

## Complaints Procedure

In accordance with equality law we will consider making reasonable adjustments, if required, to enable you to access this complaints procedure. Please contact us if, for example, you require a copy of this procedure in a particular format (such as large print) or require assistance with raising a formal complaint or holding complaint meetings in accessible locations.

### 1. Introduction

All schools are legally required to have a procedure in place to deal with complaints relating to the school. The Governing Board of our school has approved the following procedure which explains what you should do if you have concerns or wish to make a complaint and how your complaint will be dealt with.

Our school follows current advice and guidance published by the Department for Education (DfE) regarding school complaints procedures, including on dealing with serial and persistent complaints. Our school intends for all concerns or complaints to be dealt with fairly, openly and promptly.

This procedure applies to all concerns or complaints, **except** for those which relate to:

- pupil admissions and exclusions,
- statutory assessments of Special Educational Needs (SEN),
- child protection and safeguarding procedures,
- staff conduct, grievances, capability or disciplinary procedures,
- services provided from the school's premises by other organisations,
- school re-organisation proposals,
- National Curriculum content,
- whistleblowing or
- Subject Access Requests (SAR) and Freedom of Information (FOI) requests.

You can access policies relating to the above on our school website or ask us for a copy. If applicable, you can also contact the relevant organisation which operates a service from our school premises.

## **2. Resolving concerns informally**

It is in everyone's interest that concerns are resolved informally at the earliest possible stage, before they become formal complaints which need to invoke formal procedures. We encourage parents with a concern to raise it informally with their child's class teacher in the first instance. Other concerns can be raised through the school office. We hope that we will either be able to address your concern on the spot, or arrange to discuss it further at a mutually convenient time.

Our Head Teacher and/or Chair of the Governing Board will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the school office. It is for them to determine if such circumstances are exceptional and if it is therefore appropriate for them to become involved at this stage.

You should not approach individual governors to raise concerns or complaints, as they have no authority to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of this procedure.

## **3. Observing confidentiality**

Where possible complaints will be dealt with confidentially and, where the Governing Board is involved, we will avoid sharing details of your complaint with the whole Governing Board except in very general terms. We would also ask **you** to observe confidentiality and not discuss complaints publically or via social media.

The governing board will monitor the effectiveness of the complaints procedures to ensure that all complaints received are managed appropriately.

## **4. Safeguarding**

Wherever a complaint suggests that a child's wellbeing or safety is at risk, our school has a duty to report this immediately in accordance with our Child Protection and Safeguarding Policy, a copy of which is available on our website.

## 5. Timescales

Our school will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the concern raised, we may need to set different timescales in which case you will be notified of the date by which we will respond and you will be kept informed of progress throughout. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Our school will not look into complaints that have been made more than **3 months** after the event that led to the complaint, apart from in exceptional circumstances. It is for us to determine if such circumstances are exceptional and if it is therefore appropriate for the complaint to be looked into.

If other bodies are investigating aspects of your complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or could result in the procedure being suspended until those public bodies have completed their investigations.

If you start legal action against our school in relation to your complaint, we will consider whether to suspend our procedure regarding this complaint until those legal proceedings have concluded.

## 6. Resolving complaints

At each stage in the procedure, our school wants to resolve your concern. The person looking into your complaint (or persons if a panel of governors is involved) may:

- **contact** you and any other person that they consider necessary, in order to consider the issue(s) raised in the complaint;
- **review** any documentation provided in support of your complaint or that they consider relevant;
- **request** further information or documents from you (or others) before the process can continue.

After considering the available evidence, this person(s) will decide that your complaint is either:

- **upheld**, in which case they will recommend any action(s) that could be taken by our school in order to resolve it;
- **not upheld**; or
- **partially upheld**, in which case they will recommend any action(s) that could be taken by our school in order to resolve the upheld part of your complaint.

In addition, our school may offer you one or more of the following:

- an **explanation** and/or an **apology**;
- an **admission** that the situation could have been handled differently or better;
- an **assurance** that we will try to help ensure that what you complained about will not happen again, and/or an **explanation** of the steps that have been or will be taken in this respect, indicating the timescale within which any changes will be made;
- an **undertaking** to review school policies in light of the complaint.

## **7. Managing serial and unreasonable complaints.**

Hamilton 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 our 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.

Hamilton School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Hamilton 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hamilton School

## **8. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **9. Resolving complaints**

At each stage in the procedure, <School Name> wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event 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 school policies in light of the complaint
- an apology.

## **10. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 11. Submitting and looking into your formal complaint (Stage 1)

If you want to make a **formal complaint**, please complete all sections of the form at **Appendix A** and then submit it to the school office, marked as **Private and Confidential**. If you would like to raise your complaint via another method, i.e. verbally or in person, please contact the school office. Complaints may also be submitted by a third party acting on your behalf, as long as you have shared with us your consent for them to do so.

If your complaint is about or involving our:

- **staff** (other than the Head Teacher), please address it in the first instance to the **Head Teacher**;
- **Head Teacher**, please address it to our **Chair of Governors**;
- **Chair of Governors**, any individual governor or the whole governing board, please address it to the **Clerk to the Governing Board**.

We will acknowledge your complaint in writing within **5 school days** (i.e. excluding weekends, bank holidays or school holidays) of receiving it, and confirm the name of the person who will look into it. As part of their investigation, this person will:

- seek to clarify the nature of your complaint;
- establish what remains unresolved and what outcome you would like to see; and
- consider whether a face to face meeting is the most appropriate way of doing this.

You will receive either a **notification** of the outcome or an **update** on our investigation, in writing within **15 school days** of us acknowledging receipt of your complaint form. The notification will explain the reason(s) behind our decision and how you can request a review of it if you are dissatisfied with the outcome of your complaint at Stage 1. The update will explain why the process of looking into your complaint is still ongoing (e.g. because further documents have been requested) and estimate when it is expected to conclude.

## 12. Appealing the outcome of Stage 1 of your complaint (Stage 2)

If you remain dissatisfied with the outcome of Stage 1 and wish to take the matter further, you can **request for the outcome to be reviewed** by the complaints panel of our governing board. To do that, please complete the review form at **Appendix B** and submit it to the Clerk to the Governing Board via our school office, marked as **Private and Confidential**, within **20 school days** of the date when you received the Stage 1 decision letter. If you would like to request a review via another method, i.e. verbally or in person, please contact the school office.

The **review panel** will be formed of at least three impartial governors with no prior involvement with or knowledge of your complaint. If your complaint is jointly about the Chair and Vice Chair, the majority of or the whole governing board, the panel will consist of external independent governors. The Clerk will acknowledge your review request in writing within **5 school days** of receiving it. We aim to convene the **review panel meeting** within **20 school days** of receiving your request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

At least **10 school days** before the review meeting date, the Clerk will contact you to:

- **confirm the date**, time and venue of the meeting ensuring that, if you are invited, the date is convenient to all the parties and the venue and proceedings are accessible;
- **request copies** of any further written material (if required), which needs to be submitted to the review panel no later than **5 school days** before the date of the meeting.

If you **reject the offer** of three proposed dates to meet without good reason, the panel reserves the right to convene the review meeting, which will then proceed in your absence on the basis of written submissions from both parties.

The panel will decide who they need to **invite to the meeting**, in order to enable them to review the outcome of your complaint effectively. Those invited may include:

- you, the complainant;
- the person who looked into your complaint at Stage 1 above; and
- any other relevant parties identified by the panel e.g. witnesses.

You are entitled to **bring a friend or colleague** to the review meeting. You should notify the panel if you intend to bring someone along and if you intend them to speak on your behalf.

The panel does not usually consider it necessary for **legal representatives** to be present at the review meeting. If you are considering bringing one though, you should make your request at least **5 school days** in advance of the meeting date, providing a clear explanation for why you believe one should attend. The panel will consider and respond to your request, but has absolute discretion to refuse attendance by legal representatives if it considers this appropriate.

Any **written material will be circulated** to all parties at least **5 school days** before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also **not review any new complaints** at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from stage 1 of the procedure.

The meeting will be held in private. **Electronic recordings** of meetings or conversations are not normally permitted unless a complainant's own needs require it. Prior knowledge and consent of all parties attending must be sought before recording meetings or conversations. Consent or otherwise will be recorded in any notes taken.

The panel determines the **procedure followed at the review meeting**. In doing so it follows current advice and guidance published by the Department for Education (DfE) regarding school complaints procedures, including on dealing with serial and persistent complaints.

Within **10 school days** of the review panel meeting, the Clerk will write to you and the school's Senior Management Team explaining the panel's decision.

This is the **final stage in our internal complaints procedure**. If the same issues are raised with the school following the panel review, we will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

## 13. Escalating your complaint beyond the school

- If you believe we did not handle your complaint in accordance with our published procedure, or we acted unlawfully or unreasonably in the exercise of our duties under education law, you can **contact the Department for Education (DfE)** after completing Stage 2. The DfE will not normally reinvestigate the substance of complaints or overturn our decisions, but they will consider whether we have adhered to education legislation and any statutory policies connected with the complaint.
- You can submit your complaint online at [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe), by phone on 0370 000 2288 or in writing to: Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

## 14. Queries that relate to this Complaints Procedure

If you have any questions about this complaints procedure, please contact the school office.

## 15. Relevant legislation and guidance

- The Equality Act 2010 [www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents)
- School complaints procedures: guidance for schools  
[www.gov.uk/government/publications/school-complaints-procedures](http://www.gov.uk/government/publications/school-complaints-procedures)
- Section 29 of the Education Act 2002 [www.legislation.gov.uk/ukpga/2002/32/contents](http://www.legislation.gov.uk/ukpga/2002/32/contents)

## 16. Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:



- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.  
If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
The committee should respect the views of the child/young person and give them equal consideration to those of adults.  
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.  
However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.



**Signed**

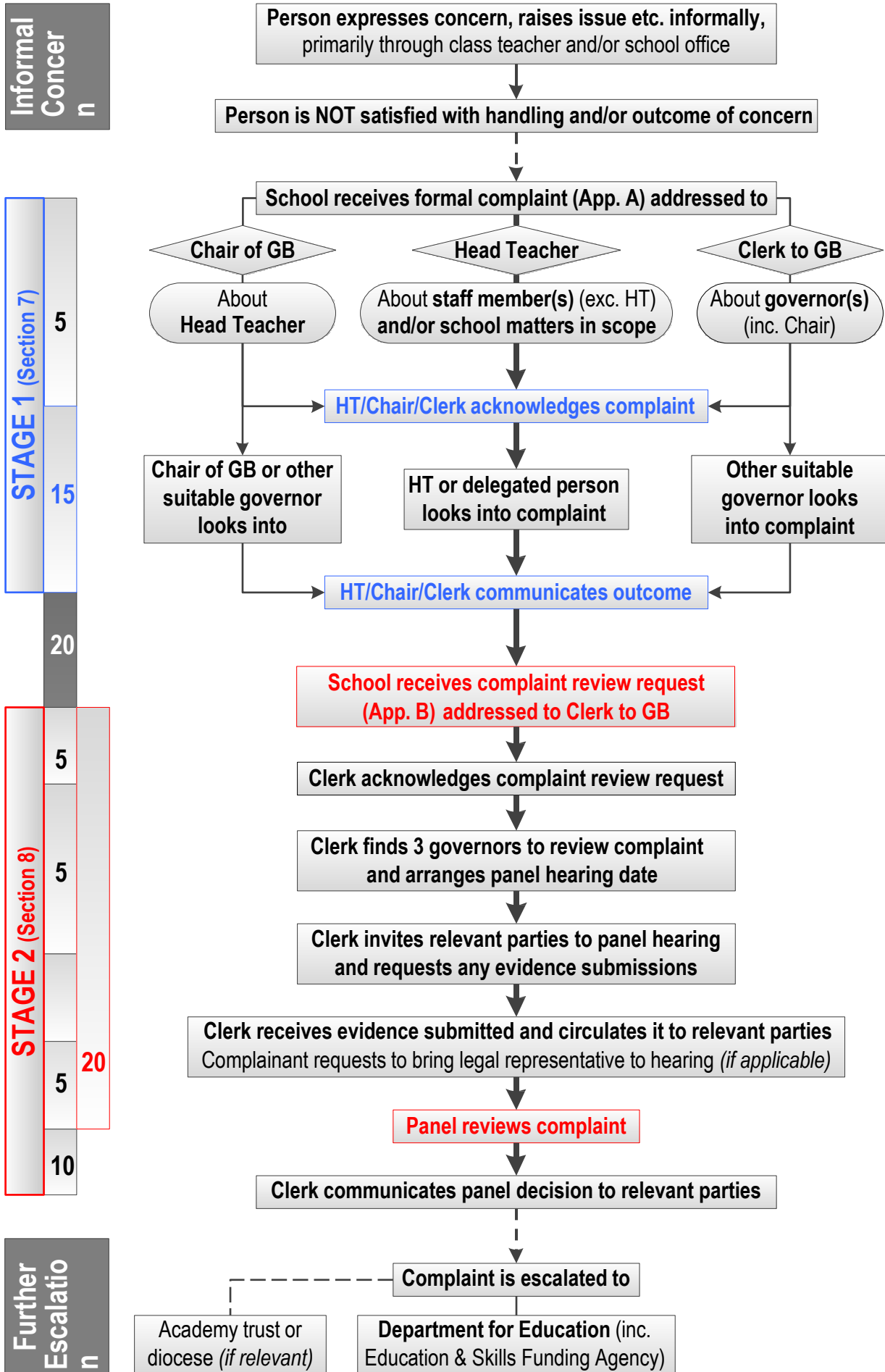
**Chair of the Governing Board**

**Date:** 15<sup>th</sup> October 2020

**Review Date:** October 2021

# Complaints Procedure Flowchart

(inc. timeline in school days and references to corresponding procedure sections)



## Formal Complaint Form (Appendix A)

If you wish to make a formal complaint, please complete this form and return it to the school.

Your <b>name</b>	
Your <b>address</b>	
Contact <b>phone</b> no. (day/mobile)	
Contact <b>email</b> address	
<b>Pupil name</b> , year group and your relationship to them ( <i>where applicable</i> )	
Have you <b>shared this as an informal concern</b> ?	<b>Yes / No</b> If yes, with <b>whom</b> ?
<b>Complaint details</b> – please provide an overview of the complaint so far, who has been involved, why your concerns remain unresolved.	
<b>Action(s) taken</b> so far (including staff member dealing with it) and/or <b>solution(s)</b> offered.	

The **reason(s)** why this was **not a satisfactory resolution** for you.

What **action(s)** do you feel might **resolve the problem**?

Signed:

Date:

Please return this form to: Hamilton School, Hamilton Road, Handsworth B21 8AH

**Official use**

*Date received:*

*Signed:*

*Date acknowledgement sent:*

*Complaint referred to:*

*Date:*

## Complaint Review Request Form (Appendix B)

If you wish to request a review of the outcome of your complaint, please complete this form and return it to the school.

Your <b>name</b>	
Your <b>address</b>	
Contact <b>phone</b> no. (day/mobile)	
Contact <b>email</b> address	
When did you submit your <b>formal complaint (Appendix A)</b> ?	
Why do you <b>remain dissatisfied by the outcome</b> of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	

What **action(s)** do you feel might **resolve your** complaint at this stage?

Signed:

Date:

Please return this form to: Hamilton School, Hamilton Road, Handsworth B21 8AH

**Official use**

*Date received:*

*Signed:*

*Date acknowledgement sent:*

*Review request referred to:*

*Date:*