



HALL GREEN SCHOOL

COMPLAINTS PROCEDURE POLICY

Adopted:	July 2019
Next Review:	July 2021
Governing Committee:	Full Governing Body
Responsibility:	Mr D Adams - Headteacher Mrs J Owen - Chair of Governors

Complaints Procedure

1. Introduction

- 1.1. Hall Green School is dedicated to providing the best possible education and support for all its students. This means having a clear, fair, and efficient procedure for dealing with any concerns and complaints about the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.
- 1.2. We welcome feedback on the services we provide. Should anyone be unhappy with any aspect of the school, it is important that we hear about this. The school recognises there is a difference between a concern and a complaint.¹ Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if possible, without the need for formal procedures.
- 1.3. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. If a complainant feels that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be investigated and followed up.
- 1.4. This procedure outlines how parental or student complaints will be dealt with by Hall Green School in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended.
- 1.5. This procedure will be followed in respect of all complaints by parents/carers or students against the school except in the following areas (where separate policies exist):
 - (a) Child protection allegations and safeguarding matters;
 - (b) allegations of abuse;
 - (c) exclusions;
 - (d) Examination results, malpractice or curriculum content including appeals relating to internal assessment decisions for external qualifications;
 - (e) complaints about statements of SEN/EHC Plans;
 - (f) discrimination;
 - (g) disciplinary issues relating to members of staff;
 - (h) employment;
 - (i) whistleblowing;
 - (j) Data Protection or freedom of information;
 - (k) Criminal behaviour;
 - (l) Complaints that affect the whole school; or
 - (m) Complaints about services provided by other providers using the school's premises or facilities.
- 1.6. Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint. (See Section 6 below)

¹ A 'concern' may be treated as an expression of worry or doubt over an issue considered to be important and for which reassurances are sought; a 'complaint' may be generally recognised as an expression or statement of dissatisfaction however made about actions taken or a lack of action. [DfE Best practice guidance for school complaints procedures 2019]

1.7. **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.

1.8. **Time scales**

Complaints must be raised within three months of the incident giving rise to the complaint or, where a series of related incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

1.9. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

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

1.11 If a complainant commences legal action against Hall Green School in relation to their complaint, we will consider whether to suspend the complaints procedure dealing with that complaint until those legal proceedings have concluded.

1.12 **Resolving complaints**

At each stage of the procedure Hall Green School 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 that 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

1.13 **Withdrawal of a complaint**

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

1.14 **Staff awareness**

All school staff will be made aware of the school's complaints procedure and expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

2. **Stage 1 - Informal Resolution**

- 2.1. Many enquiries and concerns can be dealt with satisfactorily by a subject teacher, pastoral staff or other members of staff without the need to resort to a formal procedure. The school values informal meetings and discussions and encourages parents to approach staff with any concerns they may have and aims to resolve all issues with open dialogue and mutual understanding. If an individual has a concern that they would like to take up with the school they should initially inform a member of staff either in person, over the telephone or in writing. The individual will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.
- 2.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days.
- 2.3. Should face to face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.

3. **Stage 2 - Formal Written Complaints**

- 3.1. If a complainant does not feel that their concern has been dealt with as they would like, is unhappy with the outcome of the informal meeting(s) or feels that the issue is serious enough to warrant it, the complainant should set out the precise nature of the complaint in writing (on the **complaint form** at the end of this policy) and return this to the Headteacher (or the Clerk to the Governors if the complaint is about the Headteacher or a member of the governing body). Complainant should keep a copy of this form and all other relevant correspondence.
- 3.2. The Headteacher (or the Chair of Governors if the complaint is about the Headteacher) will record the date the complaint is received and will acknowledge the complaint in writing within 5 school days of receipt of the form.
- 3.3. Within this response, the Headteacher (or Chair of Governors) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcomes the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way to do this, in which case the complainant will be invited in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of the complaint.
- 3.4. The Headteacher or the Chair of Governors (as applicable) will investigate the complaint and outline their decision if there is one to be made, and any action to be taken as a result of the complaint.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

- 3.5. During the investigation, the Headteacher (or investigator) or Chair of Governors, as applicable, will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and The Headteacher or the Chair of Governors (as applicable) will keep a written record of all interactions with

the complainant and other staff, meetings and decisions made in reference to the complaint.

