COMPLAINTS POLICY AND PROCEDURE

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of students at the school, and others, in relation to the provision of facilities or services at the school.

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 and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes
- The school will make this policy available in alternative formats on request.

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

The 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.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals under the Equality Act 2010.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

3. Definitions and Scope

3.1 Definitions

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"

3.2 Scope

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

There may be occasions when complainants may 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
- Curriculum complaints
- Examinations
- Suspensions and Permanent Exclusion[1]
- Safeguarding matters
- Staff discipline
- Staff grievances
- Statutory assessments of Special Educational Needs &/or Disability (SEND)
- Whistleblowing

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

Arrangements for handling complaints from parents/carers of children with Special Educational Needs &/or Disability (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs &/or Disability Co-ordinator (SENDCO); they will then be referred to this complaints policy. Our SEND Policy and Information Report includes information about the rights of parents/carers of students with disabilities who believe that our school has discriminated against their child.

Complaints or appeals in relation to public and internal examinations are governed by procedures and policies that must be in compliance with the Joint Council for Qualifications' *General Regulations for Approved Centres* and meet exam qualification Awarding Body requirements, as outlined in the School's *Examinations Policy*. In the case of specific complaints relating to the School's delivery or administration of a qualification, the procedure for any complaints or appeals is governed by the School's *Examinations Complaints and Appeals Procedure*, while any appeals relating to internal assessment decisions, post-results and appeals relating to examinations, and School decisions relating to exam access arrangements and special consideration are governed by the School's *Internal Appeals Procedure* (all three of these documents are available for consultation under the Exams section of the School's website).

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

4. Roles and Responsibilities

4.1 The Complainant

The complainant will receive a more effective response to their 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.

4.2 The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely

[1] Where a complaint is about the application of the Behaviour Policy in relation to a suspension or permanent exclusion, this can be made through this Complaints Procedure.

- Prepare a comprehensive report to the Headteacher or Exclusion, Complaints & Conduct Committee (ECC) which includes the facts and potential solutions

4.3 Governance Professional

The Governance Professional (formerly known as the Clerk to the Governing Body) will:

- Be the contact point for the complainant and the ECC Committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

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

Timescales

Where the complaint relates to a student who is still on roll at Prince Henry's High School, the complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

If the complaint relates to a student who has left the school, the complainant must raise the complaint within two weeks of the student's last day at Prince Henry's (for students in years 11 and 13 who leave at the end of their examinations, this will be within two weeks of their final formal examination). The exception to this will be if the complaint relates to examination results. Due to examination board timescales, such complaints must be received within one week of the examination results day.

We will consider exceptions to this timeframe 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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

If, having requested information from a complainant in order to deal with a complaint within the required timescales, or having responded to a complainant, we have not received a response after 15 school days, the school will close the complaint.

6. Stages of Complaint (not complaints against the Headteacher or Governors)

6.1 Stage 1: Informal

The school will take all complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff, ideally in writing. If the member of staff feels uncomfortable or unable to deal with the matter directly, they should involve a more senior colleague, for example and in the first instance, their Head of Department or Head of Year. If the complainant is unclear who to contact or how to contact them, they should contact the school office by phone – 01386 765588 or email enquiries@princehenrys.worcs.sch.uk.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage.)

The school will acknowledge informal complaints within three school days and investigate and provide a response within fifteen school days.

The informal stage may involve a meeting between the complainant and the appropriate member of staff.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Professional in writing within 5 school days.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint by completing a Prince Henry's High School Complaint Form (Appendix 1). The school will acknowledge receipt of the complaint within 3 school days and will commence its formal investigation upon receipt of the completed complaints form.

If complainants need assistance raising a formal complaint, they can contact the school office by phone – 01386 765588 or email enquiries@princehenrys.worcs.sch.uk.

The Headteacher (or other person appointed by the Headteacher for this purpose) may call a meeting to clarify concerns, and seek a resolution.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. Under normal circumstances, this process will be completed within 15 school days of receipt of the Complaint Form. The written conclusion of this investigation will be sent to the complainant within 5 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Professional in writing within 5 school days.

6.3 Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the school and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel may include governors but must include at least one independent member.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. Under normal circumstances, this will be convened within 15 school days. At the review panel meeting, the complainant

and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. **(See Appendix 2)**

The complainant must be allowed to attend the panel hearing, and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

In making their decision, the panel will review the decisions that have been taken by the school by considering the information presented to them in the documentation submitted prior to this hearing, and the statements made during the panel hearing.

The decision to either uphold or dismiss the complaint(s) will be based upon:

1. Whether the correct complaints procedure has been followed
2. Whether, on the balance of probability, the complaints are valid

The school will inform those involved of the decision in writing within 5 school days.

7. Complaints Against the Headteacher, a Governor or the Governing Body

Complaints made against the Headteacher should be directed to the Chair of Governors in writing via the Governance Professional. The Chair of Governors will assume the responsibilities of the Headteacher as laid out in section 6 of this policy.

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the Governance Professional in the first instance. If the complaint is against a Governor, the Chair of Governors will assume the responsibilities of the Headteacher (in liaison with the Headteacher), as laid out in section 6 of this policy. If the complaint is against the Chair of Governors or the whole Governing Body, the Headteacher will liaise with the school's HR legal adviser in order for them to facilitate an independent review of the complaint.

8. Referring Complaints on Completion of the School's Procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found not to meet regulations, the school will be asked to correct its procedure accordingly.

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

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

9. Persistent Complaints

9.1 Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's complaints procedure

- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

9.2 Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint Campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

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 Protection 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 Exclusions, Complaints and Conduct Committee (ECC) 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 ECC Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The ECC Committee 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 Headteacher's PA.

This policy will be reviewed by the ECC Committee every year.

At each review, the policy will be approved by the ECC Committee.

13. Links with Other Policies

Policies dealing with other forms of complaints include:

- Safeguarding Policy and Procedures
- Admissions Policy
- Examinations Policy; Examinations Complaints and Appeals Procedure; and Internal Appeals Procedure
- Suspension and Permanent Exclusions Policy
- Staff Grievance Procedures

- Staff Disciplinary Procedures
- SEND Policy and Information Report
- Privacy Notices

APPENDIX 1: COMPLAINT FORM

Please complete and return this form to Mrs Marie Wall, Chief Operating Officer at the school or via email - secretary@princehenrys.worcs.sch.uk.

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"

Please detail your dissatisfaction about actions taken or a lack of action

NAME:
STUDENT'S NAME (if parent/carer):
Your relationship to the student:
Address (including postcode):
Daytime contact number: **Evening contact number:** **Mobile contact number:** **Email address:**
Please provide details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to / liaise with and what was the response?
Desired outcome: What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please could you attach and detail below the reason for the attachment(s).
Signature **Date**

APPENDIX 2: PROCEDURE FOR COMPLAINT REVIEW HEARING

Chair makes introductions. Confirm order of procedure as set out below.

1. The Complainant presents their complaint

2. The Headteacher outlines the school's response to the complaint

3. All parties may then ask questions

4. The Complainant will summarise their position

5. The Headteacher will summarise the school's position

6. The Headteacher & Complainant leave the room to allow the Panel to deliberate

7. The Clerk to the Panel will write to all parties with the outcome of the hearing as soon as possible.