Department) before a request is made to deal with it under this policy.
- 2.38. The subject teacher or pastoral team can deal with many enquiries and concerns satisfactorily without the need to resort to a formal procedure. 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
- 2.39. If a complaint has been made about a member of staff, the member of staff the complaint has been made against can discuss the concern with the Headteacher or Deputy Headteacher to seek support.
- 2.40. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 2.41. If the concern is about the Headteacher, the complainant can then be referred to the chair of the governing board. The complaint should be passed to the school Reception to be passed to the Chair.
- 2.42. In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The individual in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- 2.43. Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- 2.44. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.



- 2.45. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

### **Stage two – Formal complaint made to the Headteacher**

- 2.46. Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher will contact the complainant to inform them of the revised target date via a written notification.
- 2.47. An appointment with the Headteacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- 2.48. If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- 2.49. Where the Headteacher or chair of the governing board has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.
- 2.50. Where there are communication difficulties, the complaint may be made in person or via telephone. In accordance with equality law, the School will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints process. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 2.51. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 2.52. In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Headteacher will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.
- 2.53. All discussions shall be recorded by the Headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.
- 2.54. Once all facts are established, the Deputy Headteacher or Headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g., escalation to stage three) and will be provided with details of this process.



- 2.55. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 2.56. Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.
- 2.57. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

### **Stage three – Investigation by the chair of governors**

- 2.58. The complainant should submit any complaint in respect of the Headteacher's investigation in writing (or via an alternative method if necessary) to the chair of governors.
- 2.59. The Chair of Governors will carry out an investigation and consider all available evidence.
- 2.60. The complainant and the Headteacher will be informed of the outcome within 20 school days of the Chair of Governors receiving the complaint. The complainant will be advised of any escalation options, e.g. escalation to stage four, and will be provided with details of this process.
- 2.61. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 2.62. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

### **Stage four – Complaints appeal panel (CAP)**

- 2.63. Following receipt of a stage three outcome, the complaint should be made in writing to the Chair of Governors within 10 school days.
- 2.64. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 2.65. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 2.66. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- 2.67. Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation may be



appropriate, e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

- 2.68. The chair of governors, or another nominated governor, will convene a CAP comprising:

Three people not involved in the complaint, one of whom is independent of the management and running of the school. Governors are not eligible to be independent panel members.

- 2.69. Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.
- 2.70. Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.
- 2.71. Governors from academies may be asked to serve on an independent panel.
- 2.72. Where appropriate, the clerk will ask for support from the governor services team at the Local Authority / Herts for Learning
- 2.73. Five days' notice will be given to all parties attending the CAP, including the complainant.
- 2.74. Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.
- 2.75. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- 2.76. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaint's procedure.
- 2.77. The meeting should allow for:
- The complainant to be present and accompanied at the hearing if they wish.
  - The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
  - The complainant to question the Headteacher, and vice versa, about the complaint.
  - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - Members of the CAP to question both the complainant and the Headteacher.
  - Final statements to be made by both parties involved.



- 2.78. The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- 2.79. Where relevant, the person or entity complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

### **Final stage – Appeal**

- 2.80. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.
- 2.81. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

If the complainant believes that the School did not handle their complaint correctly in accordance with this complaints policy and procedure or that it acted unlawfully or unreasonably in exercising its duties under education law, they can approach the Department for Education (DfE) after they have exhausted the School's complaints process at Stage 2.

The DfE will not normally re-investigate the substance of a complaint or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory policies relevant to the complaint. The DfE will not substitute its decision for that of the Complaints Panel simply because the complainant disagrees with it.

- 1.1. There are exceptional circumstances to the provisions outlined. These are outlined in [section 9](#) of this policy.

## **2. Interviewing witnesses**

- 2.82. When interviewing students to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.





- 2.83. The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 2.84. The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 2.85. All students interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 2.86. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 2.87. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 2.88. The interviewee will sign a copy of the transcription of the interview.

### **3. Recording a complaint**

- 3.1. A written, dated record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
  - The main issues raised, the findings and any recommendations.
  - Whether the complaint was resolved following an informal route, formal route or panel hearing.
  - Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).
- 3.2. All records are made available for inspection on the school premises by the proprietor and the Headteacher.
- 3.3. The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.
- 3.4. Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
- 3.5. Recording devices will not be used without the prior consent of all parties.
- 3.6. Where the school allows complainants to record meetings, the following will be considered:
  - How any decision to allow recordings may affect any third parties called to act as witnesses
  - The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked
- 3.7. The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 3.8. Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board





and they need to be aware of the allegations made against them, to respond to any independent investigation.