- 3.6. The Headteacher or the Chair of Governors (as applicable) will provide a formal written response to the complainant within 15 school days from acknowledgement of the complaint, outlining their response to the complaint, and any action that has or will be taken to resolve the complaint. If this timescale is not possible, e.g. where further investigations are necessary, the school will keep the complainant informed of progress, details of new deadlines and an explanation for the delay.
- 3.7. If the Headteacher or the Chair of Governors (as applicable) has 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 the complainant's right to take the matter further and the steps to be taken.
- 3.8. If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair) a suitably skilled governor will be appointed to complete all the actions in Stage 2.
- 3.9. Complaints about the Headteacher or member of the governing body must be made to the Clerk to the governors, via the school office. If the complaint is:
 - jointly about the Chair or Vice Chair or
 - the entire governing body or
 - the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

- 3.10. If, in the early stages of the investigation, the Head teacher considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of Governors (or to the clerk to governors for the chair's attention) and the complainant will be informed of this action without delay.
- 3.11. The complainant has 15 school days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints panel hearing is received within 15 school days it will be deemed that the decision is accepted and the complaint will be closed, unless exceptional circumstances apply.

4. **Stage 3 - Complaints Panel**

- 4.1. If the complainant is dissatisfied with the outcome of their complaint at stage 2 and wishes to take the matter further, they may lodge their complaint with the Chair of Governors (or to the clerk to governors) in writing, explaining their reasons and the steps that have led to them taking this course of action.
- 4.2. If the Chair of Governors is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send their written complaint directly to the vice-Chair of Governors (or to the clerk to the governors for the vice-chair's attention) marking the envelope 'private and confidential'.

- 4.3. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days.
- 4.4. The Chair of Governors (or vice-Chair) will convene a panel of at least three people who were not directly involved in the matters detailed in the complaint. This will include at least one person independent of the management and running of the school. Prior to the meeting they will decide among themselves who will act as the Chair of the Panel. The panel will aim to hear the complaint within 15 school days of the request for a panel hearing.
- 4.5. The school shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 4.6. Any supporting documentation relevant to the complaint must be submitted to the panel by both parties at least 5 days before the panel hearing.
- 4.7. The complainant is entitled to attend the panel hearing and be accompanied by a relative or friend; a carer or interpreter. The complainant should notify the clerk to governors in advance if they intend to bring anyone to the hearing. If the school is not notified that the complainant has chosen to be accompanied to the hearing, the school reserves the right to refuse to allow the companion to attend the hearing.
- 4.8. Generally, we do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate.²

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

- 4.9. Representatives from the media are not permitted to attend.
- 4.10. At least five school days before the hearing the Clerk will:
 - confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
 - request copies of any further written material to be submitted to the panel at least three school days before the meeting.
- 4.11. Any written material will be circulated to all parties at least three school days before the date of the meeting.
- 4.12. 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.

² For instance, if a school employee is called as a witness, they may wish to be supported by union and/or legal representation.

4.13. The panel will also not review any new complaints at this stage, nor consider evidence that is unrelated to the initial complaint. New complaints must be dealt with from Stage 2 of the procedure.

4.14. The panel meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

4.15. The procedure for an appeal is usually as follows:

- the complainant and Headteacher will enter the hearing together.
- the chair will introduce the panel members and outline the process.
- the complainant will explain the complaint.
- the Headteacher and panel will question the complainant.
- the Headteacher will explain the school's actions.
- the complainant and panel will question the Headteacher.
- the complainant will sum up their complaint.
- the Headteacher will sum up the school's actions.
- the chair will explain that both parties will hear from the panel within 5 school days.
- both parties will leave together while the panel decides.
- the clerk will stay to assist the panel with its decision making.

4.16. The panel, having considered the complaint and the presented evidence, can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

4.17. If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

4.18. The chair of the panel/clerk to governors will notify the complainant and the school of the panel's decision in writing within 5 school days of the panel 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 and will include details of how to contact the Department for Education if the complainant is dissatisfied with the way the complaint has been handled by the school.

4.19. If the complaint is:

- (i) about the Chair of governors or
- (ii) jointly about the Chair and Vice Chair or
- (iii) the entire governing body or
- (iv) the majority of the governing body

Stage 3 will be heard by a panel of independent, co-opted governors.

4.20. The response will provide details of any action taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it. Where appropriate, it will include details of actions Hall Green School will take to resolve the complaint. The response will also include details of how to contact the Department for Education if the complainant is dissatisfied with the way the complaint has been handled.

