



HIGHDOWN SCHOOL AND SIXTH FORM CENTRE

COMPLAINTS POLICY

Aspiration – Respect – Excellence

Monitoring, Evaluation and Review

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HIGHDOWN SCHOOL AND SIXTH FORM CENTRE

COMPLAINTS POLICY

Section 1: POLICY

This document sets out the policy and procedure for dealing with comments, grievances and complaints.

This policy should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to students at the academy
- Complaints about the school's operational arrangements

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

This policy should not be used for:

- Complaints by staff relating to grievances about their employment
- Complaints about the actions of a governor
- Complaints about the actions of another parent
- Allegations of abuse
- Issues between the school and community groups

These matters will be dealt with by:

- Complaints by staff relating to grievances about their employment (There is a separate staff grievance procedure)
- Complaints about the actions of a governor (This should be reported to Chairman of the Governing Body, who will act with reference to the Governing Body Code of Conduct)
- Complaints about the actions of another parent (This should be reported to the Headteacher who will investigate whether action can be taken by the school)
- Allegations of Child Protection (Any allegations of Child Protection should be discussed with the Headteacher or a senior staff member in the first instance)
- Issues between the school and community groups (These will be resolved informally by discussion)

Complaints concerning former students will not normally be addressed. Issues should be resolved, or the complaints process commenced before a student leaves Highdown.

Status

Academy complaint processes must adhere to Part 7 of The Education (Independent School Standards) Regulations 2014.

Purpose

The academy's values are concerned with meeting the needs of students, parents and other stakeholders. The governing body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The academy takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The academy may feel that offering mediation, using a third party or a governor, may bring about resolution of the issue. This may be offered at any stage of the complaint process. If the complainant wishes to engage with this, the complaint process is suspended whilst this is pursued. The complaint can be resumed at the same, or next stage if this is unsuccessful. The complainant may not wish to engage with mediation processes. In this case, the complaints procedure continues at the stage to which it had progressed.

Applicability

The policy applies to academy employees and governors. Complaints against contractors should be made through their own procedures.

It is the shared responsibility of the Headteacher and the Chair of the Governing Body to ensure that these groups are made aware of the policy and procedure.

The Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- 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 panel, 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 academy's senior leadership team so that services can be improved.

Arrangements for handling complaints from parents of children with special educational needs about the support the academy provides

The SEND Policy outlines how Highdown will work with parents and carers of and with any young person with additional needs to provide effectively for that young person. This section should, therefore, be read in conjunction with the SEND policy.

As with any complaint, the academy will aim to resolve the situation swiftly and informally as set out in this policy. The SEND Governor will be briefed about any formal complaint received regarding the support provided for any student with special educational needs. Should the complaint reach the Governors' Panel Stage, then the SEND Governor will sit on, but not necessarily chair the panel. As appropriate, the LA will be briefed and included in the resolution of complaints regarding provision. This will usually be the case when a student is the subject of an EHCP (Education and Health Care Plan). The stages of the complaint procedure are the same as for any formal complaint.

Roles and responsibilities

This section of the policy is a summary of Section 2.

In brief the procedure is as follows:

Stage one: Complaint/concern heard by staff member (informal);

Stage two: Complaint heard by Headteacher (formal); or by the Chair of the Governing Body (if complaint is about the Headteacher) (formal);

Stage three: Complaint heard by Governing Body's Complaints Panel (review);

A dissatisfied complainant at this point can seek legal representation.

The Complaints Policy and Procedure is published to all stakeholders through the Highdown website.

If, at any stage of the process, the complainant starts legal action in relation to the matters under consideration, the complaints process will automatically cease, and all further correspondence will be with the Academy's legal representatives.

Monitoring and evaluating the policy

All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Headteacher's next report to governors.

The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

The monitoring and review of complaints by the academy and the governing body is a useful tool in evaluating the academy's performance and will contribute to school improvement. Any underlying issues identified will be addressed.

Record keeping

All complaints will be responded to in writing.

- At Stage 1 – even though this is an informal stage, the complainant will receive a reply in writing and a copy will be retained for reference.
- At Stages 2a, 2b and 3 – there will be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference.
- Only complaints relating to the schooling of a specific child will be kept within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

All 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 109 of the Education and Skills Act 2008 requests access to them.

Section 2: PROCEDURE

At any stage, the complainant may appeal within 10 working days if not satisfied with the outcome.

Stage One: Complaint heard by staff member (informal)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The complaints coordinator is the Headteacher who will nominate an individual case coordinator. It would assist the procedure if the academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to their line manager. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The complaint should be heard by the Chair of Governors if the complaint is about the Headteacher.

The complaint should be acknowledged immediately on receipt. Stage One should then be completed within 10 school days of the acknowledgement.

Stage Two: Complaint heard by Headteacher

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. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Headteacher will hear the complaint unless it is referring to the Headteacher, in which case it will be heard by the Chair of Governors.

The complaint should be acknowledged immediately on receipt. Stage two should then be completed within 10 school days of the acknowledgement.

Stage Three: Complaint heard by a Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Complaints Panel.

The Governors' appeal hearing is the last academy-based stage of the complaints process.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant may bring a friend or family member to the appeal, for moral support.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will include one member who is independent of the management and running of the school. This panel member will be sourced by the Clerk through the local governors network.

The complaint should be acknowledged immediately on receipt. The panel should be convened within 15 school days of the receipt.

The procedure adopted by the panel for hearing appeals would normally be part of the academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The remit of the Complaints Appeal Panel

The panel can:

- 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 academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- 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.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy 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.
- 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.
- 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.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and responsibilities

The Role of the Clerk

The clerk will be the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's decision

The panel will make findings and recommendations, which will be recorded in the minutes of the hearing. A copy of them will be sent to the complainant. This should be within 10 days of the panel sitting. A copy should be available for inspection on the school premises by the proprietor and the headteacher.

The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence

- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the academy's actions and response to the complaint.
- If the complaint is about the Headteacher then the above actions will be taken by the Chair of the Governing Body. If the complaint is about the Chair of the Governing Body then the actions will be taken by the Chair of the panel
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Complaint Form

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?

Who did you speak to and what was the response?

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: