



Holly Park School Complaints Policy

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a 'General Complaints Procedure'.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur

The complaints policy is only for use by current parents or families at the school.

1 Purpose

- 1.1 To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

2 Scope

- 2.1 This policy addresses all matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to the curriculum, exclusion and admissions which are subject to separate procedures.

3 General Principles:

- 3.1 It is hoped that concerns can and should be dealt with informally as they arise with the member of staff or governing body concerned. This procedure is designed to deal with complaints which need to be dealt with formally because such an informal process has failed to resolve the problem.
- 3.2 An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- 3.3 Complaints made after a child has left the school will only be investigated in exceptional circumstances and where all other avenues of informal means have been exhausted.
- 3.3 To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

- 3.4 Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable, with time periods being set by the chair as appropriate and subject to review if necessary.
- 3.5 Investigation of a complaint will be carried out impartially.
- 3.6 Confidentiality will be respected as far as possible
- 3.7 Investigation will address all points at issue
- 3.8 Once all stages of the process have been completed the complaints process will be deemed concluded and no further attempt to re-open the complaint will be entertained. Should any further attempt to discuss the complaint be made, the complainant will be informed that the matter is closed

Part A

4 Procedure for dealing with complaints about the actions of a member of staff other than the Head Teacher.

4.1 Stage I Informal Stage

- 4.1.1 At this stage the complainant is normally expected to arrange to communicate directly with the member of staff concerned, a senior member of staff or the Headteacher. This may be by letter, by telephone, by e-mail or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process.

Upon receipt of a complaint the member of staff designated to deal with the complaint will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or those complained of, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.
- Identify areas of agreement between the parties concerned and any misunderstanding which may have arisen.

When the investigation has been concluded, the complainant, and the member of staff concerned, will be informed of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld,
or

- The concern is not substantiated by the evidence or
- The concern was substantiated in part or in full and the consequences of such a finding.

Where appropriate this communication will include a record of the areas of agreement between the parties and any areas of misunderstanding which have been found to have occurred.

The complainant will be told that consideration of their complaint is now concluded. A brief note of all meetings and communications between the parties will be retained by the Headteacher. If the complainant is not satisfied, and the person investigating the complaint was a person designated by the Head teacher rather than the Head Teacher themselves, then the complainant may request that Stage 2 be undertaken. If the Head Teacher carried out the investigation under Stage 1 as complaints co-ordinator then the complainant may request that Stage 3 be undertaken. Any such request must be made within 2 weeks of receiving notice of the outcome.

4.2 Stage 2 Formal Stage

4.2.1 If the complaint is not resolved at the informal stage the complainant must put the complaint in writing (using the School Complaints Form – Appendix A) and pass it to the Head Teacher, who will be responsible for its investigation. The Headteacher may delegate the responsibility for investigation to another member of staff but will be responsible for the decision made in response.

The Head Teacher, or a member of staff designated by the Head Teacher will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or those complained of, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.

4.2.2 The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

4.2.3 The Head Teacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

4.2.4 The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence

- The concern was 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
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

4.2.5 The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

4.2.6 If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher² in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

4.2.7 If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part 5 of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

4.3 Stage 3 Review/Appeal Stage

4.3.1 If the complaint is not resolved at the first or second stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body, or a governor designated by the Chair as the governor responsible for dealing with complaints. The chair of the governing body or governor designated by the governing body as being responsible for complaints is responsible for ensuring correct procedure is followed and organising a Clerk to the panel if oral representation is required.

4.3.2 Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

4.3.3 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

4.3.4 The panel will first receive written evidence from the complainant.

4.3.5 The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint.

4.3.6 The panel may also have access to the records kept of the process followed.

4.3.7 The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

4.3.8 If there is to be oral representation:

- It will be in private.
- It will be informal in tone and non-adversarial.
- The complainant will be given the opportunity to attend with a friend or representative if desired.
- If the complainant is a child then their parent will be consulted to consider which parts, if any, of the hearing the complainant should attend.
- Any written material required will be collated by the Clerk and sent to all parties in advance of the hearing.
- The Clerk will welcome all parties, record the proceedings and notify all parties as to the outcome.
- The Chair of the panel is responsible for ensuring that
 - The remit of the panel is explained at the outset and each party has the opportunity to put their case without untoward interruption.
 - The issues are addressed.
 - Key findings of fact are made.
 - Parties have had advance notice of written documentation and are given reasonable opportunity to consider new issues if they arise.
 - Parties who may be unaccustomed to speaking at such a meeting are made to feel at ease.
 - The proceedings are conducted informally and with courtesy and respect on all sides.
 - Each party has the opportunity to ask questions of any witness and to state their case.
 - The panel is open minded and acts independently.
 - No member of the panel has a vested interest in the outcome of the proceedings.
 - No member of the panel has had any prior involvement at any earlier stage in the procedure.
 - That all parties (including the complaints co-ordinator) are informed of the panel's decision in writing within the time limits agreed at the outset of the procedure and any further course of action available to any party explained.
- The panel will ensure
 - The meeting is as informal as possible.
 - Witnesses need only attend for the part which relates to their evidence.
 - After introductions the complainant (or their representative) will be invited to explain their complaint and call any witnesses they have.
 - The Head teacher (or their representative) may question the complainant and any witness after each has spoken.
 - The Head teacher will then be invited to explain the school's actions and call any witnesses for the school.
 - The complainant may question the Head teacher or any witness after each has spoken.
 - The panel may ask questions at any point.
 - The complainant will then be invited to sum up their complaint.
 - The Head Teacher will then be invited to sum up the actions of the school and their response to the complaint.
 - The parties will leave while the panel considers whether there is any need for them to remain.

- The panel will then inform the parties that they will be notified of the panel's decision within a set period of time.

4.3.9 The Panel can dismiss the complaint in whole or in part, it can uphold the complaint in whole or in part, it can decide on the appropriate action to resolve the complaint and it can recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

Part B

5 Procedure for dealing with complaints about the actions of the Head Teacher

5.1 Stage 1 Informal stage

5.1.1 The complainant is usually expected to arrange to speak directly with the Head Teacher.[In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

5.2 Stage 2 Formal Stage

5.2.1 If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

5.2.2. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

5.2.3 The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Governor in charge will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or the Head Teacher, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.

- 5.2.4 The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.
- 5.2.5 When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.
- 5.2.6 The complainant will be told that consideration of their complaint by the Chair is now concluded.
- 5.2.7 If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant must put that in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

6 Stage 3 Review/Appeal Stage

If the complaint is not resolved at the first or second stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body, or a governor designated by the Chair as the governor responsible for dealing with complaints. The chair of the governing body or governor designated by the governing body as being responsible for complaints is responsible for ensuring correct procedure is followed and organising a Clerk to the panel

- 6.1 Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.
- 6.2 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.
- 6.3 The panel will first receive written evidence from the complainant.
- 6.4 The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint.
- 6.5 The panel may also have access to the records kept of the process followed.
- 6.6 The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - The concern is not substantiated by the evidence
 - The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
 - The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]
- 6.7 If there is to be oral representation:
- It will be in private.

- It will be informal in tone and non-adversarial.
- The complainant will be given the opportunity to attend with a friend or representative if desired.
- If the complainant is a child then their parent will be consulted to consider which parts, if any, of the complainant should attend.
- Any written material required will be collated by the Clerk and sent to all parties in advance of the meeting.
- The Clerk will welcome all parties, record the proceedings and notify all parties as to the outcome.
- The Chair of the panel is responsible for ensuring that
 - The remit of the panel is explained at the outset and each party has the opportunity to put their case without interruption.
 - The issues are addressed.
 - Key findings of fact are made.
 - Parties have had advance notice of written documentation and are given reasonable opportunity to consider new issues if they arise.
 - Parties who may be unaccustomed to speaking at such a meeting are made to feel at ease.
 - The proceedings are conducted informally and with courtesy and respect on all sides.
 - Each party has the opportunity to ask questions of any witness and to state their case.
 - The panel is open minded and acts independently.
 - No member of the panel has a vested interest in the outcome of the proceedings.
 - No member of the panel has had any prior involvement at any earlier stage in the procedure.
 - That all parties (including the complaints co-ordinator) are informed of the panel's decision in writing within the time limits agreed at the outset of the procedure and any further course of action available to any party explained.
- The panel will ensure
 - The meeting is as informal as possible.
 - Witnesses need only attend for the part which relates to their evidence.
 - After introductions the complainant (or their representative) will be invited to explain their complaint and call any witnesses they have.
 - The Head teacher (or their representative) may question the complainant and any witness after each has spoken.
 - The Head teacher will then be invited to explain the school's actions and call any witnesses for the school.
 - The complainant may question the Head teacher or any witness after each has spoken.
 - The panel may ask questions at any point.
 - The complainant will then be invited to sum up their complaint.
 - The Head Teacher will then be invited to sum up the actions of the school and their response to the complaint.
 - The parties will leave while the panel considers whether there is any need for them to remain.
 - The panel will then inform the parties that they will be notified of the panel's decision within a set period of time.

6.8 The Panel can dismiss the complaint in whole or in part, it can uphold the complaint in

whole or in part, it can decide on the appropriate action to resolve the complaint and it can recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

7 Additional Considerations

- 7.1 The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential, however the complainant is entitled to request a written account of the investigation itself.
- 7.2 If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

8 Monitoring and Review

- 8.1 It is the responsibility of the Governing Body to monitor the effective deployment of this policy. This responsibility has been delegated to the Staffing and Pupil Welfare Committee.
- 8.2 This policy will be reviewed every three years.

Document Control

Revision History

Version	Revision Date	Revised By	Revision
1.0	Spring 2014	Full govts	Reviewed & ratified
1.1	Spring 2015	Full govts	Reviewed & ratified
1.2	Spring 2016	Full Govts	Reviewed & ratified
1.3	Spring 2018	Full Govts	Reviewed & ratified
1.4	Spring 2019	Full Govts	Reviewed & ratified
1.5	Spring 2020	Full Govts	Reviewed & ratified
1.6	Spring 2021	Full Govts	Reviewed & ratified

Signed by

	Name	Signature	Date
Headteacher	Ann Pelham		
Chair of Governors	Tim Graveney		

Distribution

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<ul style="list-style-type: none">• Staff via school server• Parents via Website• Governors via committee meetings

Date for next review
Spring 2022

Appendices:

Appendix 1: Investigation Procedures

Appendix 2: Model Complaint Form

Appendix 3: Model RESPONSE TO SPURIOUS COMPLAINANT

Appendix 4: Model NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT

Appendix 5: Model REVIEW OUTCOME NOTIFICATION

Investigation Procedure

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Head Teacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The

interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18]"

Model RESPONSE TO SPURIOUS COMPLAINANT

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 governing body's General 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.
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 take advantage of the procedure outlined in Annex 3 of the complaints procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher or Chair of Governing Body

Model NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

The concern is not substantiated by the evidence in that

OR

The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress. However if you are unhappy with the outcome of your complaint you may wish to proceed to stage 3 of the complaints policy by writing to the Headteacher or chair of governors)

Yours truly

Head Teacher / Chair of Governing Body

c.c. Head Teacher

Model REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours truly

Chair of Complaints Review Panel

c.c. Head Teacher
Chair of Governors