



# COMPLAINTS POLICY AND PROCEDURES

Statutory

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## Principles

- This policy is in place to ensure that a concern or complaint is managed sympathetically, efficiently, at the appropriate level and resolved at the earliest possible stage. This is good practice, fair to those concerned and it helps to promote parents', carers' and pupils' confidence in the school's ability to safeguard and promote welfare.
- The school will try to resolve every concern or complaint with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the school's systems and procedures in light of the circumstances.
- The aim of the Complaints Procedure is to facilitate the efficient resolution of concerns by providing a transparent and simple process for complainants, staff and governors of the school.
- The school's role is to:
  - ❖ resolve concerns through informal discussions at the earliest stage;
  - ❖ provide named contacts and a timescale for a response to be made by the school;
  - ❖ focus on resolving complaints rather than apportioning blame;
  - ❖ promote confidentiality and discretion;
  - ❖ be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.
- The school believes that the effective resolution of a complaint is based on the prompt notification of concerns, a shared trust between the complainant and the school and a mutual respect for the privacy and confidentiality of information.
- Any complaint made to the school will start to be dealt with as soon as it is lodged. When the procedure refers to **working days**, these are Monday to Friday, during term time.

## Practice

The Complaints Coordinator in the first instance will be responsible for managing and coordinating the Complaints Procedure. If the Complaints Coordinator is unavailable or is the subject of the complaint then his/her duties will be carried out by the Headteacher.

The Complaints Coordinator's main responsibilities will be:

- to be the point of contact while the matter remains unresolved;
- to keep records;
- to co-ordinate the complaints procedure across the school;
- to arrange assistance for parents who require this, for example, because of a disability;
- to maintain an ongoing training programme for all school employees in relation to complaints;
- to monitor the keeping, confidentiality and storage of records in relation to complaints;
- to report regularly to the Headteacher with respect to complaints.

## The Stages of the Complaints Procedure

### Preliminary/Informal Stage

- Parents/carers with concerns about their child's education and/or welfare are encouraged to contact the school as soon as possible to discuss the matter with the relevant member of staff (class teacher/Tutor, subject leader, Year Leader, Senior Leadership Team). The attached flow chart outlines

who parents should contact depending upon the concern or issue they wish to discuss and raise (**Appendix 1**).

- Concerns/complaints will need to be raised as soon as possible after an incident arises - complaints cannot be considered if lodged more than three months after an incident arises.
- Concerns/complaints will be considered whilst a pupil is on roll and up to two months after a pupil has been taken off roll.
- It is expected that most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with formally at Stage 1 without informal action.
- The school will acknowledge any written notification by e-mail or letter within five working days and will give details of the proposed action to resolve the concern. The complainant will be asked what they think might resolve the issue. Depending on the nature of the concern, the school will decide on the appropriate course of action.
- The school will endeavour to resolve the concern as soon as reasonably practicable and will communicate the steps taken to resolve the concern within ten working days of receipt of the written notification.
- If the resolution of a concern is not satisfactorily dealt with at this stage, the complainant has the right to proceed to Stage 1 of the formal stages.

#### **Formal Stage 1 (Complaint heard by the Headteacher)**

- An unresolved concern under the Preliminary/Informal stage, or a complaint which needs investigation, or a dissatisfaction of the school's policies, procedures, management and/or administration should be set out in writing with full details to the Headteacher. To assist complainants in this process, a Complaints Form is attached to this procedure (**Appendix 2**). Further copies are available on the school's website and from the school at Main Reception.
- The complainant will need to send the completed form to the Headteacher which will be acknowledged within five working days on receipt, indicating the action that is being taken and the likely timescale.
- The Headteacher or a member of the Senior Leadership Team, appointed as Investigating Officer on behalf of the Headteacher, will conduct a full and fair investigation. The Investigating Officer(s) may request additional information from the complainant and the Headteacher or Senior Colleague will probably wish to speak to the complainant personally and to others who have knowledge of the circumstances.
- Within 20 working days from receipt of the Complaints Form, the Headteacher will aim to inform the complainant by e-mail or letter of the investigation, the outcome(s) and steps for resolution to the complaint.
- If, after receiving a response to the complaint from the Headteacher, the complainant is not satisfied with the proposed steps for resolution, the complaint may be referred to Stage 2 of the Complaints Procedure.

