



# HILBRE HIGH SCHOOL HUMANITIES COLLEGE

## SCHOOL COMPLAINTS PROCEDURE

Author:  
Name of Committee approved:  
Date ratified at Full Governors:  
Date to be reviewed:  
Other related policies:

Jane Doyle  
Full  
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Staff Behaviour policy;  
Serial, Persistent and Unreasonable Complaints policy; and  
Complaints policy

## **Introduction:**

All Academies must have their own distinct Complaints procedure in place (which meets the standards set out in the Education (England) Regulations 2014, schedule 1, Part 7) <https://www.hilbre.wirral.sch.uk/page/?title=Policies%2C+Documents%2C+Procedures&pid=36> to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

This policy for Hilbre High School Humanities College has been produced in line with ESFA Guidance for Academies and Best Practice Guidance for Schools Complaints Procedures Gov.Uk 2019 and is intended to provide clarity between an Academy's "Legal Requirement" and what is "good practice".

## **Requirements of the Complaints procedure:**

Hilbre High School's Complaints procedure has been approved by the Board of Trustees and set down in writing. **Under Section 29(1)(b) of the Education Act 2002** this Complaints procedure has been published on the Academy's website and is available to all parties to access and download. It sets out clear timescales for the management of any complaint.

This policy is **not** limited to just the parents or carers of children registered with the Academy. Anyone can make a complaint using the Academy's Complaints procedure about any provision of facilities or services we provide and this does include parents or carers of children no longer at the school or members of the public. There are, however, some complaints that will need to be dealt with under their own Statutory Policy procedures:

## **Exceptions falling outside the Complaints procedure remit:**

School Admissions, Exclusions, Special Educational provision and Assessment, School Re-Organisation, Curriculum (including school public examinations, school records of individual students, etc.), Grievances by staff or Child Safeguarding. These matters are already provided for by existing statutory procedures, copies of which can be found on the Academy's website.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority Safeguarding Teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hilbre High School Humanities College in relation to their complaint, we will consider whether to suspend the Complaints procedure in relation to the complaint, until those legal proceedings have concluded.

## **The difference between a complaint and a concern:**

A concern can be defined as an "expression of worry or doubt over an issue considered to be important for which reassurances are sought".

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints procedure. Hilbre High School Humanities College takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand, however, that there may be occasions when people would like to raise their concerns formally. In this case, Hilbre High School will attempt to resolve the issue internally, through the stages outlined within this Complaints procedure.

The Academy will ensure complainants are given reasonable notice of any panel hearing should the complaint proceed to the panel stage.

The Academy expects certain standards of behaviour from a complainant and will not accept behaviour that is considered of an unacceptable nature, ie. abusive, threatening or violent; such a situation may prevent the Complaints procedure from continuing.

The Academy will consider if staff likely to be involved in handling a complaint are suitably trained and equipped to do so, particularly if it involves correspondence with MPs as they often use the correspondence they have received to brief or inform their constituents.

The policy will clearly signpost complainants that are not satisfied about the handling of their complaint to the DfE (see page 6).

The panel will not be made up of solely of members of the Board of Trustees as they are not independent of the management and running of the academy, and so other suitably independent individuals will be identified who can fulfil the role and responsibility.

#### **Raising a concern or complaint:**

A concern or a complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

Concerns should be raised with Mrs D Fegan, Senior Leadership Team PA via [schooloffice@hilbre.wirral.sch.uk](mailto:schooloffice@hilbre.wirral.sch.uk) who will then ensure that the relevant person deals with the complaint. If the issue remains unresolved, the next step is to make formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at Stage 3 of the procedure.

If the complaint involves or is about the Headteacher, these should be addressed to Mr Mike Cockburn, Chair of The Board of Trustees, and be marked 'Private and confidential'.

Complaints about the Chair of the Board of Trustees, any individual Trustee or the whole of the Board of Trustees should be addressed to Ms Jane Brown, Clerk to the Board of Trustees, and be marked 'Private and confidential'.

For ease of use, a template complaint form is included at the end of this procedure and is available to download from the school website. You may also ask third party organisations like Citizens Advice to help you.

In accordance with the law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this Complaints procedure. For instance, providing information in alternative formats, assisting complainants raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints:**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales:**

You must raise the complaint within 3 months of the incident or, where a series of associate incidents have occurred, within 3 months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside term time:**

We will consider complaints made outside of term time which are received on the first school day after the holiday period.

