

# Complaints Policy and Procedures

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**Formby High School**  
*Determined To Achieve*

## Introduction

The prime aim of this School Policy is to resolve a complaint as fairly and speedily as possible. Complaints will be dealt with in a sensitive, impartial and confidential manner. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Depending on the nature of a complaint, you may wish or be asked to follow the School's formal complaints procedure. The School reserves the right not to investigate complaints considered to be vexatious or malicious and such complaints may incur appropriate action by the School.

Formby High School's Complaints Policy has four main stages. In summary, they are as follows:

- Stage 1 – A concern is raised informally with a staff member
- Stage 2 – Formal complaint is heard by the appropriate member of the Senior Leadership Team
- Stage 3 – Complaint is heard by the Headteacher
- Stage 4 – Complaint is heard by Governing Body's Complaints Appeal Panel.

## 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 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 the School's Funding Agreement and Articles of Association.

## Definitions and Scope

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".

As far as possible, the School will resolve concerns through day-to-day communication.

A **complaint** is defined as "an expression of dissatisfaction, however made, about actions taken or a lack of action".

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

There may be occasions when complainants would 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
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with SEN about the School's provision fall within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENCO) and will then be referred to this Complaints Policy. Complaints about services provided by other providers who use School premises or facilities should be directed to the provider concerned.

### **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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigation is necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The School expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this time frame 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.

### **Stage 1 – Informal Concern Raised with the School**

The School will take informal concerns 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 concern as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the School office.

The School will acknowledge informal concerns within two working days, and investigate and provide a response within ten school days.

The informal stage will normally involve a meeting between the complainant and the appropriate member of staff with whom the concern has been raised.

If the concern is not resolved informally, it may be escalated to a formal complaint.

### **Stage 2 – Formal Complaint heard by a member of the Senior Leadership Team**

Formal complaints shall be put in writing and addressed to the appropriate member of the Senior Leadership Team. The complaint will be logged, including the date it was received. The School will normally acknowledge receipt of the complaint within two school days of receiving it. In many cases this response should also report on the action the School has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within ten school days. The aim will be to resolve the matter as speedily as possible. However, if the complainant is not satisfied with the outcome at Stage 2 he/she should write to or make a telephone call to the Headteacher within ten school days of receiving a response. This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

### **Stage 3 – Formal Complaint heard by Headteacher**

The Headteacher will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting, and should inform the School of the identity of his/her companion in advance.

In certain circumstances, the School may need to refuse a request for a particular individual to attend any such meeting (for example, if there is a conflict of interest). If this is the case, the School will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher will then conduct his/her own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days.

If the complainant wishes to proceed to the next stage of the procedure, he/she should inform the Chair of Governors in writing within ten school days.

### **Stage 4 – Complaint heard by the Governing Body's Complaints Review Panel**

If the matter has still not been resolved at Stage 3, the complainant will need to write to the Chair of Governors within ten school days of receiving the response from the Headteacher giving details of the complaint. The Chair will request the Clerk to convene a complaints panel of two Governors who have not previously been involved in the complaint and one person who is independent of the management and running of the School. The process for selecting an independent person will conform to relevant guidance issued by the Department for Education. The hearing will normally take place within 15 school days of the receipt of the

written request for Stage 4 investigation.

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. At the review panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to present written submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if he/she wishes.

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.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Headteacher.

The aim of the Governors Review Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the School and the complainant. All parties will be notified of the Panel's decision in writing within three school days after the date of the hearing. If further investigation is deemed necessary prior to decision making, the Panel will instead write to the complainant within three school days after the hearing to confirm a revised timeline for resolution.

Complaints made against the Headteacher should be directed to the Chair of Governors via the Clerk to Governors. Such complaints will be heard by the Chair of Governors following the same timelines and procedures outlined in Stage 3 and, if unresolved, in Stage 4 above. Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the Clerk to the Governing Body in the first instance.

The Governors Review Hearing is the Final Stage of the School's Complaints process.

Where the complaint involves an allegation of misconduct against an employee, it may be investigated in accordance with procedures set out in the Staff Disciplinary Policy and an investigating officer may be appointed to conduct the investigation.

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.

## Referring Complaints on Exhaustion of the School's Procedure

If the complainant is unsatisfied with the outcome of the School's complaints procedure, he/she can refer the complaint to the ESFA. The ESFA will consider 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 to not 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>

## Persistent Complaints

Where a complainant tries to re-open the issue with the School after the Complaints Procedure has been fully exhausted and the School has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the School again about the same issue, the School can choose not to respond. The normal circumstance in which we will not respond is if:

- The School has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the School's position and his/her options (if any), *and*
- The complainant is contacting the School repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The School will be most 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/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.

Once the School has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The School will ensure when making this decision that complainants making any new complaint are heard, and that the School acts reasonably.

### **Record-keeping**

The complaints records are logged and managed by the Clerk to the Governing Body who will record the progress of all formal 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 correspondence 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 his/her behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or 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 retained as outlined in the School's Records Management 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.

### **Learning Lessons**

The Governing Body will review any underlying issues raised by formal complaints with the Headteacher/Senior Leadership Team 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 occurrences in the future.

### **Monitoring Arrangements**

The Governing Body will monitor the effectiveness of the Complaints Procedure to ensure that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated above.

This policy will be reviewed by the Headteacher and Governing Body every three years. At each review, the policy will be approved by Governors.

### **Links with other Policies**

Policies dealing with other forms of complaints include:

- Child Protection and Safeguarding Policies and Procedures
- Admissions Policy
- Exclusions Policy (within Behaviour Policy)
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- SEND Policy and Information Report