### **Formal Stage 2** (Complaint heard by the Chair of the Governing Body)

- Complaints will not be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for Formal Stage 3 or for any disciplinary hearing against a member of staff following a serious complaint.
- If the complainant is dissatisfied with the Headteacher's decision under Stage 1, the complaint may be renewed in writing to the Chair of the Governing Body. The complainant should write to the Clerk to the Governing Body (via the school) within five working days of receiving the Headteacher's decision as to the outcome of the Stage 1 investigation setting out full details of the complaint and the main reasons behind the dissatisfaction with the decision.
- The Chair of the Governing Body will not consider any new areas of complaint which have not been previously raised.
- Upon receipt, the Clerk to the Governing Body will acknowledge the complaint within five working days indicating the action that is being taken and the likely timescale. The complaint will be investigated following the equivalent procedures set down in Stage 1.
- Within 20 working days of receipt of the Stage 2 complaint, the Chair of the Governing Body will aim to give a response in writing setting out his/her decision as to the outcome of the investigation, the reasons for it and the steps for resolution of the complaint.
- If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to the Complaints Panel within five working days of receiving the Stage 2 decision.
- The Clerk to the Governing Body will arrange a meeting of the Complaints Panel and invite the complainant to the Hearing.

### **Formal Stage 3** (Complaint heard by the Complaints Panel of the Governing Body)

- Please see **Appendix 3** for full details of how to request a Complaints Panel Hearing, how the Panel will be constituted and the procedure that will be followed at the Hearing.
- A hearing by the Complaints Panel will only take place after the previous stages and would be the final stage in the school's complaints procedures.
- The panel's task is to establish the facts surrounding the complaint that has been made by considering: the documents provided by the school, the complainant and the Chair of the Governing Body and any representations made by the complainant, the Headteacher and the Chair of the Governing Body.
- The panel will not consider any new areas of complaint which have not been previously raised.
- It is not within the powers of the panel to make any financial award nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these or any other issues to the Headteacher or to the full Governing Body as appropriate.
- Should, after establishing the facts, the panel consider that the complaint is justified, the complaint will be upheld; if not, the complaint will be dismissed. The panel will make this decision on the balance of probabilities.

- The decision of the Complaints Panel will be communicated to the complainant no later than ten working days following the hearing. The letter will set out a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions where applicable and/or outcomes.
- It should be noted by the complainant that the role of the Governing Body is primarily strategic, being responsible for the school's strategic framework, including its aims and objectives, its priorities and targets and its policies for achieving those aims and objectives. The Headteacher, meanwhile, has sole responsibility for making day-to-day decisions in the school, and is responsible for the internal organisation, management and control of the school and for implementing Governors' policies.
- The Department for Education (DfE) has clearly laid out which areas of responsibility are within the remit of the Headteacher and which are within the remit of the Governing Body. The Chair of the Governing Body is bound by this legislation and will decide what powers the Governing Body has to deal with the particular complaint.
- The Governing Body is only permitted to reconsider a decision made by the Headteacher if the concern falls within its legislated authority. If the complaint falls within the remit of the Headteacher as laid out in the DfE legislation, the Governing Body can only investigate the reasonableness of the decision. If you are not satisfied with the Chair's decision, you may contact the Education Funding Agency (EFA) which will consider the complaint on behalf of the Secretary of State.

### **Complaints against the Headteacher**

- The complaint will follow the same process as detailed in this document beginning with a Preliminary/Informal Stage. Parents/carers/others with concerns are encouraged to contact the school as soon as possible to discuss the matter with the Headteacher.
- An unresolved concern under the Preliminary/Informal Stage should be referred to the Clerk of the Governing Body using the Complaints Form (**Appendix 2**) to be dealt with by the Chair of the Governing Body. The complaint will be dealt with following the procedures outlined in Formal Stage 2.

### **Complaints against the Chair of the Governing Body**

- The complaint will follow the same process as detailed in this document beginning with a Preliminary/Informal Stage. Parents/carers/others with concerns are encouraged to contact the school as soon as possible to discuss the matter with the Chair of the Governing Body.
- An unresolved concern under the Preliminary/Informal Stage should be referred to the Clerk of the Governing Body using the Complaints Form (**Appendix 2**). The complaint will be conducted following the procedure outlined in Formal Stage 2, with the role of the Chair taken by a Vice Chair of the governing body for the purposes of hearing the complaint.

