

# Harlow Fields School & College

## SCHOOL COMPLAINTS PROCEDURE



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# SCHOOL COMPLAINTS PROCEDURE, (INCLUDING SERIAL AND UNREASONABLE COMPLAINTS)

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## 1. Introduction

We aim to provide the best possible education and support for our whole school community. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (a list of these can be found below), we will use this complaints procedure.

All staff will be made aware of these complaints procedures and are expected to review this document regularly in order that they are familiar with our process of dealing with complaints.

This document explains our complaints procedures. The steps that it outlines should be referred to and followed by all pupils, parents, and other stakeholders whenever any concerns arise. Concerns or complaints should be brought to the school's attention as soon as possible to enable a proper investigation to take place.

Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the headteacher or chair decides that there are exceptional circumstances relevant to the delay.

The school will do its utmost to adhere to the timescales laid out within this procedure; however, if it becomes necessary to alter the time limits and deadlines detailed, you will be advised and given an explanation. Revised timescales will be agreed with you.

## 2. Exceptions from this procedure

Anonymous complaints will not usually be investigated. However, the headteacher or Chair of Governors will determine whether any anonymous complaint warrants an investigation.

**This document does not apply to complaints where there is a specific procedure in place. This includes:**

- staff grievances, disciplinary or conduct issues
- **the conduct of individual governors/trustees (separate procedures apply)**
- matters likely to require a child protection investigation (including allegations of abuse against staff)
- pupil admissions
- pupil exclusions
- statutory assessments of special educational needs and education health and care plans
- appeals relating to assessment decisions for external qualifications
- complaints about services provided by other providers who may use school premises or facilities
- changes to the school's legal status or consultations on reorganisations

Each of these follows its own process of complaint which are outlined in separate policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our school's child protection protocols, read our safeguarding policy.

### 3. Who to contact regarding your concern or complaint

If you are a parent and have a concern to raise, the best route is to inform your child's **class teacher** first as they will be best placed to help you either directly or by putting you in contact with the relevant member of staff. If you are not a parent of a child at the school then you should address your concerns to the Headteacher.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues informally by establishing open dialogue and seeking mutual resolution.

Below is a list outlining who to raise your concern or complaint with and how to contact them.

Subject of concern or complaint	Contact	Contact Details
Issue related to child's experience of school	Form tutor/Class teacher	As per usual contact details provided
Regarding a staff member	Headteacher	head@harlowfields.essex.sch.uk
Regarding the Headteacher	Chair of Governors	paula.violetgov@harlowfields.essex.sch.uk
Regarding a governor	Clerk to Governors	
Regarding a strategic decision	Clerk to Governors	
If you are not a parent or student at the school	Headteacher	head@harlowfields.essex.sch.uk

Any leadership team member or governor will refer complaints that are taken to them straight to the above detailed person.

### 4. Procedure for handing complaints and concerns

#### 4.1 Resolving complaints

At each stage in the procedure, we will be seeking 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.

#### 4.2 Initial informal meeting

Once a concern has been raised, you may be invited to attend an informal meeting with a member of staff or the headteacher/chair of governors to discuss your concerns.

You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and will make and then circulate a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the headteacher.

There is no suggested timescale 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 **15 school days**.

#### **4.3 Formal complaints**

In order to ensure that complaints are processed efficiently and effectively, we deal with formal complaints in two stages.

##### **4.3.1 Stage 1 – formal investigation into complaint**

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing. Please refer to section 3 of this document in order to address your complaint correctly.

Your written complaint should provide enough detail of the issues to allow the headteacher to investigate and respond to the complaint. You should also set out what you would see as a fair resolution to the complaint.

The person that you write to will record the date the complaint is received and will acknowledge receipt of the complaint in writing, either by letter or email.

Within this response, the person in receipt of the complaint will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see, if you have not already provided this.

The complaint handler will consider whether a meeting is the most appropriate way of doing this.

The person dealing with the complaint may delegate the investigation of the complaint to an independent investigator or to a member of the school's senior leadership team or governing body. They will use the report from this investigation to make a decision on the complaint.

During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- If necessary interview any person who may have information useful to the investigation
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the complaint handler will provide a formal written response within **15 school days** of the date of receipt of the complaint.

If the school is unable to meet this deadline, they will provide you with an updated and revised response date.

The complaint handler (usually the headteacher) will respond to you in writing outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.

