



## COMPLAINTS PROCEDURE

Hampstead School has a strong commitment to working in partnership with the whole school community. We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instil this in our children. From time to time something may go wrong, or you may think we can do something better. We encourage you to tell us about this. Any concerns raised will be resolved as quickly and as efficiently as possible. Usually concerns can be resolved very quickly through the school's day to day communication between parents and the school staff. If a parent, student or carer is still concerned there is a clear and transparent process for a complaint to be looked into and followed up.

### 1. OVERVIEW

#### 1.1 The law

1.1.1 Section 29 of the Education Act 2002, requires governing bodies of all maintained schools and nursery schools to have a procedure to deal with complaints about services the school provides. The Freedom of Information Act 2000 means the procedure is publicised.

#### 1.2 What can a complaint be about?

1.2.1 The complaints procedure is for parents / carers of pupils and the kinds of issues that might lead to a complaint being made may include:

- Staff conduct
  - Teaching and learning
  - Bullying
  - The school environment
  - Decisions about exam entries
- Discrimination

In some cases the Data Protection Act means that parents or carers must give consent to sharing information about their child.

1.2.2 Anonymous complaints will be looked at on a case by case basis.

1.2.3 Our complaints form can be used to help you providing us with the key information required to process your complaint however complaints can be considered without one.

**1.3 Concerns about some things are usually dealt with another way and not under our complaints procedure. These include:**

- Complaints about statutory assessments for children with special educational needs

- Grievance or Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Matters likely to require a Child Protection Investigation
- Admissions and exclusions
- Provision of collective worship and religious education
- Curriculum complaints
- Whistleblowing
- Complaints about services provided by other providers who may use school premises or facilities.

1.3.1 If the complainant starts legal action in relation to the matters under consideration, the complaints process will end and the School's legal team will take over. **Resolving issues and complaints**

1.4.1 Most issues and complaints can be resolved **informally**. If this is not possible, then it can be looked at formally.

1.4.2 We try to resolve complaints quickly so parents and teaching staff can move forward. Sometimes we may agree that a complaint, or part of a complaint is valid. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur – and an explanation of stages taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen, which may help resolve the situation at any stage.

1.4.3 We might find that:

- There is not enough evidence to reach a conclusion, so that that complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full. Sometimes we will be able to give information about follow up action the school may be taking to review procedures etc, but details of the investigation will comply with the Data Protection Act.
- The matter has been fully investigated and that appropriate procedures are being followed, but these are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

1.4.4 When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach the interview with an open mind – and keep notes.

1.4.5 If we are unable to fully respond within the specified time scales, we will inform the complainant before the deadline, giving a reason and a new deadline for reply.

1.4.6 Copies of notes or statements made during interviews during an investigation are not usually given to a complainant.

## **1.5 Timing**

1.5.1 Concerns or complaints should be raised as soon as is practicable after they occur.

1.5.2 Hampstead School thinks it is reasonable to consider complaints up to three months after the event, or three months after the event became known to the complainant, as head teachers and governors are better able to look at complaints when events took place recently. . Complaints about events which took place more than three months ago will be considered in exceptional circumstances only.

1.5.3 If your child has left Hampstead School we do not have to consider parental complaints. However, we may continue to look at complaints which were underway before the student left.

1.5.4 When children of statutory school age leave Hampstead School their child's student file will have been passed onto the next school. This means that the head teacher will have a very limited amount of information available to look at during their investigation.

1.5.5 Complainants will want to consider how they might best obtain the resolution they desire and if this is possible after considerable time has elapsed.

## **2. THE PROCEDURE**

### **2.1 The stages for making a complaint**

2.1.1 **Where the following procedure refers to head teacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. The final decision will however rest with the head teacher.**

2.1.2 **In exceptional circumstances, the head teacher or Chair of governors (Chair) may commission an independent investigator to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the Local Authority on how to arrange this.**

## **2.2 Stage 1 - Informal complaint**

- 2.2.1 This is when a parent or student or other person contacts the school because they are not happy about something that has happened, or is happening in school.
- 2.2.2 At this stage ideally a class teacher, head of year or other individual responsible for the service can resolve the concerns. This could be via a meeting if the complainant so wishes. The school will ask the complainant what they are looking for so minor concerns are dealt with quickly and effectively.
- 2.2.3 **The response will be provided within a maximum of 15 school days from the date of receipt.**
- 2.2.4 The response can be oral or in writing, as deemed appropriate to the situation and details of the complaint will be retained for monitoring purposes.
- 2.2.5 If we are unable to respond within the time scale, we will inform the complainant before the deadline, giving a reason for any delay and a new reasonable deadline for reply.
- 2.2.6 As part of the response, the complainant will be told about the next stage of the procedure in case they are not satisfied with the outcome.
- 2.2.7 If the complaint is about a class teacher, head of year or other individual responsible for the service or if it is inappropriate for anyone below the role of head teacher to respond, it may be prudent for the head teacher or member of the senior leadership team to respond to a complaint directly under the Stage 2 guidelines in the first instance.
- 2.2.8 The head teacher may escalate the complaint to any stage of the process if they feel that it is appropriate.
- 2.2.9 If a complainant acts unreasonably and refuses to try to resolve matters informally the procedure may end. This will be confirmed in writing.

## **2.3 Stage 2 - Formal complaint to the head teacher**

- 2.3.1 If the complainant is not satisfied with the response received following the informal procedure, or if it is not appropriate for the class teacher or head of year to respond, the complaint can go to the head teacher to investigate. In some cases, the head teacher may decide to carry out the investigation immediately.
- 2.3.2 Formal complaints should usually be made in writing to the head teacher and should also include the complainant's desired outcome from the complaint (*a form is available for this purpose*).
- 2.3.3 If a complainant has raised an informal complaint and is not happy with the outcome they can ask the head teacher to look at their concerns formally. The head teacher must be given the formal complaint within **10 school working days** following the informal response.

- 2.3.4 We will provide oral or written acknowledgement of a complaint **within 2 school days of receipt of the complaint** and include a target date for response. This will normally be **within 20 school days of receipt of your complaint**.
- 2.3.5 If it is not possible to resolve matters within this timescale an explanation will be given, with a revised target date.
- 2.3.6 Where appropriate, the head teacher will provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish.
- 2.3.7 The head teacher will interview any relevant students / witnesses as soon as possible. Students may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the student feels comfortable will be asked to attend. Written records will be kept of all meetings, telephone conversations and interviews etc.
- 2.3.8 Complaints need to be considered, and resolved, as quickly and efficiently as possible.
- 2.3.9 Following the completion of all appropriate investigations, the head teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s).
- 2.3.10 The response will also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.
- 2.3.11 Should the complaint be about a head teacher or if the head teacher has already had extensive involvement at this stage, the case may be referred directly to the Chair of Governors to be dealt with. However it is obviously desirable for the head teacher to continue to attempt to resolve the issue at this stage if possible.
- 2.3.12 Unless the complaint relates to the head teacher, the Chair of Governors may ask the head teacher, member of the senior leadership team or other appropriate school governor to carry out any investigation on their behalf. This should be someone with no previous involvement in the complaint.

## **2.4 Further consideration at stage 2**

- 2.4.1 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 in respect of the investigation carried out by the head teacher or member of the senior leadership team.
- 2.4.2 This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should send, in writing, a complaint to the Chair of Governors in respect of the head teacher's

investigation **within 10 school days of receiving the head teacher's written response.**

2.4.3 The Chair of Governors will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the head teacher and relevant members of school staff if the Chair of Governors requires additional evidence. It will not be appropriate to question any children if they have been part of any previous investigation.

2.4.4 When the investigation has been concluded the complainant and the head teacher will be informed in writing of the outcome **within 20 school days of receiving the complaint.**

2.4.5 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, then the complainant may request that the Governing Body review the handling of the complaint.

## **2.5 Stage 3 – Formal complaint to the governing body**

2.5.1 If the Chair of the governing body receives a written complaint directly from a parent they consult with the head teacher before taking any action. This ensures that the complaint is being dealt with appropriately.

2.5.2 Complainants to the governing body should usually be made in writing and addressed to the Chair of School Governors **no later than 10 school days following receipt of a written outcome at Stage 2.**

2.5.3 **Individual complaints will not be considered by the full governing body.**

2.5.4 A governors' complaints panel consisting of three members of the governing body will be convened. **Written acknowledgement of the complaint will usually be made within 3 school days of receiving the complaint.**

2.5.5 The acknowledgement letter will inform the complainant that **their complaint is to be heard by the panel within 20 school days of receiving the complaint.**

2.5.6 The complaint panel meeting will be arranged, with enough notice given so that everyone, including the complainant, can make arrangements to attend. **This notice period is usually at least 5 school days prior to the date of the panel meeting.**

2.5.7 At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. The panel may also need to interview any people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

2.5.8 **A written response to the complainant will be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.**

## **2.6 Appeal to the Department for Education**

2.6.1 If the complainant is still not happy by this stage, an appeal can be made to the Department for Education (DfE) on the following grounds:

- The governing body is acting or proposing to act unreasonably.
- The governing body has failed to discharge its duties under the 1996 Education Act.

It should be noted that, in this sense, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing body could act in the circumstances.

## **3. COMPLAINT HANDLING**

### **3.1 Monitoring complaints**

3.1.1 The school will monitor complaints. Details to include in any monitoring records are:

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken

3.1.2 Complaints will be recorded in a manner which indicates which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either:-

- Upheld
- Not upheld or
- Partially upheld

3.1.3 One complaint can have several stages each with a different outcome. There will also be an indication as to what the response time scale is (dependent on the stage) and whether or not the response time scales have been met.

3.1.4 Gender, ethnicity and any disability of complainants will be monitored in order to address any possible equality issues.

3.1.5 As per the Data Protection Act 1998, the details of complaints and their resolution will not be shared beyond those individuals directly involved. This includes school governors.

### **3.2 Publicising our complaint procedure**

3.2.1 Details of the complaint procedure will be publicised in:

- The school's website

### **3.3 Serial and Persistent complaints overview**

- 3.3.1 A good complaints procedure can help limit the number of protracted complaints. This section, and section 3.4, set out how the school will deal with complaints on matters which have been settled via the above procedure, and complaints where the behaviour of the complainant is unreasonable.
- 3.3.2 If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.
- 3.3.3 If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis, then the school reserves the right to classify the complaint as serial and persistent and not to respond. This will generally apply when
- The school has taken every reasonable step to address the complainant's needs;
  - The complainant has been given a clear statement of the school's position and their options (if any); and
  - The complainant is contacting the school repeatedly but making substantially the same points each time.

The school will be more likely to exercise this right if it believes that the complainant is contacting them with the intention of causing disruption or inconvenience (or has stated as such), if the complainant's letters/emails/telephone calls are often or always abusive or aggressive or if they have been abusive or aggressive

- 3.3.4 The school may take steps to limit or in some way ration contact for example:
- directing the parent to a specific teacher or other member of staff as a contact point.
  - responding to the complainant at specific intervals.
  - informal or formal written warnings given as to future behaviour and the consequences of that behaviour.
- 3.3.5 In these instances, care will be taken not to dismiss any new complaints that have been raised alongside previous complaints. However, any new issues will be addressed separately under the relevant stage of the complaints procedure. A continued dialogue between the school and the complainant is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt will be given to parents / carers.
- 3.3.6 If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the head teacher or chair of governors will consider informing the complainant that the complaints may be considered unreasonable.
- 3.3.7 If the complainant believes that the school has acted unreasonably in reaching its decision they may appeal to the Department for Education.



### **3.4 Unreasonable Complaints**

- 3.4.1 It is not appropriate to make personal attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.
- 3.4.2 The school will not tolerate abuse towards staff, students or governors.
- 3.4.3 A policy for unreasonable complaints is included as Appendix 2. This policy defines what an unreasonable complaint is and how the school may respond to them. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.
- 3.4.4 Unreasonable complaints include what is sometimes referred to as vexatious complaints. A vexatious complainant is recognised in law as someone who raises a complaint without grounds in order to cause annoyance

### **3.5 Getting help and advice**

- 3.5.1 The schools may also wish to seek advice from any relevant authority such as the Local Authority.

### **3.6 Governor Complaints**

- 3.6.1 Complaints regarding individual Governors should be made in writing to the Clerk to the Governors. Complaints made in this way will normally be investigated by the Chair of Governors, or the Vice-Chair if the complaint is in relation to the Chair of Governors. The timescales for response will be as in 2.3.4. If the complainant is not satisfied with the response, a Stage 3 panel composed of Governors will be convened to consider their appeal. The timescales followed will be as in 3. In exceptional circumstances, the Chair or Vice Chair may commission an independent investigator or arrange for a panel of independent Governors to hear the Stage 3 complaint. Complaints regarding the conduct of a Governor in dealing with or investigating a separate complaint will not normally be considered as a separate complaint.

## **4. CURRICULUM COMPLAINTS PROCEDURE**

### **4.1 When can the curriculum complaints procedure be used?**

- 4.1.1 Complaints about the Local Authority's powers or functions need to be considered only by the Local Authority and should be addressed directly to the Local Authority; however
- 4.1.2 There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local Authority or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child
- To follow the law on charging for school activities

- To offer only approved qualifications or syllabuses
- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum,

or are acting unreasonably in any of the above cases. The procedure is as follows:

#### **4.2 Phase 1 – Informal**

4.2.1 Parents should be encouraged to take their concerns directly to the head teacher of a school in order to seek early resolution informally. A response should be given within a reasonable timescale. If the complaint cannot be resolved in this way, the following phase should be initiated:

#### **4.3 Phase 2 – The Governing Body**

4.3.1 A referral to the schools governing body should be made and if necessary a complaints panel should be convened and the complaint investigated in the same way as described in Stage 3 of the School Complaints Procedure above. It may be more prudent that the Chair carry out an investigation or review.

#### **4.4 Phase 3 – The Department for Education**

4.4.1 If the complainant is still not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Department for Education.



## Policy for Unreasonable Complainants

Hampstead School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hampstead School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint either face-to-face, by telephone or in writing or electronically does so:-

- maliciously;

- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school specify methods of communication and limit the number of contacts in a communication plan. These may include the following steps

- directing the parent to a specific teacher or other member of staff as a contact point.
- requiring all contact through a single e-mail address
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.