**HIGHGATE HILL HOUSE SCHOOL**

**SCHOOL COMPLAINTS POLICY**

**Highgate Hill House School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment**

# Introduction

The School Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

# Underlying Principles

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

1. The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
2. The way in which the complaint is likely to be handled where there are established statutory or other procedures for the dealing of a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

* Admissions to schools
* Exclusions
* Special Educational Provision
* School re-organisation
* Matters concerned with the curriculum
* Serious complaints against staff
* Child Protection issues
* Public examinations

It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant will be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

# Definition of a Complaint

For schools, a complaint within the terms of the procedures described here, is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the school, children who attend the school, other professionals or members of the public. All complaints will be investigated as such.

After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff.

Anonymous complaints would not normally be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the school. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

Conciliation between school and the complainant can be considered at any time, within the informal or formal stages.

**Resolving a complaint**

It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may 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 event complained of will not recur
* An explanation of the steps that have been taken to ensure that it will not happen again
* An undertaking to review school procedures and policies in the light of the complaint

**1. The First Stage – Dealing with Concerns and Complaints**

# Informally

## 1.1 Guidelines

* It is hoped that all complaints and concerns are resolved as early and informally as possible complainants need not only to be listened to but also to feel that they have been listened to.
* The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through the class teacher, school secretary or Head-teacher, depending on whom the complainant first approach. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

## 1.2 Procedures

* complainant will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the complainant how the situation arose. It may be helpful to identify at this point what sort of outcome the complainant is looking for.
* Parents and pupils are informed of this complaints policy in an age related appropriate manner during their admissions process.
* The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully the appropriate member of staff can resolve the matter immediately.
* If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant. The Head-teacher will be given a copy.
* Where the concern relates to the Head-teacher, the parent should be advised to contact the Proprietor.
* The member of staff dealing with the concern or complaint will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
* Where no satisfactory solution has been found within 10 school working days, complainants should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.

# 2. The Second Stage – Referral to the Head-teacher for Formal Investigation

## 2.1 Guidelines

* By now it will have become clear that the concern is a definite complaint. In some cases the Head-teacher will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Head-teacher (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
* As the Head-teacher has responsibility for the day-to-day running of the whole school, she has responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.
* The Head-teacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the Head-teacher deals with contacts with parents/carers at Stage 2. Even at that stage the Head-teacher may designate another member of staff to collect some of the information from the various parties involved.

## 2.2 Procedures

* Complaints should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint where there are sufficient grounds to do so. The Head-teacher (or designated member of staff) will acknowledge the complaint in writing within three working days of receiving the written complaint.
* Schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.
* The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.
* It may be possible even at this stage to reach an agreed solution to the problem. The Advice and Conciliation Service of the LEA is able to offer advice to parents/carers and may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.
* The Head-teacher will provide an opportunity for the complainant to meet her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities are available if needed.
* If necessary, the Head-teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. In some circumstances, another member of staff with whom the pupil feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Head-teacher interviews a pupil. The Head-teacher will keep written records of meetings, telephone conversations and other contacts.
* Once all the relevant facts have been established, the Head-teacher will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase ’Appropriate action has or will be taken’ will be used.
* The complainant will be advised that should they wish to take the complaint further they should notify the Proprietor within 10 school working days of receiving the outcome letter. Normally, the Chair will arrange that a Board of Governors Complaints Committee should investigate on the parents/carers behalf, and would also chair the Board of Governors Complaints Committee unless a chair of that Committee has already been designated by the Board of Governors.
* Where the complaint is against the Head-teacher arrangements should be made for the initial investigation to be conducted by a single Board of Governors member (usually the Chair or Vice Chair), or a suitably constituted Board of Governors Complaints Committee who will carry out all the Stage 2 procedures.

# 3. The Third Stage – Appeal to the Proprietor or Complaints Committee

## 3.1 Guidelines

Complaints only rarely reach this formal level. It is important that this appeal should not only be independent and impartial but that it should be seen to be so. There will be a panel hearing of the complaint, where one panel member will be independent of the management and running of the school; and the appeal should be dealt with by employees who have had no prior knowledge or involvement in the case.

As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate. Parents/carers may particularly wish to seek advice from the Advice & Conciliation Officer at this stage if they have not previously made contact.

* Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
* All complaints which reach this stage will have done so because the complainant has not been satisfied by the Head-teacher’s response at the earlier stage of the procedure or the original investigation by the Proprietor or Board of Governors Complaints Committee if the complaint had been about the Head-teacher.
* In the unlikely event of pupils needing to be interviewed, extreme care will need to be taken. A single member of the Board of Governors should interview the child, after gaining parental permission. The parent should be invited to attend but if they are unable, parents/carers could nominate a member of staff to accompany the child.
* Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 3.2 Procedures

* Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:
* The Proprietor will write to the complainant to acknowledge receipt of the written request
* The acknowledgement will inform the complainant that the complaint will be investigated by the Proprietor or three members of the school's Board of Governors Complaints Committee, as appropriate, within 20 school working days of receiving the request
* The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint
* Documents must be received in time for them to be sent to the three members of the Committee, if the Proprietor is not conducting the investigation on their own.
* If the investigation is being conducted by a Board of Governors Complaints Committee, the Chair of the Board of Governors will convene a Committee elected from the members of the Board of Governors. The Committee members have had no prior involvement with the complaint. Generally it is not appropriate for the Head-teacher or staff to have a place on the Committee. The Board of Governors will want to bear in mind the advantages of having a parent/carer on the Board of Governors Complaints Committee.

The Board of Governors will also want to be sensitive to issues of race, gender and religious affiliation.

* Chair of the Board of Governors will ensure that the Board of Governors Complaints Committee hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Board of Governors Complaints Committee member as soon as the composition of the Committee is confirmed.
* The Chair/Vice-Chair will write and inform the complainant, Head-teacher, any relevant witnesses and members of the Board of Governors Complaints Committee at least ten school working days in advance, of the date, time and place of the meeting.
* The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five school working days in advance of the meeting. The Chair/Vice Chair of the Board of Governors will invite the Head-teacher, to attend the Board of Governors Complaints Committee meeting and prepare a written report for the Committee in response to the complaint.
* The Head-teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head-teacher’s report, at least five school working days prior to the meeting.
* It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
* The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
* The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is therefore recommended the Chair of the Committee ensures that the proceedings are as informal as the situation allows.
* If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
* At Stage 3 the complainant and the Head-teacher and any other staff should be interviewed separately, so the Committee can form a clear and unbiased view of the complaint. The interviews, which can be arranged to run consecutively if this is more convenient, should allow –
  + The complainant to explain their complaint(s)  The Head-teacher to explain the school's response
  + The Board of Governors Complaints Committee members to have an opportunity to question both the complainant and the Head-teacher.
  + Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses
  + Both parents/carers and Head-teacher and staff to have the right of representation at the interview if they so wish

* The Chair of the Committee will explain to the complainant and the Head-teacher that the Committee will consider its decision, and a written response will be sent to both parties within 15 school working days.
* The Committee will then consider the complaint and all the evidence presented and
  + Reach a unanimous, or at least a majority decision on the complaint
  + Decide upon the appropriate action to be taken to resolve the complaint
  + Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

* Recommendations will be reported to the Board of Governors at an appropriate time.
* A written statement outlining the decision of the Committee must be sent to the complainant and the Head-teacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase ‘Appropriate action has or will be taken’ will be used.
* The Committee will ensure that a copy of all correspondence and notes are kept on file in the committee’s records. These records should be kept separately from the pupil's personal records.

# 4. The Fourth Stage – Referral to the Secretary of State or Local Government Ombudsman 4.1 The Secretary of State

Complaints can be taken to the Secretary of State for Education under Section 496 of the Education Act 1996, on the grounds that a Complaints Committee or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

## 4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general complaint procedure may be made to the Ombudsman.

However, the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

Outline School Complaints Procedure: flowchart

|  |  |
| --- | --- |
|  | Complaint raised and received and passed to appropriate member of staff |
|  | Complaint heard by staff member (informally and as soon as possible, 10 days) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint heard by the Head-teacher. Acknowledge receipt of complaint   * Meet with complainant to clarify complaint * Look into complaint as soon as possible (10 days) * Inform complainant of outcome (+ write to confirm) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint referred to Chair of Governing Body   * Board complaints panel arranged (20 days) * Issue letter inviting complainant to meeting |
|  | Panel meet: decide to dismiss / uphold / decide action / recommend change and issue letter confirming panel decision (15 days)  \*END OF PROCESS FOR SCHOOL\* |
|  | Complainant may complain to the Department for  Education who may review due process |

Example of a form to record a formal complaint

Please complete and return to …………………………..(Proprietor) who will acknowledge receipt and explain what action will be taken.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Your name: |  | | | | |
| Pupil’s name: |  | | | | |
| Your relationship to the pupil: |  | | | | |
| Address: |  | | | | |
| Day time 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: | | | Complaint referred to: | | |
| Acknowledgement sent by: | | | Date: | | |

***This Policy was adopted by the Proprietor on 01/09/16***

***Signed:***

***Dated:***

***Policy Review Date 01/09/17***

**HIGHGATE HILL HOUSE SCHOOL COMPLAINTS PROCEDURE**

**Guidance for Pupils & Parents**

If you are unhappy with something at HHHS, you can complain verbally or in writing.

You can complain to any member of staff, The Head Teacher, Vicky Skelton or the Proprietor, Julie Smith.

Your complainants will be treated seriously and investigated fairly.

It is hoped that all complaints and concerns are resolved as early and informally as possible.

It is important to the school that you feel listened to.

Outline School Complaints Procedure: flowchart

|  |  |
| --- | --- |
|  | Complaint raised and received and passed to appropriate member of staff |
|  | Complaint heard by staff member (informally and within 10 days) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint heard by the Head-teacher. Acknowledge receipt of complaint   * Meet with complainant to clarify complaint within 10 days * Look into complaint as soon as possible * Inform complainant of outcome (+ write to confirm within 10 days) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint referred to Chair of Board of Governors   * Board of Governors complaints panel arranged within 20 days * Issue letter inviting complainant to meeting |
|  | Panel meet: decide to dismiss / uphold / decide action / recommend change and issue letter confirming panel decision within 15 days  \*END OF PROCESS FOR SCHOOL\* |
|  | Complainant may complain to the Department for  Education |
|  |  |

**HHHS COMPLAINTS PROCEDURE**

If you are unhappy with something at HHHS, you can complain verbally or in writing.

You can complain to any of the staff, The Head Teacher, Vicky or the Proprietor, Julie.

It is important to us that you feel listened to.

|  |  |
| --- | --- |
|  | Complaint raised |
|  | Complaint heard by staff member (informally and within 10 days) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint heard by Vicky   * Meet with you to talk about the problem within 10 days * Look into complaint as soon as possible * Inform complainant of outcome (+ write to confirm, 10 days) |
| Issue resolved: (including no further action) | Issue not resolved |
|  | Complaint referred to Governing Body   * Complaints Panel arranged within 20 days * Issue letter inviting complainant to meeting |
|  | Panel meet: decide to dismiss / uphold / decide action / recommend change and issue letter confirming panel decision within 15 days  \*END OF PROCESS FOR SCHOOL\* |
|  | You may complain to the Department for  Education |