### **Anonymous Complaints**

In general anonymous complaints will be ignored by the school unless there is evidence that the issue and the fear of identification are genuine or that the issue is one of Child Protection.

## Recording Complaints

A written record will be kept by the Complaints Coordinator of all formal complaints and whether they are resolved at either Formal Stage 1 or Formal Stage 2 or proceed to a panel Hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI 2010/1997), that is where access is requested by the Secretary of State or where disclosure is required in the course of the Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

If you are dissatisfied with this process, you may contact the Education Funding Agency (**EFA**). The EFA cannot assess/consider complaints about the decision of a complaints panel; they can however investigate the following areas:

- undue delay or non-compliance with an Academy's own complaints procedure;
- an Academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
- an Academy's failure to comply with any other legal obligation.

The EFA can be contacted by email at [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk) or by telephone on 0370 000 2288 (ask for the EFA Academies Central Unit).

For a graphical depiction of the Staged Approach to Handling Complaints, please see **Appendix 4**.

## Unreasonable Complaints

Cams Hill 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.

Cams Hill School defines unreasonable Complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder the consideration of their or other people's complaints'*.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's Complaints Procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the 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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

### **Vexatious Complaints**

Where complainants excessively contact Cams Hill 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.

Complaints become vexatious when they are:

- repeatedly and obsessively pursued;
- unreasonable or seeking unreasonable outcomes;
- reasonable but pursued in an unreasonable manner.

In such cases the school may decide to restrict communication to a formal letter only and for all communication to be sent through a named, individual member of staff. If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school will reiterate that the matter is now concluded and state that future correspondence will be read and filed but there will be no acknowledgement.



## **Abusive Complaints**

Verbal and physical aggression will not be tolerated by the school. All parties are entitled to courtesy and respect. In such instances the school will restrict further contact to senior staff only, insist that such behaviour stops and consider reporting the matter to the police. Repeated aggressive contacts will be reported to the police. 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 barring an individual from Cams Hill School.

## **Barring from the School Premises**

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

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

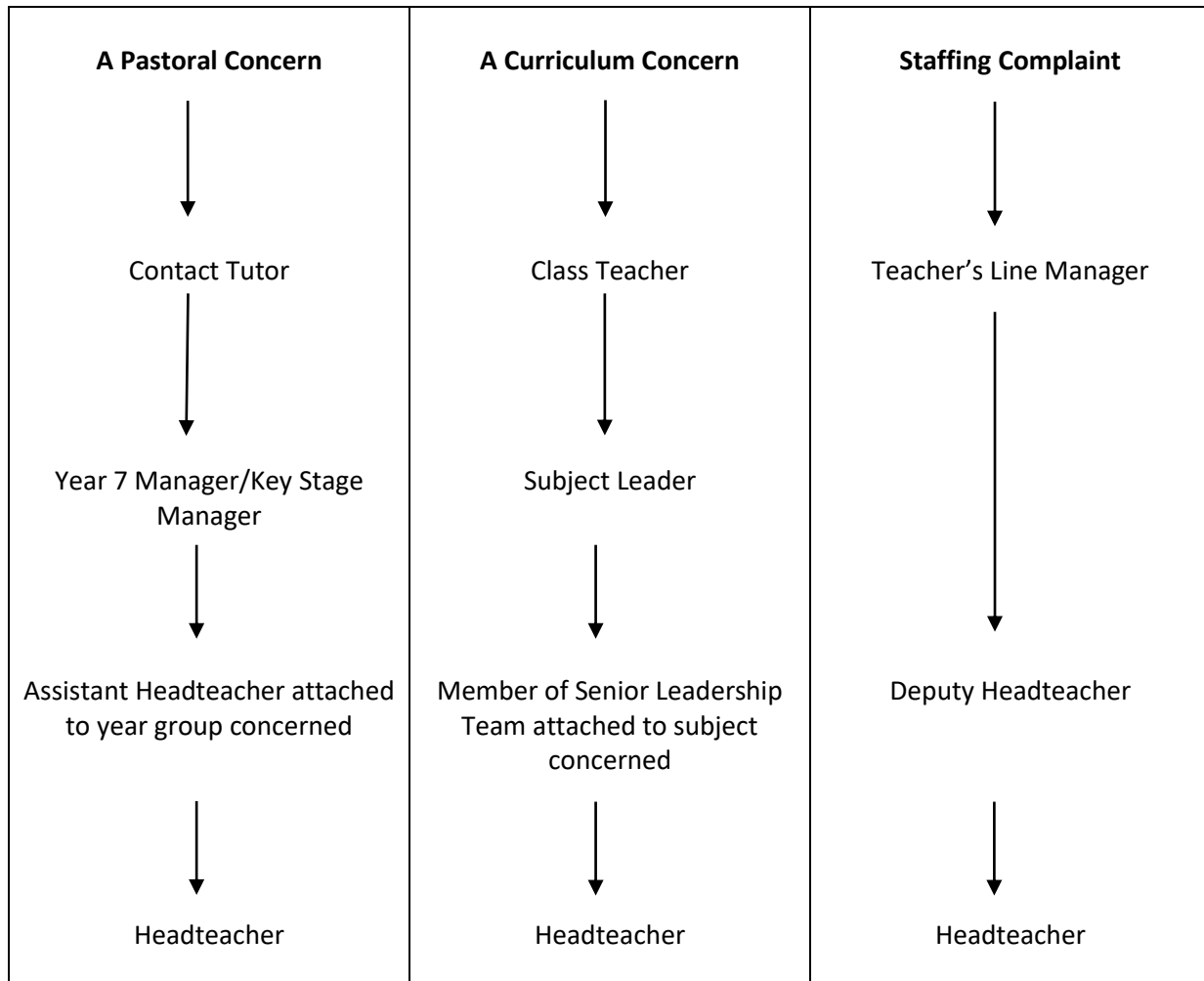
The decision to bar should then be reviewed, taking into account any representations made by the parent, and either the confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of the Governing Body.