If the complaint is against a member of staff, depending on the nature of the complaint, the school may decide to deal with the complaint under the staff disciplinary or grievance policy, and if that is the case, the content of this may need to remain confidential.

##### **4.3.2 Stage 2 – appeal to a panel**

If you remain dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate your complaint to Stage 2 – a meeting with members of the governing body's complaints committee. This is the final stage of the complaint procedure.

You should write to the clerk to the governing body to exercise this right within **15 school days of the outcome at Stage 1**. If no request for an appeals panel hearing is received within 15 school days, it will be deemed that the decision is accepted, and the complaint will be closed (unless there are exceptional circumstances to explain the delay).

If a panel meeting is requested, the clerk to governors will acknowledge your appeal and make the necessary arrangements and will usually convene the appeals panel within 15 school days from the acknowledgement being sent.

Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties. If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the clerk to governors may determine that the hearing proceeds because of written submissions from you and the school.

The clerk will ensure that all parties to the appeal have access to the same documentation and will support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the clerk by both parties at least 5 school days before the appeal panel hearing. The panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The panel will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

You are entitled to attend the panel hearing and to be accompanied to the hearing and should notify the clerk in advance if you attend to bring somebody with you.

#### Who is on the panel?

The panel will be formed of between **three and five impartial governors or independent people**. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

No person can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.

The appeals panel will 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. So that they can be fully investigated.

The panel will consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

#### Panel procedure

The panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and headteacher will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The headteacher and panel will question the complainant.
5. The headteacher will explain the school's actions.
6. The complainant and panel will question the headteacher.
7. The complainant will sum up their complaint.
8. The headteacher will sum up the school's actions.
9. The chair will explain that both parties will hear from the panel within 5 school days.
10. Both parties will leave together while the panel decides.
11. The clerk will stay to assist the panel with the decision-making process.



The clerk to the panel will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted and, if taken, would require the consent of all those present.

The panel clerk will notify the complainant and the school of the panel's decision in writing within 10 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the governing body.

The appeals panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The panel's decision is final. If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State at the Department for Education. Complaints can be submitted online at <https://www.gov.uk/complain-about-school> or by telephone 0370 000 2288

## 5. Dealing with vexatious, persistent or unreasonable concerns or complaints

Whilst it is hoped that this procedure will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaint's procedure. You should try to limit communication with the school that relates to your complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent during stage 1 or 2 of the procedure as it could delay the outcome being reached.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the chair of governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to further respond to that correspondence.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which the school will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, and the school's position has been clearly set out in writing together with the complainant's options
- the complainant is contacting the school repeatedly but making substantially the same points each time
- the complainant refuses to follow the complaints procedures or insists on the complaint being dealt with in ways that are not in line with this procedure or with good practice
- the school reasonably believes the aim of the contact is to cause disruption or inconvenience
- that the complainant acts or communicates in an inappropriate way\* towards school staff.

If the school has decided that it is appropriate to stop responding, the complainant will be informed in writing. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before deciding to stop responding.

## UNREASONABLE COMPLAINTS

We are 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 us. 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.

We adopt the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the School, hinder our consideration of their or other people's complaints.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

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;
- 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 our complaint procedure has been fully and properly implemented and completed;
- 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.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

\*acting in an inappropriate way may include but is not limited to:

- using threats to intimidate
- using abusive, offensive or discriminatory language or violence
- knowingly providing falsified information
- publishing unacceptable information on social media or other public forums

If aggressive or abusive behaviour takes place, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will 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 the school site.

## 6. Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject. Depending on the subject in question, the school may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school's website (as applicable).

## 7. Monitoring and storage of information in relation to complaints

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel. Records of complaints will be kept securely and then disposed of in line with the school's data retention policy. Complaint records may be inspected by the Secretary of State or any inspection body.

The governing body regularly monitors all complaints that are made, to what stage they progressed and how they were resolved. This is to enable them to spot any emerging patterns, to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively. The board does not receive any personal data that is not relevant to this monitoring process.

### Complaint Form

Please complete and return to <...Name> (*either headteacher / Clerk / complaints co-ordinator / designated governor – school to delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:

Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

## 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 school for distribution to all 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. Documents delivered late will only be admitted on agreement from the Chair. The Chair should consider an adjournment on the day for all parties to read any documents delivered late.
- 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
- All 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 by an experienced and qualified clerk
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Committee Member

Committee members should be aware that:

- the committee members 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.