



HOLMER GREEN SENIOR
SCHOOL

COMPLAINTS POLICY

March 2020

1. Introduction

- 1.1 Holmer Green Senior School aims to have clear procedures for dealing with complaints. Holmer Green Senior School endeavour to address the issues quickly and effectively.

Holmer Green Senior School aims to be fair, open and honest when dealing with any complaint and to resolve it through open dialogue and mutual understanding. Careful consideration will be given to all concerns and complaints and we will deal with them as swiftly as possible. We will provide sufficient opportunity for any complaint to be fully discussed.

In all cases we will put the interests of the child above all other issues.

Our procedure is underpinned by the following **framework of principles**:

- encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to use and understand;
 - be impartial;
 - be non-adversarial;
 - allow swift handling with established time-limits for action and keeping people informed of the progress;
 - ensure a full and fair investigation by an independent person where necessary;
 - respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation);
 - address all points of issue, providing an effective response and appropriate redress, where necessary;
 - provide information to the school's senior management team so that systems and procedures can be reviewed in light of the circumstances of the complaint;
 - ensure that any complaint will not adversely affect a student or their opportunities at the school.
- 1.2 This Policy distinguishes between a complaint and a concern which can be resolved informally and a formal complaint which will require investigation. This Policy covers any complaints made about the school except those covered by our Admissions Policy, Exclusions Policy, Child Protection and Staff Disciplinary procedures.
- 1.3 We aim to resolve any complaints as efficiently and quickly as possible. Timescales for each stage are detailed in the Policy and are subject to school operational periods. Holmer Green Senior School term times can be found on the school's website.

2.1 What is the difference between a Concern and a Complaint?

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within the school's Complaints Policy.

2.2 **Who can make a Complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Holmer Green Senior School provides, unless separate statutory procedures apply (such as exclusions or admissions). Holmer Green Senior School will not limit complaints to parents or carers of children that are registered at the school.

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. The legal definition of parent differs in education and family law. Holmer Green Senior School does not favour one parent over another unless there are serious safeguarding or legal reasons for doing so, which can be evidenced.

3 **Confidentiality**

All documents relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under any other legal authority.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

4 **Stages of the complaints procedure**

There are three stages to Holmer Green Senior School's complaints procedure:

Stage 1: informal Stage – complaint, concern or difficulty raised with a member of staff in writing or verbally.

Stage 2: Formal Stage - complaint in writing to the Headteacher .

Stage 3: Complaints Panel – complaint not satisfied in Stage 2 can be presented for review by the Complaints Panel.

4.1 **Stage 1 - Informal Stage**

We expect that most complaints can be resolved informally. Examples would be a concern regarding teaching or pastoral care or an administrative issue that should be able to be resolved by the relevant member of staff.

More complex complaints of discrimination, harassment or victimisation may need to be dealt with at Stage 2 without action at Stage 1 as they are taken very seriously.

4.2 **Who to contact**

Where appropriate, concerns should initially be raised as follows:

- 4.2.1 Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant Head of Faculty/Department if related to a specific subject, the Head of Year for the relevant year group if related to a number of subjects or the SENCO if related to special educational needs.
- 4.2.2 Pastoral care: for concerns relating to matters outside the classroom, please speak or write to the Senior Leader for Behaviour.
- 4.2.3 Disciplinary matters: concerns over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed the sanction.

- 4.2.4 If a concern is more sensitive or complex please contact a member of the Senior Leadership Team or Headteacher.
- 4.2.5 A complaint against the Headteacher should be made directly to the Chair of Governors.
- 4.3 A complaint received in writing will be acknowledged by telephone, e-mail or letter within five working days of receipt during term time.
- 4.4 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 4.5 A matter raised verbally will not necessarily be acknowledged in writing.
- 4.6 Time scales - You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 4.7 A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in Stage 2.

5 **Stage 2 - Formal Stage**

- 5.1 How to make a formal complaint:
 - 5.1.1 If a complainant is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the school's policies or management, the complaint should be made under Stage 2.
 - 5.1.2 The full details of the complaint should be set out on the complaint form provided in Appendix 1 and sent with all relevant documents and full contact details to the Headteacher.
 - 5.1.3 The complaint will be acknowledged by telephone, e-mail or letter within five working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale. Notice of receipt of the formal complaint will be given to the Chair of Governors.
 - 5.1.4 In exceptional circumstances it is possible to involve the Chair of Governors if this may resolve the complaint at this stage.
- 5.2 **Investigation:**
 - 5.2.1 The Headteacher may ask a senior member of staff to act as Investigator. The Investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator will prepare a report on the investigation which will be considered by the Headteacher.
- 5.3 **Decision:**
 - 5.3.1 The Headteacher will then notify the complainant by telephone, e-mail or letter of his/ her decision and the reasons for it within 15 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the complainants will be notified of this and informed of the new timescales as soon as possible.

6 **Stage 3 – Complaints Panel Stage**

- 6.1 What is a Complaints Panel hearing?
 - 6.1.1 A Complaints Panel hearing is a review of the decisions taken by the Headteacher. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
 - 6.1.2 The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
 - 6.1.2i the documents provided by both parties; and
 - 6.1.2ii any representations made by the complainants and the Headteacher;

and to reach a decision, on the balance of probabilities, as to whether to uphold the complaint in full, uphold the complaint in part or dismiss the complaint.

- 6.1.3 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, students or parents. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Governing Body, as appropriate.

6.2 **How to request a Complaints Panel hearing**

- 6.2.1 A request for a hearing before the Complaints Panel must be put in writing (marked Complaints Panel on the envelope) to the Clerk to the Governors within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed.

6.2.2 The written request should include:

- 6.2.1i A copy of the original complaints form, indicating which matters are unresolved, a copy of all relevant documents and full contact details;

6.2.1ii details of all the grounds of the complaint and the outcome desired;

6.2.1iii a list of the documents which the complainant believes to be in the school's possession and wish the Panel to see

6.2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors of this and she / he will be happy to make appropriate arrangements.

6.2.4 The Clerk to the Governors will acknowledge the request for a hearing in writing within five working days of receipt during term time and as soon as practicable during the holidays.

6.2.5 Every effort will be made to enable the hearing to take place within 15-30 working days of receipt of the request.

6.3 **Planning the Hearing**

6.3.1 As soon as reasonably practicable, and in any event at least ten working days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing.

6.3.2 Copies of any additional documents the complainant wishes the Panel to consider should be sent to the Clerk to the Governors to be received at least five working days prior to the hearing.

6.3.3 The complainant may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings and so legal representation is not necessary. The complainant should note that the Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

6.3.4 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the hearing.

6.4 **Composition of the Panel**

6.4.1 The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances on the complaint, including Governing Body members and at least one independent member who has no connection with the governance, management and running of the school.

6.4.2 The parents may ask the Clerk to the Governors to tell them who has been appointed to sit on the Panel ahead of the hearing.

6.4.3 The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

6.5 **The Panel Hearing**

6.5.1 The hearing will be conducted in an informal manner.

6.5.2 All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses. The Panel may, at the Chair's discretion, take written statements into account.

- 6.5.3 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel will take minutes of the proceedings.
- 6.5.4 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, at the discretion of the Chair, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 6.5.5 The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 6.5.6 A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

6.6 **The Decision**

- 6.6.1 The Panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 6.6.2 The decision, findings and any recommendations will be confirmed in writing by post or electronic mail to the complainant, and where relevant the person complained about, normally within five working days of the hearing.
- 6.6.3 The decisions, findings and any recommendations will also be available for inspection on the school premises by the Governing Body and the Headteacher.
- 6.6.4 This is the conclusion of the school's complaints procedure.

7 **Governing Body Review**

- 7.1 Complaints are not shared with the whole Governing Body, except in very general terms.
- 7.2 If the whole Governing Body were to be made aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The school may approach a different school to ask for help.
- 7.3 Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school should consider the request but ultimately, the decision is made by the governors;
- 7.4 The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard the school may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The Governing Body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaint's procedure.

8 **Serial, Persistent and Unreasonable Complaints**

- 8.1 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise that when the school really has done everything they can stop responding. It is a poor use of your time and resources to continually reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
- 8.2 Holmer Green Senior 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.

8.3 Holmer Green Senior 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.

8.4 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.

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

8.6 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 Holmer Green Senior 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.

8.6 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 Holmer Green Senior School.

8.7 This Policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

9 **Banning from the School Premises**

9.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure it remains a safe place for students, staff and other members of their community.

9.2 If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, schools are advised to always put it in

writing and explain how the decision can be appealed. Schools should also give the individual the opportunity to formally express their views on the decision to ban in writing.

9.3 The decision should then be reviewed and either confirmed or lifted. If the decision is confirmed the individual should be notified in writing, explaining how long the ban will be in place.

9.4 Anyone wishing to complain about being banned can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about banning cannot be escalated to the Department for Education. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

10 **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.

11 **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Holmer Green Senior School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about Year 7, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Buckinghamshire County Council</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) at Buckinghamshire County Council, who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions. *complaints about the application of the Behaviour Policy can be made through the school's complaints procedure. The Behaviour Policy can be found on the school website.</p>

<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> <p>Complaints regarding concerns for the wellbeing of children should be routed to the NSPCC Whistleblowing helpline: 0800 0280285 Nspcc.org.uk/whistleblowing</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

If other bodies are investigating aspects of the 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 result in the procedure being suspended until those public bodies have completed their investigations.

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

12 **Complaints to the Education Funding Agency**

If you are dissatisfied with the decision of the Complaints Panel, you may contact the Education Funding Agency (EFA) which will consider the complaint on behalf of the Secretary of State. The EFA's contact details are as follows:

Internet/email: Department for Education website: enter 'school complaints form' in the search box.

Address: Department for Education Castle View House East Lane Runcorn Cheshire WA7 2GJ

Telephone: 0370 000 2288 (ask for the EFA Academies Central Unit)

- 13 **Communication of Policy** – This Policy should be published on the school website and for staff on the school information drive.
- 14 **Evidence of implementation** – Governors may wish to see data regarding number of complaints received and ask questions about how the complaints were resolved.
- 15 **Review** - This Policy will be reviewed every three years by the People and Personnel Committee of the Full Governing Body.

Agreed by the Governing Body: March 2020
Review: March 2022

Appendix 1: School Complaints Form

If you wish to make a complaint about the school, please complete this form and send it to the Headteacher of the school.

If you are unsure about the procedure, or you need help in completing the form, please contact the Headteacher, who will be happy to assist you.

1.	Your Name:
2.	Your Address:
3.	Your Telephone Number: At Home: At Work: Any other contact phone number:
4.	Does the complaint concern your child? If so what is your child's name.....
5.	What is your complaint about? (Please say what you think has gone wrong and when this happened. Continue on a separate sheet, and attach copies of any letters, if you feel this will explain your complaint more clearly).
6.	Have you already taken the complaint up with anyone? If so, who did you raise it with? When was this?
7.	What do you think should be done now to put the matter right?
	Signed: Dated:

Thank you for filling in this form.

Please send to the Headteacher, Holmer Green Senior School, Parish Piece, Holmer Green, Bucks HP15 6SP