

Complaints Procedure



Lealands
High School

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Lealands High School
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1. Introduction

Lealands High School policies are designed to support the school ethos, aims and vision. Lealands is a positive learning community which is fully inclusive to ensure equality of opportunity for all.

Our aims are outlined in our Home School Agreement.

Our aims:

Excellence in everything we do

- Everyone achieves success and makes excellent progress
- We all continually improve what we do and work hard
- We care about being the best we can be and getting the best out of those around us

Everyone has responsibility

- To prepare young people for life and a positive future
- To ensure that school is a safe place
- To help and support others to grow and succeed

Respect for all

- Everyone is valued for their contribution
- All are cared for and supported so that needs are met
- We recognise and celebrate the talents, gifts and uniqueness of every individual

In order to achieve these aims students, parents and the school need to work in partnership.

Our vision is to be:

Everyone **achieves excellence**, demonstrates **respect** for all and takes **responsibility** for their own actions, while helping others to be successful.

We strive to achieve this vision in all that we do and staff, students, parents, governors, other school stakeholders and partners are all an important part of making this happen.

2. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Lealands High School will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

3. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

4. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to Mr Hall (Assistant Head/SENCO); they will then be referred to this complaints policy. Our SEN policy and SEN Information Report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

6. Stages of complaint (not complaints against the Headteacher or a governor)

The school welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint the school will endeavour at all times to deal with the issues responsively and reasonably and, if necessary, put things right as quickly as possible.

Not all concerns warrant a final complaint and may be resolved quickly to the satisfaction of all parties through informal contact with the school (e.g. telephone conversation with a child's tutor). If this approach does not provide a satisfactory resolution in the first instance, the complaint may then be addressed to the Headteacher in writing. Where informal attempts to resolve an issue/concern has been unsuccessful, complaints should be made to the Headteacher in writing. The complainant should raise the complaint as soon as possible with the relevant member of staff as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school's main number (01582 611 600).

Acknowledgement of the complaint will be given to parents within 24 hours either by telephone call or in writing. In this acknowledgement a timescale will be given to the parents for when the complaint can be expected to be responded to. This will be within the week wherever possible. After this the complaint will be investigated and responded to in an appropriate way.

Stage 1: informal - Dealing with concerns and complaints informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, form tutor, head of year, head of department, Heads PA, other members of staff or the Headteacher, depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

It may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful and appropriate to confirm undertakings given about future action or monitoring in writing. However, at a very informal stage this will not always be necessary.

If the person is dissatisfied with the response they have been given, they should be provided with a copy of the school's complaints procedure (available via the school's website) and

informed about how to take their complaint to Stage 2, by referring it to the Headteacher, in writing.

Stage 2: formal- Referral to the Headteacher

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher (or designated member of staff) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 10 school days.

Stage 3 - Review by the Chair of Governors

The complainant requests a review of their complaint by writing to the Chair of Governors, making it clear why they are complaining and who they have already spoken to. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently. Complaints received by the Chair will be acknowledged within 7 school days with a substantive response within 20 school days. The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes will be kept of those meetings.

This stage will also serve as the first point at which complaints specifically about the Headteacher, an individual governor or the actions of the Governing Body should be considered (should the complaint be about the Chair, the Vice Chair should undertake the investigation).

In acknowledging any complaint, the Chair may need to explain the powers of the Governing Body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the governors can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances, it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of the Governing Body to change a decision, it may make a recommendation for the Headteacher to consider.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 10 school days.

Stage 4: Review by Governing Body Complaints Committee

This stage is unlikely to be reached except in exceptional circumstances and involves reviewing formally how the complaint has been managed at earlier stages. Where the Clerk to the Governors receives a complaint under these procedures, he or she will arrange for a Complaints Committee to meet within 10 school days from receipt of the letter. (The Governing Body have nominated three members to serve on the committee and reserves to ensure that sufficient governors are available to hold a meeting within the specified time

period). The Chair of Governors is not a member of the committee as they will have been involved at the previous stage.

The Headteacher will also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.

On issuing notification of the date and time of the hearing, the Clerk will advise the complainant and the Headteacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 school days prior to the hearing. The complainant will be advised that they may be accompanied by a relative or friend.

Notification of the hearing will also include details of the way in which the hearing will be conducted. The hearing will be minuted and the Clerk should keep copies of all relevant correspondence and notes on file.

The findings of the committee will be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.

7. Complaints against the Headteacher or a governor

Complaints made against the Headteacher should be directed to the Chair of Governors. Where a complaint is against the Chair of Governors or any member of the governing board, it should be made in writing to the clerk to the Governing Body in the first instance. The same procedure outlined in Stage 4 (above) will be followed.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, having exhausted all stages, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9. Persistent or Vexatious Complaints/Harassment in Schools

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Headteacher will inform the complainant that the matter is closed and will refer the complainant to the Policy for Dealing with Persistent or Vexatious Complaints/Harassment in Schools.

If the complainant subsequently contacts the school again about the same issue, the school will:

1. Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy.

2. Inform the complainant that all meetings with a member of staff will be conducted with a

second person present and that notes of meetings may be taken in the interests of all parties.

3. Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only.
4. In the case of physical or verbal aggression, take advice from LA HR / Legal Services (services purchased by the Governing Body) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.
5. Consider taking advice from the LA on pursuing a case under Anti-Harassment legislation.
6. Consider taking advice from the HR / Legal Services of the LA about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the Governing Body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.
7. End conversations/meetings politely if the staff member believes they are being abused or intimidated and re-schedule with another person at the school.

Thus, based on point.6 (above) legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. However, the school will be advised by the HR / Legal Services of the LA.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the HR/Legal Services of the LA.

10. Record-keeping

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 final 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.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Data Retention Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

11. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Heads PA.
This policy will be reviewed by Governing Body every two years.
At each review, the policy will be approved by the Governing Body of Lealands High School.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding Children Policy
- Admissions policy
- Behaviour Policy
- Code of Conduct of Employees
- Grievance Resolution Procedure
- Disciplinary Procedures
- SEN Policy and Information Report
- Privacy Notice
- Persistent or Vexatious Complaints/Harassment in Schools