



# Policies

## Complaints Procedure

Signed by  
Chair of Governors

Agreed by the Governing Body on 12<sup>th</sup> December 2016



# Holmes Chapel Comprehensive School and Sixth Form College

## Complaints Procedure

### Introduction

HCCS endeavours to provide the best education possible for all of its students in an open and transparent environment. Our overall aim is to 'prepare our learners for a changing world'. In setting out to achieve this, the governing body and senior leadership team endeavour to provide the best teachers, facilities and learning resources possible. We recognise that there will always be areas where we can improve. We therefore welcome any feedback that we receive from parents/ carers and pupils and we accept that not all of this will be positive. We will make mistakes and recognise the need to learn from them. Where concerns/complaints are raised the school intends for these to be dealt with as quickly and as openly as possible. All comments will be investigated fairly and without prejudice.

In order to do so, the governing body at HCCS has approved the following procedure which complies with the Education (Independent School Standards) Regulations 2010 and which explains what you should do if you have any concerns about the school in relation to your child. All members of staff will be familiar with the procedure and will be able to assist you.

### The scope of this policy

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Student admissions; please see the school's admissions policy
- Student exclusions; please see the school's behaviour policy.
- Safeguarding concerns; please see the school's Safeguarding procedures.
- Assessments of EHC plans; SEND policy
- Staff complaints; Staff grievance, Dignity at work, capability or disciplinary; these are all employment related issues and are dealt with under the relevant HR policy which can be obtained from the HR Manager. Staff complaints are not covered by this complaints procedure.
- Anonymous complaints – please refer to the whistleblowing policy.
- Complaint about a service provided by a third party - the third party's complaints procedure should be followed
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy and Parent's Handbook
- Please note that you will not be able to use this procedure to make a complaint if you don't have a child at the school. In this case, you should complain in writing to the Executive Headteacher who will investigate the complaint and offer a written response. The Executive Headteachers response is final.

### Raising concerns

The majority of concerns can be dealt with without resorting to the formal complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, this can usually be raised in the first instance with your child's subject teacher or tutor. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

Often, where concerns or worries are dealt with in the first instance in this way, it is possible to prevent them from becoming complaints.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes could be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## Safeguarding

The safety and wellbeing of our students is of paramount importance to us. Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. The school has in place a separate set of structures and procedures to support students where safeguarding issues are considered to be present. Any action taken will be in accordance with the school's safeguarding policy details of which are available on the school's website.

## Media/ Social Media

In order for complaints to be resolved as quickly and fairly as possible, HCCS requests that complainants do not discuss complaints publically for example via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

## Complaints that result in staff capability or disciplinary

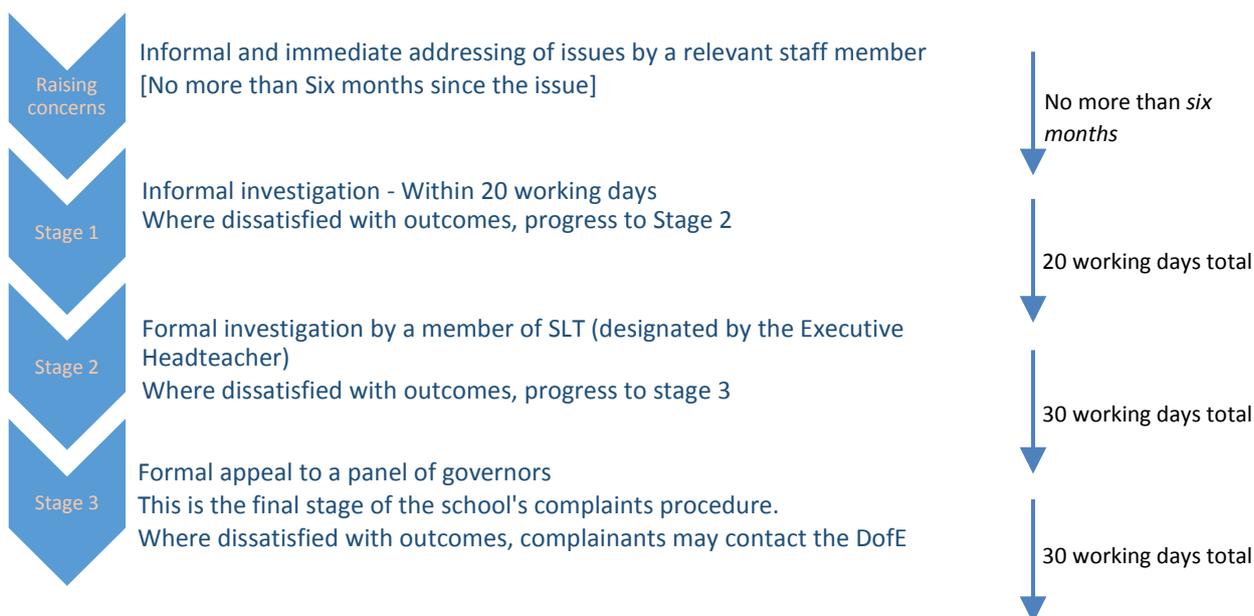
If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings may be necessary, the details of this action will remain confidential to the headteacher and/or the individual's line manager. If the school takes disciplinary or capability action directly because of the complaint, the complainant is entitled to be informed that action is being taken. They are not entitled to participate in the proceedings or receive any detail about them in their role as the person who made the complaint. These issues will be dealt with under the relevant HR policy copies of which may be requested.

## Timeframes

HCCS will endeavour to abide by timeframes stated under each stage but please note that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's' availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the school will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

HCCS reserves the right not to investigate complaints that have been made SIX MONTHS after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Executive Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

## Timeline



## Who should I approach?

HCCS is committed to investigating and responding to all complaints and comments about all aspects of the school's activities. In order to make the system as easy to navigate as possible, the first point of contact for anyone wishing to make a complaint beyond the initial stages identified in this procedure (subject teacher/ tutor) is the clerk to the Governor's / Executive Headteacher's PA who can be contacted via the school main telephone number or using the email address [office@hccs.info](mailto:office@hccs.info). They will direct the complainant to the relevant member of the senior leadership team.

## Complaints about the headteacher or the governors

Where a complaint regards the Head of School or Executive Headteacher, the complainant should first directly approach the individual concerned in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors. The Stage 2 process will then commence, but with the Chair of Governors or their nominated representative as the individual responsible for the investigation rather than a member of the Senior Leadership Team designated by the Executive Headteacher.

Where a complaint regards a governor, the Chair of Governors should be contacted via the Clerk to the Governors. Where a complaint concerns the Chair of Governors, the complainant should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair will oversee any proceedings and they may choose to appoint an independent governor from within the governing body of this or another school to undertake the investigation.

## Stages of the Complaint

### Stage 1 – Informal investigation

Where, as a result of raising a concern, the individual still feels that the issue has not been addressed, or where the outcome has been that the issue needs further investigation than can be resolved briefly, they may progress by making an informal complaint. To do so the complainant should contact the Executive Headteacher or Head of School providing an overview of the complaint including information about; who has been involved, why they believe that the complaint remains unresolved, action they would like to be taken to put things right.

The Headteacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take. Where possible, the Headteacher will offer to meet the complainant to discuss the issues. Where the complaint is about a member of staff or a member of the governing body, consideration will be given to arranging an informal mediation meeting between the two parties to see if a resolution can be come to.

A written confirmation of the outcome of the investigation will be provided within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and initiate a formal written Complaint.

NB At this stage of the complaints process the total time elapsed from the school receiving the written, informal complaint should be no longer than 20 working days in total.

A record of the complaint and the outcomes will be held centrally by the Clerk to the Governing Body for twelve months, in line with the principles of the Data Protection Act 1998

### Stage 2 – formal investigation by or on behalf of the Executive Headteacher

The complainant may submit a formal written complaint to the Executive Headteacher. They should detail why they remain dissatisfied with the outcome of the complaint or any aspects of the way it has been handled that they are not happy with. The Executive Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

The Executive Headteacher will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant;
- 
- where relevant, a statement from an individual who is the subject of the Complaint;
- any previous correspondence regarding the complaint;
- any supporting documents;
- interviews with anyone related to the complaint.

The Executive Headteacher may decide to meet with the complainant (and, where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation. After considering the available evidence, the options can be to:

- Wholly uphold the complaint and direct that certain action be taken to resolve it.

- Reject the complaint and provide the complainant with the reasons for this decision.
- Uphold the complaint in part: in other words, it may be found one aspect of the complaint to be valid, but not another aspect.
- They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Executive Headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the Clerk to the Governors.

NB At this stage of the complaints process the total time elapsed from the school receiving the written, formal, second stage complaint and the issuing of a written outcome should be no longer than 20 working days in total.

### Stage 3 Appeal to the Governing Body

This is the final stage of the School's internal complaints procedure. If the complainant wishes to appeal a decision by the Executive Headteacher at stage 2 of the procedure, or they are not satisfied with the actions that have been taken in relation to the complaint, the complainant is able to appeal this decision. This stage is also relevant if the complaint is against the Chair of Governors. They must write to the Clerk to the Board of Governors as soon as possible after receiving notice of the executive Headteacher's decision, outlining the content of the complaint, the reason that they remain dissatisfied and the specific issues that they wish the Board to consider. The complainant must request an appeal panel within 4 weeks of receiving the Headteacher's decision or it will not be considered, except for in exceptional circumstances.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

On receipt of this written notification, the clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken. The clerk will convene a panel of at least two governors from within the school's Governing Body and ONE Governor from another school or academy that is independent of the management and leadership of HCCS. Independent refers to the Governor having no management or leadership role within HCCS. All panel members will have had no prior involvement in this complaint. One of the panel members, ideally one of the two internal governors, will chair the process.

The appeal hearing should take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal. Arranging an appeal panel can take some time due to the complexity involved in coordinating availability. The Clerk will keep all parties informed of progress.

In addition to the panel, the following parties may be invited, where applicable:

- the complainant.
- the staff member who dealt with the complaint at Stage 2.

- where the complaint regards a member of staff, the staff member who is the subject of the complaint.
  - The Executive Headteacher.
1. It will be for the panel members via the Panel Chair to decide who will be invited in order for them to be able to judge the merits of the case. They will be supported by the Clerk to the Board who will take no part in the decision making of the panel but will ensure that they have access to whatever support and advice they need to help them to complete the process in a fair and reasonable manner.
  2. The complainant is also able to bring a companion with them to the hearing if they wish.
  3. Where the subject of the complaint is a member of staff, that staff member is also able to be accompanied by a companion.
  4. In both cases the companion will be a friend or a colleague. Neither party is able to bring legal or trade union representation with them.
  5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
  6. The panel can make the following decisions:
    - Dismiss the complaint in whole or in part.
    - Uphold the complaint in whole or in part.
    - Decide on the appropriate action to be taken to resolve the complaint.
    - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
  7. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. The school will not consider the complaint beyond this point. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. Appendix A provides a more detailed guide to conducting a stage 3 panel hearing.

## Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Executive Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint, as the complaint progresses, without there being any new or different information available to support this change.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Executive Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate, they can redirect the Executive Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Executive Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other reasonable school or authority in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

### **Complainants dissatisfied after stage 3 of the complaints procedure**

If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that "unreasonable" is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

### **Further help**

The Cheshire East Information, Advice & Support Service(CEIAS) helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from 0 to 25. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools.. Contact details for the service are 03001235166 and the Service can be contacted at:  
CEIAS, Floor 4, c/o Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ

## **Appendix A**

### **Managing a Stage 3 complaints process**

#### **Complaints process**

Following the informal (stage 1) and formal (Stage 2) stages of the complaints process, where the complainant remains dissatisfied with the response to their complaint from the school, the complaints procedure includes a third stage. This stage involves the convening of a panel of Governors who will consider the areas that the complainant remains dissatisfied with. The panel's role is not one of re-investigating the complaint but to review the process that has been followed and the conclusions that have been made in responding to the complainant. This appendix to the complaints procedure outlines the process to be followed in establishing and managing the stage 3 process. The process is compliant with the guidance set out by the Education Funding Agency and The Education (Independent School Standards) Regulations 2014.

#### **Conducting the stage 3 hearing**

Although this procedure may appear formal, the stage 3 hearing will be conducted in as informal as way as possible, and the Chair of the panel will make every effort to make all parties feel comfortable. They will introduce everyone in the room and outline the process that is to be followed.

The date of the meeting should be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting. Where, after significant efforts have been made to set a date that is acceptable to all parties, it has not been possible to establish a suitable date, then the panel Chair may set a date that is the best fit possible. It should be noted, that establishing a date agreeable to all parties may well take some time. The meeting will be minuted by the Clerk to the Governing Body.

#### **Panel of Governors**

The appeal will be considered by a panel made up of at least two governors from the HCCS Governing Body who has not previously been involved in the complaint process. One panel member will be a governor from a different school/academy who is independent of the leadership and management of HCCS. The Chair of the Governing Body will be responsible for ensuring an appropriate panel is in place and that one of the members is selected to chair the process. This information will be made known to all parties in advance.

#### **Support to the panel**

The panel will be supported by Director of Business Services who will not play any part in the decision making of the panel but will advise on the running of the process in line with the procedure that has been set out. They will source any help, advice or legal opinion that the panel feel is necessary at any point. They will ensure that each stage of the process is followed and that the various timescales are understood and adhered to wherever possible.

At any stage, the panel Chair may if they deem it necessary and important at that point to do so, adjourn the hearing whilst specialist advice is sought on their behalf or if they believe further investigation is needed at that point.

The panel Chair may choose to have a specialist advisor present during the proceedings.

## Attendance at the panel hearing

The complainant, Headteacher and Chair of Governors will be invited to attend the panel meeting.

1. **The complainant** and a companion should they wish to bring one, will be invited to attend the hearing. The complainant (or his/her companion) will outline their complaint and the grounds of their appeal. They may be asked questions by the panel members and/or the Headteacher. The complainant may call any person in support of their complaint who will attend the meeting only for the time that they are providing information and may be questioned by the complainant and the panel members.
2. **The Executive Headteacher** will be asked to attend the meeting and will explain their involvement in the complaint and the reasons for their decisions at the informal (first stage) and formal (second stage) of the process. They may be questioned by the complainant and/or the panel members. The Headteacher may call any witnesses in support of his statement who will attend the meeting only for the time that they are providing information and may be questioned by the Headteacher and panel members.
3. **The Chair of Governors** will be asked to attend the meeting and will explain their involvement and the reasons for their decisions. They may be questioned by the complainant and/or the panel members. The Chair of Governors may call any witnesses in support of their statement who will attend the meeting only for the time that they are providing information and may be questioned the Chair of Governors and panel members.

## Decision making

The complainant, Headteacher, Chair of Governors and any witnesses called will leave the meeting and the panel members will consider the information that has been put to them. Only the panel members will be involved in the decision making. The panel may access any support or advice that they feel necessary, for example legal advice, to assist them in establishing and communicating their conclusions.

The panel must reach a unanimous or majority decision as to whether or not to uphold the appeal wholly or in part, and what action (if any) the school needs to take to resolve the complaint. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

The panel will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The panel's' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales. Where the complaint is against a governor or a member of school staff, the panel may, if they believe it necessary to refer an issue back for investigation under a different formal process.

The panel's decision will be final and there is no provision for further appeal within the academy.

Prepared by: Mr T Halsall

Approved by the Governing Body:

A handwritten signature in black ink, appearing to read 'J Carr', written in a cursive style.

Signature:

Name: Mr J Carr, Chair of Governors

Date: 12<sup>th</sup> December 2016

To be reviewed in 3 years

Date for review: October 2019