3.9. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

3.10. The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

#### **4. Complaints not covered by this procedure**

4.1. Complaints regarding the following topics should be directed to the Local Authority:

- Statutory assessments of SEND
- School reorganisation proposals
- Admissions to schools

Contact details for Hertfordshire County Council can be found here:

<https://www.hertfordshire.gov.uk/about-the-council/complain-or-comment/make-a-complaint.aspx>

4.2. Complaints about pupil behaviour outside of School hours, e.g. weekends and holiday periods – such issues are not the School's responsibility.

4.3. Complaints regarding internal management decisions, e.g. class and teacher allocations and School session time changes

4.4. Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.

4.5. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

4.6. Complaints concerning admissions should be directed to Hertfordshire County Council who administer the admissions process on behalf of the school.

4.7. Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.

4.8. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.

4.9. Any whistle-blowers not wishing to raise the issue with their employer will direct their complaint to the DfE.



- 4.10. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.
- 4.11. Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 4.12. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The Headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider
- 4.13. Complaints about the content of the national curriculum should be made to the DfE.
- 4.14. Complaints about how the school delivers the curriculum, including Religious education (RE) and Relationships and sex education (RSE), will be dealt with using this complaints procedure.
- 4.15. Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.
- 4.16. Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Full Governing Board – the governing body has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views.
- 4.17. Complaints about Fixed-Term or Permanent Exclusions – Permanent Exclusions may ultimately be appealed to an Independent Review Panel (IRP). For Fixed Term Exclusions, representations can be made to the Chair of Governors outside the provisions of the complaints process.
- 4.18. The School will not normally investigate anonymous complaints. In such instances, the Headteacher and/or the Chair of Governors will determine whether the complaint warrants an investigation and will ensure that this is completed, if so. The outcome of the investigation cannot be shared with the complainant, as the school will not know who they are and therefore, the School cannot ascertain whether or not the person is entitled to have confidential information regarding the complaint investigation shared with them.

## **5. Exceptional circumstances**

- 5.1. The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Students are at risk of harm.
- Students are missing education.



- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
  - The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
- 5.2. If a social services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.
- 5.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 5.4. If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

# **1. Managing unreasonable requests**

- 5.5. The 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.
- 5.6. 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 cooperate 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 complaint's 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 complaints 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 by telephone while the complaint is being dealt with.
- 5.7. 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
  - By publishing unacceptable information in a variety of media such as in social media websites and newspapers
- 5.8. Complainants should limit the number 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.
- 5.9. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 5.10. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 1.1. A decision to stop responding will only be considered in circumstances where the following statements are true:



- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time.

5.11. If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

5.12. The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

5.13. 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 premises.

## 6. Complaints campaigns

6.1. For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

6.2. Where the school becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

6.3. If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

6.4. If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## 7. Barring from the premises

7.1. School premises are private property and therefore any individual may be barred from entering the premises.

7.2. If an individual's behaviour is cause for concern, the Headteacher will ask the individual to leave the premises. Should the School deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled [Controlling access to School premises](#).

7.3. The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.



- 7.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 7.5. This decision to bar will be reviewed by the Chair of Governors or a committee of the governing board, taking into account any discussions following the incident.
- 7.6. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.
- 7.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or Chair of Governors.
- 7.8. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## 8. Standard of fluency complaints

- 8.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach students.
- 8.2. The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.
- 8.3. The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.
- 8.4. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in [section 5](#) of this policy.
- 8.5. For the purpose of this policy, a **“legitimate complaint”** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.
- 8.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- 8.7. In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.
- 8.8. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.



8.9. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Redeployment
- Dismissal

8.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

8.11. Records of complaints regarding fluency will be kept in accordance with the processes outlined in [section 7](#) of this policy.

## **9. Role of the school complaints unit (SCU)**

9.1. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

9.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.

9.3. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

9.4. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

9.5. When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## **10. Transferring data**

10.1. When a student changes school, the student's educational record will be transferred to the new school and no copies will be kept.

10.2. The school will hold records of complaints separate to student records while a complaint is ongoing, so that access to these records can be maintained.

10.3. Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

## **11. Availability**

11.1. A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

11.2. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating



their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

## **12. Reviewing the procedure**

- 12.1. The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE.
- 12.2. Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the Headteacher.
- 12.3. All projected review dates will be adhered to, unless exceptional circumstances prevail (e.g. directions from local or central government regarding school opening during pandemic management)
- 12.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 12.5. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.



### 18. Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint informally and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the chair of the governing board.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take/ to be taken?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date: