

Complaints procedure

John Masefield High School



Approved by: Lucy Potter (Chair of Governors) & Full Board of Governors

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1. Aims

We will meet our statutory obligations when responding to complaints.

When responding to complaints, we aim to:

- 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 timely response.
- Treat complainants with respect and courtesy in the same manner that we expect to be treated.
- 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.

We will try to resolve concerns or complaints by informal means wherever possible since most concerns are resolved successfully in this way. Where this is not possible and/or where the complaint expresses they wish to make a complaint using this policy, the stages of the policy will be used to progress the complaint.

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.

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 of pupils 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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

If a person wishes to complain they should explain to the member of staff that they wish to make a complaint using this policy. The member of staff will assist them in understanding any questions they may have with regards to this policy.

3.2 Scope

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)
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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 is required to:

- Follow these procedures.
- Co-operate with the school throughout the process and respond to deadlines and communication promptly.
- Ask for assistance as needed.
- Treat all those involved with respect.
- Maintain appropriate confidentiality with the complaint.

4.2 The investigator

In the case of a formal complaint an investigator will:

- Communicate with all relevant parties in a timely manner.
- Consider records and any written evidence and keep these securely,
- Prepare a comprehensive report to the Headteacher or complaints committee.

4.3 Clerk to the governing body

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings.
- Arrange the complaints hearing if required.
- 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, are allowed to present their views and that this policy is adhered to.

5. Principles for investigation

When investigating a complaint, we require the complainant to give as much detail including:

- What has happened that has caused the complaint?
- Who was involved?
- What the complainant feels would put things right.

There is a template (Appendix A) which anyone making a complaint can use if they feel it would assist them. There is no requirement to use the template.

5.1 Time scales

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.

We may 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.

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

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

6. Stages of complaint (not complaints against the headteacher or governors)

6.1 Stage 1: informal

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 complaint as soon as possible with the relevant member of staff. A copy of this policy will be on the JMHS website and will be available as a hard copy on request.

The school will acknowledge informal complaints within 5 school days and provide a response typically within 10 school days. Under exceptional circumstances a longer time period may be required. In this case the complainant will be informed and updated.

This informal stage typically resolves most complaints. If following the informal stage, the complainant remains unhappy they have the right to escalate to Stage 2, see below. This should be done within 10 school days.

Any member of staff who is the subject of an informal complaint at stage 1 of this policy should make their line manager aware so that they are supported through this process.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the Headteacher. It is most helpful to the Headteacher if this complaint is submitted in writing, but the complainant can choose to use any method of their choosing. The template in appendix A may be a useful means to explain a complaint at this stage. The Headteacher will acknowledge receipt of the stage 2 complaint in writing.

The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the school office on 01531631012 or admin@jmhs.hereford.sch.uk.

The Headteacher may choose to investigate and respond to the complaint or may appoint another suitable member of staff to act as the investigator. The written conclusion of this investigation will be sent to the complainant, Headteacher and subject of the complaint typically within 20 school days. If there are exceptional circumstances that mean the time frame may not be adhered to the investigator will ensure that the complainant is fully apprised as to why this is the case and the anticipated date of the completion of the report.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing body in writing within 15 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 typically be appointed by the Chair of Governors and co-ordinated by the Clerk to the governing body. The panel will typically consist of 3 JMHS governors who were not directly involved in the matters detailed in the complaint. If 3 governors cannot be sourced, then the Clerk to the governors will find a suitable governor from another school.

Complainants have the right to challenge the membership of the panel if they can demonstrate there is likely to be bias in the proceedings. The decision to approve this request is made by the Chair of Governors.

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.

The complainant will be invited to present their case at the panel hearing and may be accompanied if they wish.

When giving evidence to the panel at the allotted time and date, only the person invited by the panel, their representative (if relevant), the clerk and the panel members will be present.

At the meeting, each individual will have the opportunity to give statements and present their evidence.

Once all have submitted their evidence and views the panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, as well as the Headteacher.

The school will inform those involved of the decision in writing within 10 school days.

7. Complaints against the headteacher, a governor or the governing body

7.1 Stage 1: informal

Complaints made against the Headteacher should be directed to them to attempt to resolve in the first instance. If the complaint is about a member of the governing body, it should be directed to the clerk to the governing board in the first instance who will make the governor aware so that they have an opportunity to respond.

This informal stage is likely to resolve most complaints. If following the informal stage, the complainant remains unhappy they have the right to escalate to Stage 2, see below. This should be done within 10 school days.

7.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the Clerk to the governing body. It is most helpful if this complaint is submitted in writing, but the complainant can choose to use any method of their choosing.

The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the school office on 01531631012 or clerk@jmhs.hereford.sch.uk.

If it is a complaint against the Headteacher or a specific governor, the complainant should contact the Chair of governors via the Clerk to the governing body.

If it is a complaint against the governing body or the Chair of governors an independent investigator will carry out the steps in stage 2. They will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant, Chair of Governors and subject of the complaint within 20 school days. If there are exceptional circumstances that mean the time frame may not be adhered

to the investigator will ensure that the complainant is fully apprised as to why this is the case and the anticipated date of the report.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the governing body in writing within 15 school days.

7.3 Stage 3: review panel

If the complaint is about the Headteacher the review panel will typically be 3 JMHS governors who have not had any previous knowledge or involvement with this complaint.

If the complaint is about a JMHS governor, the review panel will typically be 2 JMHS governors and a governor from another school who have not had any previous knowledge or involvement with this complaint.

If the complaint is about the governing body the review panel will be a committee of independent governors that will hear the complaint. They will be sourced from local schools and the local authority.

Complainants have the right to challenge the membership of the panel if they can demonstrate there is likely to be bias in the proceedings. The decision to approve this request is made by the Chair of the panel or a suitably experienced and qualified person within the local authority.

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.

The complainant will be invited to present their case at the panel hearing and may be accompanied if they wish.

When giving evidence to the panel at the allotted time and date, only the person invited by the panel, their representative (if relevant), the clerk and the panel members will be present.

At the meeting, each individual will have the opportunity to give statements and present their evidence.

Once all have submitted their evidence and views the panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and to other relevant parties.

The school will inform those involved of the decision in writing within 10 school days.

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.

ESFA's role in relation to complaints about academy schools

Anyone can raise a complaint about a school or a member of the school's staff to the ESFA.

Before escalating an academy complaint the ESFA expect that complainants will have completed local complaints procedures first. Their [contact form](#) clearly explains this and advises complainants to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- missing education

The ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

The ESFA will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure

- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA inform the complainant that they are **not** able to:

- overturn the panel's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

Action ESFA can take against a school or trust

The ESFA will intervene when a school or trust has:

- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions

When considering a complaint, we review all the evidence provided to us, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by us, where appropriate, typically involves explaining the legislative framework and what it means in practice at the trust level or recommending improvements to statutory policies.

However, in some instances it may be appropriate to issue a warning notice (where leadership and governance has broken down or safety is threatened) and then issue a Financial Notice to Improve (FNtI). The FNtI would set out the conditions that would need to be fulfilled for the FNtI to be lifted.

If serious failings are identified, the ESFA may share information about the complaint and their findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

If an immediate safeguarding concern is raised, the ESFA will always refer this immediately to the LADO.

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

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

We will include this information in the outcome letter to complainants.

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 complaint's procedure.
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaint's 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 follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues with behaviours listed in section 9.1 and does not heed advice, we will put relevant communications strategies in place. These could include:

- 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](#)

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 the school site and from contacting members of staff.

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 or any new information that we need to consider. 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 JMHS GDPR Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board 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.

11. Learning lessons

Any underlying issues or development points raised by complaints will be shared appropriately and sensitively with the SLT and governing body 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 Headteacher and Full Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. Any lessons learned from complaints must be shared at the next Full Governing Body meeting

The complaints records are logged and managed by the Clerk to the governing body.

This policy will be reviewed by Full Governing Body every 2 years. A designated member of the SLT may be given the role of preparing and presenting the policy to the Full Governing Body.

At each review, the policy will be approved by Full Governing Body.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

APPENDIX A – JMHS Complaint template form

If it is considered helpful by the complainant, please complete this form and give it to the appropriate person dependent on what stage the complaint is at.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Contact telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage

Are you attaching any paperwork? If so, please give details.

Signature:

Date: