



# Highsted Grammar School

## **Complaints Policy**

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## COMPLAINTS POLICY

### INTRODUCTION

Under Part 7, Schedule 1 to the Education (Independent School Standards) Regulations 2010, the School is required to have in place a procedure to deal with complaints relating to it and to any community facilities or services that it provides.

This procedure is made accessible to the public:

- In the information given to new parents when their children join the school;
- On the school website.

This procedure does not apply to complaints about:

- Admissions & Exclusions;
- Curriculum;
- Special Educational Needs;
- Provision of Collective Worship and Religious Education;
- Public examinations
- Allegations of bullying by pupils; and
- Safeguarding/Child Protection

which are dealt with under separate procedures.

Equally, complaints by employees of the school are usually dealt with via the grievance procedure.

It is the school's intention that this Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be **simple** to understand and use;
- 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**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

The School's Complaints Co-Ordinator is the Deputy Headteacher.

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## **SPECIFIC PROVISIONS**

### **Changes of Personnel**

Where a complaint is lodged concerning the conduct of the Headteacher or a governor (or where a Headteacher or governor has been involved in the issue previously), a single governor will take on the role of the Headteacher as set out below.

If the subject of the complaint is the Headteacher, then Stage 2 will be handled by a single governor and the Complaint Form should be submitted to the Chair of Governors.

The School may also in appropriate circumstances adjust or modify this procedure where the particular circumstances of the complaint warrant it.

### **Exclusions and Exceptional Circumstances**

An anonymous complaint will only be investigated in very limited and exceptional circumstances.

A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances.

Exceptional Circumstances typically include:

- Safeguarding/Child protection issues;
- Bullying allegations

In such cases, the school may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### **Unreasonable Complainant Conduct**

Complainants (and/or anyone acting on their behalf) may be deemed by the Headteacher and /or the Chair of Governors to be unreasonable if they have behaved in any of the following ways (this list is not exhaustive):

- Posed any kind of threat to a member of school staff
- Physical intimidation
- Use of foul or abusive language
- Any kind of physical abuse
  
- The complainant makes such frequent contact with the school that objective consideration of a “live” complaint is hindered;
- The complainant makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the school’s complaints procedure but continues to pursue the same matter;
- The complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.

In these examples a “contact” may be in person, in writing, or by telephone or SMS text.

We reserve the right to reject a vexatious complaint. Vexatious complaints may be characterised (but are not limited to) the following:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance; and/or
- Demands for redress that lack any serious purpose or value

Please note this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.

The school will be likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual’s letters/complaint forms/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

In these instances, the Headteacher or the Deputy Headteacher will attempt to counter unacceptable conduct through mediation and discussion however if the unacceptable conduct persists then the school may decide to deal with such complaints in one or more of the following ways, for example:

- a. Try to agree with the complainant a code of behaviour for the parties involved if the school is to continue processing the complaint.
- b. To require contact to take place with a named officer only.
- c. To restrict telephone calls to specified days and times.
- d. To restrict contact with the complainant to one form of contact only.

Where a complainant continues to behave in an unacceptable fashion the Chair of Governors may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. Any further contacts from the complainant in writing will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

Once a complaint has been addressed formally via this procedure, the matter will be closed. Should a complainant remain dissatisfied, despite all stages of the procedures having been followed, and seek to reopen the same issue, the Chair of the Governing Body will simply inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter is set out on page 11.

If the school is subject to a complaint campaign, they may employ a separate procedure under this policy to respond to this. For the purpose of this policy a complaint campaign is defined as large volumes of complaints from multiple parties all based on the same subject matter. This could include from parents/guardians as well as from complainants unconnected with the school. In these instances, the school may respond by:

- Sending a template consolidated response to all complainants with the same message;  
or
- Publishing a single response on the Trust website.

### **Disclosure**

The complainant is not entitled to access to documentation generated or collated as part of any investigation, save for any statement provided by their own child.

### **Removal of a Child**

Where a child is not on the school roll, or ceases to be on the school roll during the investigation of a complaint presented on their behalf, the complaint will be closed and no further action taken.

## **THE PROCEDURE**

### **Stage One (informal): Complaint Heard by Staff Member**

Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

Members of staff dealing with such concerns should keep a written record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

If an acceptable resolution is not reached, the member of staff should direct the individual to this procedure.

If an individual presents a formal complaint to the school without having initially sought to resolve it informally, this may affect how the school deals with their concern, including that it may lead the school to reject the complaint.

The school does however recognise that there may be circumstances in which:-

- it would be difficult for a particular complainant to discuss a complaint with a particular member of staff; or
- the member of staff directly involved feels too compromised to deal with the complaint.

In these cases, the Complaints Co-ordinator can refer the complainant to another staff member (or, in the case of a complaint concerning the Headteacher, the chair of governors) for informal resolution. Such alternative member of staff may be more senior, but does not have to be, and they are simply required to consider the complaint objectively and impartially.

Where a complaint is received which does not appear to have explored this stage of the procedure (such as where the first approach is made to a governor) and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Whatever the nature of the complaint, a parent should not arrive at school without an appointment and 'demand' to see the Headteacher or another member of staff. It is likely that the member of staff concerned will have existing commitments which make an immediate consultation impossible and is likely to need time to consider the detail of the complaint before being able to make an informed response.

### **Stage Two (formal): Complaint Heard by Headteacher**

A formal complaint should be issued to the school in the form set out on page 9: Annex 1, or at least including all the matters covered in that form.

The school will promptly acknowledge the complaint (usually within five term time days) and the Headteacher will be the person to consider it and reach the decision upon any action to be taken.

The Headteacher will usually also investigate the complaint; however, the Headteacher may if appropriate appoint another suitable person to investigate the complaint and produce a report which the Headteacher will consider in reaching their decision.

The Headteacher will confirm their decision in writing.

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage one as well as pursuing their initial complaint, and such concerns should be addressed within the Headteacher's outcome.

### **Stage Three (formal): Appeal**

If the complainant remains dissatisfied with the outcome of Stage 2, they should write to the Chair of Governors giving details of the complaint and the reasons why they disagree with the Headteacher's decision at Stage 2, no later than 10 working days from the date of the Headteacher's decision letter.

The Clerk to the Governors will convene a Stage 3 Appeal Hearing and a letter will be sent to the complainant inviting them to attend the hearing within 20 term time days.

The Clerk will give the complainant minimum of 7 term time days' notice of the date, time, and venue of the meeting. A reasonable request by the complainant for an alternative date will be complied with to set a mutually convenient time for the meeting.

The panel hearing the appeal will be made up of at least three individuals, one of whom will be independent of the management and running of the school.

In order for them to prepare for the hearing, the Panel should receive in advance (in particular but not exclusively):-

- A summary of the steps taken at Stage 1;
- The formal complaint lodged at Stage 2;
- The investigation steps taken by the school;
- The Headteacher's decision; and
- The complainant's appeal correspondence and any supporting documentation.

In most cases, the Stage 3 Hearing will be attended by:-

- The panel (with one individual chosen to act as Chair of the panel);
- The complainant (may be accompanied by a relative or a friend if they wish); • An appropriate individual to advise the panel;
- A clerk.

The Headteacher may attend, if it is considered appropriate, to explain their actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

### **CONDUCT OF THE PANEL HEARING**

At the hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Headteacher's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the DfE, the following approach will apply to the hearing:

- The Committee Chair will welcome the complainant and introduce those present.
- The complainant may restate the nature of the complaint if they choose.
- The complainant may be asked questions by the Committee and the Headteacher.

- The Headteacher may be asked to make a statement to the Committee regarding the complainant and may be asked questions by the Committee and/or the complainant.
- The Headteacher, complainant and any friend or representative will be asked to leave.
- After the withdrawal of the Headteacher, complainant and any friend or representative, the Committee will consider the complaint and any relevant information in order to reach its decision as to whether the complaint will be upheld, rejected or investigated further.

### **THE PANEL'S DECISION**

The Panel will have to consider the issues raised by the complainant and the evidence supporting their complaint.

The Panel will consider the complainant's appeal and may:-

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Dismissal of a complaint may be done where (without limitation):-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

Where a complaint is substantiated in part or in full, some details may then be given of action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

This will be confirmed in writing to the complainant as soon as reasonably practicable (usually within 10 term time days).

A copy of findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

The Panel's review is final and is the last stage of the complaints process.





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The Panel's findings will also be available for inspection on the school premises by the proprietor and the Headteacher.

### **MONITORING AND REVIEW**

The Headteacher will report on the operation of the Complaints Procedure to the Governing Body once a year. This report will include:

- the number of formal complaints that have been made.
- the number that have been satisfactorily dealt with at the point of the original investigation.
- the number of occasions on which the Appeal Panel has met.
- any significant amendments to school policy or practice as a result of the complaints made.
- any issues that have arisen in the operation of the Complaints Procedure.

The Headteacher's report will respect the confidentiality of the individual; correspondence, statements and records relating to individual complaints are to be kept confidential.

In the light of the Headteacher's report, the Governing Body will consider whether or not the complaints procedure should be amended in any way.

Reviewed: March 2016

Date reviewed: March 2019

Date reviewed: March 2020

Date reviewed: July 2022



**Annex 1 Complaint form**

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). If the school does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

Please complete and return to the Deputy Headteacher (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:		Pupil's name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
<p>Please give concise details of your complaint.</p> <p>Please include, where possible, dates, names of witnesses, etc. as this will enable the school to properly investigate your complaint.</p>			
<p>What action, if any, have you already taken to try and resolve your complaint.</p> <p>(Who did you speak to and what was the response)?</p>			



<p>If you have not taken such action, please set out here your reasons.</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signed:</p>	
<p>Dated:</p>	
<p><b><u>Official Use</u></b></p>	
<p>Date acknowledgement sent:</p>	
<p>By who:</p>	
<p>Complaint referred to:</p>	
<p>Date:</p>	

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### Example Rejection Letter

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the School's Complaints Procedure as:

*Please select appropriate wording from the following:*

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure. [I have enclosed a copy of the [NAME] policy.]
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may write to the Clerk to the Governing Body.

Yours sincerely

Headteacher  
Or Chair of Governing Body

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### **The Remit of The Complaints Appeal Panel**

Any governor sitting on a complaints panel should bear the following in mind:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.