### **Resolving complaints:**

At each stage of the procedure, Hilbre High School Humanities College want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in-part. In addition, we may offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event complained of will not recur.
- An explanation of the steps that have been or will be taken to ensure that it will not happen again and an indication of the timescales within which any changes made will be made.
- An undertaking to review school policies in light of the complaint.
- An apology.

### **Withdrawing complaints:**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Roles and responsibilities:**

#### **The complainant:**

- Explain the complaint in full as early as possible.
- Co-operate with the school in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance, if required.
- Treat all those involved with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

#### **The investigator:**

To provide a comprehensive, open, transparent and fair consideration of the complaint through:

- Sensitive and thorough interviewing of the complaint to establish what has happened and who is involved.
- Interviewing staff and children/young people and other people relevant to the complaint.
- Consideration of records and other relevant information.
- Liaise with the complainant and the complaints co-ordinator, as appropriate, to clarify what the complainant feels would put things right.

**The investigator should:**

- Conduct an interview with an open mind and be prepared to persist in questioning.
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- Ensure that any papers produced during the investigation are kept securely, pending any appeal.
- Be mindful of timescales to respond.
- Prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

**Complaints co-ordinator:**

- Ensure that the complainant is kept fully updated at each stage of the procedure.
- Liaise with staff members, Headteacher, Chair and Board of the Trustees and Clerk to ensure the smooth running of the Complaints procedure.

**Be aware of issues regarding:**

- Sharing third party information.
- Additional support- this may be needed by complainants when making a complaint, including interpretation support or where the complainant is a child or young person.
- Keep records.

**Clerk to the Board of Trustees:**

The Clerk is the contact point for the complainant and the committee should:

- Ensure that all people involved in the Complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, The Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint and send it to parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the Committee's decision.

**Trustees members (Governors Complaints Committee):**

**Committee members must be aware that:**

- The meeting must be independent and impartial and should be seen to be so.

- No Governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- It should be recognised that the complainant might not be satisfied with the outcomes if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- The complainant may feel nervous and emotional when in a formal setting discussing an issue that affects their child/ward.
- Consideration should be given if a child/ward/young person is present during the meeting; the welfare of the child/ward/young person is paramount and they must be given respect and equal consideration to those of adults.
- If the child/ward/young person is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where a child/ward/young person's parent/carer is the complainant, the Committee should give the parent/carer the opportunity to say which parts of the meeting, if any, the child/ward/young person needs to attend (unless the Committee decides that this would not be in the child/ward/young person's best interests).

### **The Education and School Funding Agency (ESFA):**

It is the responsibility of Academies to make sure that their Complaints procedure is fully compliant and for the ESFA to ensure that Academies comply with the terms of their DfE Funding Agreement.

If a complaint is directed to the ESFA they will check whether the complaint has been dealt with properly by the Academy. The ESFA will consider complaints about Academies that fall into any of the following 3 areas:

1. Where there is undue delay or the Academy did not comply with its own Complaints procedure when considering a complaint.
2. Where an Academy is in breach of its funding agreement with the Secretary of State.
3. Where an Academy has failed to comply with any other legal obligation.

### **There are 3 stages to the Complaints procedure:**

**Stage 1** - Informal (usually a meeting with the complainant).

**Stage 2** - Formal (the complaint put in writing).

**Stage 3** - A panel hearing with members of the Board of Trustees.

### **If the complainant progresses to the final hearing stage, the Academy will:**

1. Allow the parent/carer (related party) to attend and be accompanied, if they wish.
2. Ensure that at least one member of the panel is independent of the management and running of the Academy.

### **Stage 1 - INFORMAL PROCEDURE:**

It is anticipated that the majority of concerns and complaints will be resolved formally. If parents/carers have a concern/complaint, they should normally contact their child/ward's subject teacher or Head of Year accordingly. Contact details for staff can be found on the school website in the "Contact Us" section.

In most cases it is anticipated that the matter will be resolved quickly, by this means and to the satisfaction of the parent/carer.

If the staff member initially receiving the complaint is unable to resolve it alone, they will consult with more senior staff with the aim to procure a solution without requiring a more formal procedure.

In relation to any of the following: a written complaint/concern; a meeting with the complainant; the outcome of an investigation; the conclusion of any further meeting with the complainant or appeal stage hearing, the school aims to answer within a maximum of 15 working days. If, for any reason the above is not possible, the complainant will be provided with a revised timescale for dealing with the complaint.

If, after Stage 1, the matter is still not resolved to the parent/carer's satisfaction, they will be referred to Stage 2.

### **Stage 2 - FORMAL PROCEDURE:**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher) via the School Office. This may be done in person, in writing (preferably on the complaint form or via e-mail: [schooloffice@hilbre.wirral.sch.uk](mailto:schooloffice@hilbre.wirral.sch.uk)) or by telephone.

The school will record the date that the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or e-mail) within 5 school days.

Within this response, the designated Senior Leader will seek to clarify the nature of the complaint, ask what remains un-resolved and what outcome the complainant would like to see. The lead member of staff can consider whether a face to face meeting is the most appropriate way of doing this. The designated member of staff will liaise with the Headteacher.

During the investigation, the Headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an up to date and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hilbre High School Humanities College will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint to Stage 3 should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the Board of Trustees (including the Chair and the Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member(s) of the Board of Trustees must be made to the Clerk to the Board of Trustees via the School Office.

If the complaint is:

- Jointly about the Chair and the Vice-Chair;
- The entire Board of Trustees; or
- The majority of the Board of Trustees.

Stage 1 will be considered by an independent investigator appointed by the Board of Trustees. At the conclusion of the investigation, the independent investigator will provide a formal written response.

### **Stage 3 - FORMAL BOARDS OF TRUSTEES COMPLAINTS COMMITTEE:**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 - a meeting with members of the Board of Trustees' Complaints Committee, which will be formed of the first 3 impartial Governors available. This is the final stage of the Academy's Complaints procedure.

A request to escalate to Stage 3 must be made via the Clerk to Board of Trustees, via the School Office, within 10 school days of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or e-mail) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 5 school days of receipt of Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of 3 proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least 3 Governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than 3 Governors from Hilbre High School Humanities College, the Clerk will attempt to source any additional, independent Governors through other local schools. Alternatively, an entirely independent Committee may have to be convened to hear the complaint at Stage 2.

The Committee will decide whether to deal with the complaint by inviting parties to attend a meeting or through written representations, but in making their decision, will be sensitive to the complainant's needs.

At least 15 school days before the meeting, the Clerk will:

Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, dates are convenient to all parties and the venue and proceedings are accessible.



Request copies of further written material to be submitted to the Committee at least 5 school days before the meeting.

Any written material will be circulated to all parties before the meeting. The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

The Committee will consider the complaint and the evidence presented. The Committee can then:

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Committee will:

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to a school's systems or procedures to prevent similar issues in the future.

The Chair of the Complaints Committee will provide the complainant and Hilbre High School Humanities College with a full explanation of their decision and the reason (s) for it, in writing, within 10 school days.

If a complainant tries to reopen the same issue, the Chair of the Board of Trustees may write to the complainant to inform them that the procedure has been completed and the matter has been closed.

A written record will be kept of all complaints and of whether they are resolved at the preliminary Stages 1 and 2 or proceeded to a panel hearing

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 162A of the Education Act 2002, requests to see them.

#### **Monitoring and review:**

The Board of Trustees monitors the Complaints procedure in order to ensure that all complaints are handled properly. The Headteacher will make a log of all formal complaints received by the school and record how they were resolved. Trustees may review this log on an annual basis and consider the need for any changes to the Complaints procedure.

#### **Next steps:**

The decision of the panel is final. If you are still not satisfied that the school handled your complaint in accordance with the published Complaints procedure or that they acted unlawfully or unreasonable in the exercise of their duties under education law, then you can contact the Department for Education.

The DfE will not normally reinvestigate the substance of the complaints or overturn any decisions made by the Academy; they will, however, consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

Contacts:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

An on-line enquiry form can be completed to the DfE via the above website address

or via telephone 0370 000 2288 (9.00am to 5.00pm)

### Appendix 1 - Initial Complaint Submission Form

Please complete and return to: Mrs D Fegan - Senior Leadership Team PA, Chair of Board of Trustees or Clerk to the Board of Trustees (delete as appropriate) who will acknowledge receipt and explain what action will be taken.

Your name: ..... (Mr/Mrs/Miss/Ms)

Students' name (if applicable): ..... (Form).....

Your relationship to the student (if relevant) .....

Your address:

Post Code:

Day time telephone number: .....

Evening telephone number: .....

Mobile telephone Number: .....

Please give details of your complaint and whether this has been previously discussed with a member of school staff:

Signature:.....

Date:.....