

	Complaints and Representation Policy
Person(s) Responsible:	
Approval:	Governing Body
Headteacher:	Gary Edmunds
Policy Originator:	Gary Edmunds
Date Approved:	September 2020
Date of Review	September 2021

To be read in conjunction with: Discipline and Behaviour Management; Safeguarding and Prevent Policy; Care and Control Policy; Referral and Admissions Policy.

1.0 Introduction

1.1 This policy statement sets out the school's approach to dealing with parental/carer concerns and complaints. Details of how we handle them are contained in our procedures document below.

1.2 This policy has been written using the Best Practice Advice for School Complaints Procedures, Department for Education 2020. It is also designed to meet the standards set out in the Education (Independent Schools Standards) Regulations 2014 and guidance issued 27 January 2015. This means that parents must be offered:

- An opportunity to resolve a complaint on an informal basis for example through discussion with a senior member of staff
- A formal complaint stage, where a complaint is made in writing
- A hearing with a panel appointed by, or on behalf of the Governing Body and consisting of at least three people who were not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school.
- DfE does not expect schools to handle new or existing complaints while they are partially closed during the coronavirus outbreak. Schools should, however, still engage with parents and pupils where they can.

1.3 We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

1.4 We welcome feedback on what parents feel we do well, or not so well, as a school. We will carefully consider all feedback, whether positive or negative, and will review our policies and practices accordingly.

1.5 We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

1.6 While we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate.

1.7 The school reserves the Acting Right to seek external advice and support at any time that it is considered necessary or appropriate in respect of either a complaint or concern.

1.8 It is the Headteacher's responsibility to provide the Governing Body with all complaints and concerns immediately.

1.9 The Government advocates the resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations.

Definition:

2.1 Concern: A concern can be defined as an expression of a worry about possible danger or apparent failure in respect of the school. A matter should be viewed as a concern if it is capable of being resolved locally and does not require a formal response.

2.2 Complaint: A complaint can be defined as an expression of dissatisfaction with the school. It requires a formal response. The school should deal with any matter as a complaint when:

- the person raising the matter requests it at any point.
- or, when informal attempts to deal with the concern have been exhausted and the person who raised the concern remains dissatisfied.

Stage 1 – The Informal Concern Stage

- Many concerns will be dealt with informally when they are made known to the school.
- The first point of contact should be your child's deputy headteacher, or whichever staff member is managing the school site.
- The school will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
- The school's deputy headteacher, or the member of staff managing the site, will have a meeting with you to discuss solutions and strategies for moving

forward. If the strategies considered are agreed at this stage the headteacher will be informed, but will not be involved.

- The school will respond to your concern in writing. This will take the form of an email or a letter.
- You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
- If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 – The Formal Complaint Stage

- This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.
- Normally, your written complaint should be addressed to the headteacher within five [5] school days from receipt of initial response that was given by the school in Stage 1. Complaints must be written giving details as outlined in Appendix 1. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked “For the attention of the Chair of the Governing Body”.
- Normally we would expect to respond in full within ten working days, but if this is not possible, we will contact you to explain the reason for the delay and let you know when we hope to be able to provide a full response. We will enclose a copy of these procedures with an acknowledgement. They are also found on our school’s website.
- As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
- The headteacher may also be accompanied by a suitable person if they wish.
- Following the meeting, the headteacher will, where necessary, talk to witnesses and take statements from others involved.
- If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
- If the complaint is against a member of staff, it will be dealt with under the school’s internal confidential procedures, as required by law.
- The headteacher will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher’s decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do.

- We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

Stage 3 – Complaint heard by the Governing Body

- If you are not satisfied with the response of the Headteacher, or if the complaint is about the Headteacher, then you should write to the Governing Body. It should be sent to the school marked “For the attention of the Chair of the Governing Body”.
- Normally the Chair would expect to respond in full within ten working days but if this is not possible, we will contact you to explain the reason for the delay and let you know when we hope to be able to provide a full response.

Stage 4 - Consideration by a Complaints Review Panel

- If your concern has already been through Stages 1, 2 and 3 and you are not satisfied with the outcome, we will set up a Complaints Review Panel to consider it. This is a formal process, and your ultimate recourse at school level. The purpose of this arrangement is to give your complaint a hearing in front of a panel, which has no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a Complaints Review Panel is to resolve the complaint and achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations. This process will reassure you that we have taken your complaint seriously.

The Complaints Review Panel operates according to the following formal procedures.

- 1.** The Chair of the Governing Body will aim to arrange for the panel meeting to take place within 20 working days and will be the chair of the panel.
- 2.** The Chair will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
- 3.** The headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
- 4.** The Chair will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school, but we will do what we can to make alternative arrangements if you prefer.
- 5.** With the letter, the Chair will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.

- 6.** The letter will explain what will happen at the panel meeting and the Chair will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence, but who is not directly connected with the school. They are there to give you support, but also to witness the proceedings and to speak on your behalf if you wish.
- 7.** With the agreement of the chair of the panel, the headteacher may invite members of staff directly involved in matters raised by you to attend the meeting,
- 8.** The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
- 9.** As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 10.** The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
- 11.** Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the Chair can then be asked to maintain confidentiality in the minutes.
- 12.** During the meeting, you can expect there to be opportunities for you to explain your complaint, and you to hear the school's response from the headteacher; for you to question the headteacher about the complaint; for you to be questioned by the headteacher about the complaint; for the panel members to be able to question you and the headteacher; for any party to have the Acting Right to call witnesses (subject to the chair's approval) and all parties to have the Acting Right to question all witnesses; for you and the headteacher to make a final statement.
- 13.** In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself within two weeks. All participants other than the panel and the Acting RI will then leave.
- 14.** The panel will then consider the complaint and all the evidence presented in order to reach a unanimous, or at least a majority, decision on the complaint; decide on the appropriate action to be taken to resolve the complaint; recommend, where appropriate, to the Governing Body and Headteacher, changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The Chair will send you and the headteacher a written statement outlining the decision of the panel within two weeks. The letter will explain what further recourse, beyond this stage, is available to you.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

Serial and Persistent Complaints

- We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.
- There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for us to recognise when we really have done everything we can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points.
- If a complainant tries to re-open the same issue, the Governing Body can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.
- However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.[See Policy for unreasonable complaints below].

Recording Complaint

All records in relation to complaints will be logged on Schoolpod. This must include:

- Date complaint was made
- Name of complainant
- Name of students involved
- Name of staff members involved
- Summary of investigation
- Summary of outcome
- Strategies for future development, if any.

Further Advice and Guidance

- If a complaint has completed the school local procedures as above and the complainant is dissatisfied, they have the right to refer their complaint to the Secretary of State
- Further information can be obtained online at:
[www.education.gov.uk/help/contact us](http://www.education.gov.uk/help/contact-us)

Policy for Unreasonable Complainants

Spring Hill High 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 the 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.

Spring Hill High School defines unreasonable complainants as ‘those which, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’. A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint, or specify the grounds of a complaint, or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced; changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats,
- intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the headteacher or Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Spring Hill High 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Spring hill High School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Spring Hill High School will therefore act to ensure that all sites remain a safe place for students, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the headteacher on behalf of the Governing Body can notify them in writing that their implied licence to be on school premises has been temporarily revoked, subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

17. Record keeping

- A written record will be kept of all formal complaints, and of whether they are resolved at stage 2 or proceed to a panel hearing. The number of complaints registered under the formal procedure during the preceding school year are published on the school website.
- Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 108 or 109 in the 2008 Act requests access to them.
- 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.
- A written record will be kept of the action taken by the School as a result of any complaint that reaches stage 2, regardless of whether the complaint is upheld.

Monitoring and Reviewing

This policy will be reviewed annually, or when necessary, in order to meet changes in circumstances.

Signed.....

Signed.....

Headteacher

Chair of Governors

Dated.....

Appendix 1: Spring Hill High School Complaint Letter

<p>Your name:</p> <p>Student's name:</p> <p>Your relationship to the student:</p> <p>Address:</p> <p>Telephone number(s):</p>
<p>Please state clearly who you are dissatisfied with. Or, which policy or procedure you are dissatisfied with.</p>
<p>Details of the complaint</p>
<p>What action, if any, have you already taken to try and resolve your complaint</p>

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What actions do you feel might resolve the problem at this stage?
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Are you attaching any paperwork? If so, please give details.

Signature of complainant:	Date:
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Please complete and return to the Headteacher or Board of Directors who will acknowledge receipt and explain what action will be taken.