**APPENDIX 1**

**COMMUNICATION/COMPLAINT PROCEDURE**

**1. Preliminary/Informal Stage**



- 2. Formal Stage 1:** Headteacher - if not contacted under the preliminary/informal/stage and unable to resolve issue.
- 3. Formal Stage 2:** Clerk to the Governing Body - for involvement of the Chair of the Governing Body.
- 4. Formal Stage 3:** Clerk to the Governing Body - for the complaint to be heard by the Complaints Panel of the Governing Body



**Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was their response?**

**What would you like to happen as a result of making this complaint?**

**Signature:**

**Date:**

**Official use only**

Initial response and  
Acknowledgement:

By whom:

Date:

Complaints reference number:

Action Taken:

Date:

**Data Protection Act 1998** - We will only process your personal data to respond to your complaint. In general, this will be used for administrative and statistical purposes.

## APPENDIX 3

### THE COMPLAINTS PANEL HEARING

- **Notification:** To request a hearing before the Complaints Panel the complainant will need to write to the Clerk to the Governing Body within five working days of receipt of the decision made by the Chair of the Governing Body. A request will usually only be considered if the procedures at Stages 1 and 2 have been completed. The complainant must ensure that a copy of all relevant documents and full contact details accompany the letter to the Clerk to the Governing Body. The complainant will need to state in the letter the outcome desired and all the grounds that form the basis of the complaint. The complainant will also need to send the clerk a list of the documents believed to be in the school's possession and that the complainant wishes the Panel to see. The Clerk to the Governing Body will acknowledge the request in writing within five working days. If the complainant requires assistance with the request, for example, because of a disability, the complainant should contact the clerk who will be happy to make appropriate arrangements.
- **Convening the Panel:** The Clerk to the Governing Body will convene the Complaints Panel as soon as reasonably practicable, but the panel will not sit during school holidays, unless there are exceptional circumstances. The panel will consist of three individuals who have no detailed prior knowledge of the circumstances of the complaint - two School Governors who have not been involved in any earlier part of the complaints process and who have no detailed prior knowledge of the nature of the complaint as well as an independent member who is independent of the governance, management and running of the school.
- **Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place as soon as reasonably practical upon receipt of the request. As soon as reasonably practical, and in any event at least seven working days before the hearing, the Clerk to the Governing Body will send to the complainant written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present at the hearing.
- **Attendance:** The complainant will be invited to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if the complainant wishes to be accompanied by a legally qualified person, acting in their professional capacity, the complainant will need to notify the Clerk at least five working days before the hearing. The complainant will be asked to submit paperwork in advance of the hearing - the Clerk to the Governing Body will advise the complainant of the date by which the paperwork will need to be received to prepare and distribute ahead of the hearing.
- **Chair:** The hearing will be chaired by one member of the panel (chosen by the panel).
- **Hearing:** All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. Formal minutes of the meeting will be taken by the Clerk to the Governing Body, who will take no part in the proceedings apart from reminding the Chair of procedural protocol as necessary.
- **Evidence:** The Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- **Conduct:** All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

- **Adjournment:** The Chair may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- **Decision:** After due consideration of the matters discussed at the hearing, the panel shall reach a decision unless an agreed position is reached and the complaint withdrawn. The panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to the complainant by electronic mail and/or letter, where appropriate within ten working days. If the complainant does not wish to receive the decision by electronic mail, a copy will be given or posted to the complainant. The decisions, findings and any recommendations will be available for inspection on the school premises by the Governing Body and the Headteacher. Reasons for the decision will be given. As well as to the complainant, the decision will be sent to the Chair of the Governing Body, the Headteacher and, where relevant, any person about whom the complaint has been made.
- **Private Proceeding:** A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

# STAGED APPROACH TO HANDLING COMPLAINTS

**Complainant's Action**

**School's Action**

**Preliminary/  
Informal Stage**

Communicate with relevant member of staff.  
**See Communication Flow Chart (Appendix 1).**  
Use log book/telephone.

- On receipt of concern/complaint:
- Acknowledge within 5 days
  - Listen
  - Discuss
  - Consider who should deal with the matter
  - Record concern
  - Resolve
  - Letter sent within 10 working days
  - Copies to be passed to Controlled Assessment Coordinator

Parent/  
Complainant  
satisfied

**Not satisfied**

Explain procedures and next stage

See Communication Flow Chart

**STAGE 1  
Headteacher**

Write to Headteacher

- Acknowledge within 5 working days
- Investigate
- Agree to meet
- Confirm outcome in writing within 20 working days
- Offer a resolution

Parent/  
complainant  
satisfied

**Not resolved**

Explain procedures and next stage

**STAGE 2  
Chair of the  
Governing Body**

Write to Governing Body

- Complaint to Chair within 5 days of receipt at Stage 2
- Chair acknowledge within 5 working days
- Speak with Headteacher
- Try to resolve
- If appropriate, meet with both parties
- Confirm outcome within 20 working days
- If unsatisfied request Complaints Panel Hearing within 5 working days

**Not satisfied  
With outcome**

**STAGE 3  
Panel Hearing**

Request Hearing of the  
Complaints Appeals Panel

- Clerk to acknowledge within 5 working days
- Clerk sets Hearing date as soon as is reasonably practicable
- 3 members on panel including independent member
- Complainant invited
- Confirm decision to complainant within 10 working days

**This is the final stage in the school's internal complaints procedure**

## APPENDIX 5

### INITIAL PARENT/CARER CONCERNS: CODE OF CONDUCT

1. Concerns should be addressed to the person who was most heavily involved in the incident, unless it is of a very personal nature to do with that staff member, in which case it should be addressed to their Head of Department. A full staff list is available on the school's website
2. In line with the Complaints Policy and Procedures, the Headteacher should not be involved immediately and should only become involved when the correct procedure has been followed in order to allow a suitably neutral review of your concern if necessary.
3. Inflammatory comments or statements should be avoided and the tone should be courteous and respectful at all times. Emotive and accusatory words such as 'disgusting', use of capitals or defamatory statements should not be included.
4. The concern you are raising should reflect the information you have currently received; the assumption should be that you have one version of the matter which is a concern, rather than concluding you have the totality of the information. You should be seeking to ascertain further information from the school direct.
5. Each concerned parent/carer will represent their own views and should not seek to present themselves as a self-appointed spokesperson for others.
6. We aim to deal with all concerns seriously and work swiftly to resolve them. There is no need to threaten the school with the Governing Board, LA or Ofsted as a means to fast-forward your concern.
7. Meetings will be arranged where and when it is deemed necessary. Concerns around safety or child protection will be dealt with immediately otherwise appointments will need to be made in advance to be seen by a member of staff. Parents or carers who arrive on school site demanding to see a member of staff will be asked to book an appointment and come back at this time.
8. Any concerns and complaints which are received which do not comply with our expectations will be returned unattended until the communications meet the expectations outlined above. Parents/carers who breach the terms will be subject to restricted access to staff.

These standards apply to written and verbal concerns/complaints.