5. Stage 4 - Complaint to the Secretary of State for Education

5.1. If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, and/or believes that the school did not handle the complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties they can write to the Secretary of State for Education via the Education and Skills Funding Agency (ESFA). <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or write to:

Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD

5.2. The ESFA will consider complaints that fall into any of the following three categories:

- where there is undue delay or the school did not comply with its own complaints procedures when considering a complaint;
- where the school is in breach of its funding agreement with the Secretary of State; or
- where the school has failed to comply with any other legal obligation.

5.3. The ESFA will normally only consider complaints when every stage of the school’s procedure has been completed.

5.4. Further details can be found at: <https://www.gov.uk/complain-about-school>.

6. Complaint to other agencies

6.1 If the complaint is about something that we are unable to investigate, the complainant should contact the following agencies.

<p>Child protection allegations and safeguarding matters</p>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance</p> <p>Birmingham Safeguarding Children Board http://www.lscbbirmingham.org.uk/</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has responsibility for safeguarding http://www.lscbbirmingham.org.uk/lado</p>
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	<p>Or</p> <p>Children’s Advice and Support Service cass@birminghamchildrenstrust.co.uk 0121 303 1888 Monday to Thursday 8:45 am to 5:15 pm; 4:15 pm on Friday. 0121 675 4806 Emergency Out of hours</p>
Allegations of abuse	<p>https://www.birminghamchildrenstrust.co.uk 0121 303 1888 Monday to Thursday 8.45 am to 5.15 pm; 4.15 pm on Friday. 0121 675 4806 Emergency Duty Team Out of hours Or West Midlands Police 999</p>
Exclusions	<p>Complaints about exclusions are handled under our Behaviour and Exclusions policies. Our behaviour and exclusions policies can be found on the school website. *Complaints about the <u>application</u> of the behaviour policy can be made through our complaints procedure</p>
Examination results, malpractice or curriculum content including appeals relating to internal assessment decisions for external qualifications	<p>Ofqual https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure; and the awarding body</p> <p>For complaints about the National Curriculum content contact Department for Education at https://www.gov.uk/contact-dfe and https://www.gov.uk/national-curriculum</p>
Complaints about statements of SEN/ EHC Plans	<p>SEN and Disability Tribunal https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</p>
Discrimination	<p>Equality Advisory and Support Service https://www.gov.uk/equality-advisory-support-service Telephone: 0808 800 0082; Textphone: 0808 800 0084 Monday to Friday, 9.00 am to 7.00 pm; Saturday, 10.00 am to 2.00 pm</p>
Disciplinary issues relating to members of staff	<p>Disciplinary procedure Note: Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Employment	<p>An Employment Tribunal https://www.gov.uk/courts-tribunals/employment-tribunal</p> <p>Complaints from staff will be dealt with under the school’s internal grievance procedure.</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer.</p>

	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
Data Protection or freedom of information	Information Commissioner's Office https://ico.org.uk/concerns/handling/
Criminal behaviour –	Police https://www.gov.uk/contact-police
Complaints that affect the whole school (i.e. problems with the quality of education or poor management)	Ofsted https://contact.ofsted.gov.uk/online-complaints
Complaints about services provided by other providers using the school's premises or facilities	These providers should have their own complaints procedures. Please contact them direct.

[Source: Model Complaints Procedure; DfE; 01/2019; and <https://www.gov.uk/complain-about-school> 03/2019]

7. Record of complaints

- 7.1. A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.
- 7.2. The record of complaints should be kept for at least three years.

8. Vexatious and persistent complaints and harassment policy

- 8.1 Hall Green 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 act to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 8.2. Whilst it is hoped that this policy 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 complaints procedure.
- 8.3. 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

procedure has been exhausted or that the complaints procedure has been completed 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 respond to that correspondence.

8.4. A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail, telephone or personal contact about a concern or complaint;
- using Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner and not in accordance with the complaints procedure;
- an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums.

8.5. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in 8.4 above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued in a manner which can be perceived as intimidating, oppressive, abusive, offensive or discriminatory by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

8.6. In the case of persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

8.7. If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- 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;
- 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;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only, to be reviewed after six months;
- in the case of physical or verbal aggression warn the complainant about being banned from the school site; or proceed straight to a ban; and in the case of physical aggression or violence, immediately inform the police;
- consider informing the police who may seek to take further action under anti-harassment / malicious communication legislation;
- consider 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.

Hall Green School Complaint Form

Please complete and return to
(either Headteacher/Clerk/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:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Email:

Please give details of your complaint, including any action you have taken and the school has taken to try to resolve your complaint.

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: