

COMPLAINTS POLICY

Hamble Community Sports College

1. Rationale

Parents and Carers need to know that the College will look seriously at any complaint and that appropriate action will be taken if a complaint is upheld.

2. Roles and Responsibilities

The responsibility for the implementation of this policy and provision rests with the Headteacher. On an operational basis, the management, responsibility and evaluation of this policy is undertaken by the Senior Bursar.

3. Aims

1. The aim of this policy is to achieve a fair, effective and speedy resolution of parental/carers concerns about the education and/or the welfare of individual students in the care of the School.
2. The school will do all it can to resolve all concerns, to ensure parents/carers are happy with the education that their children receive.
3. Every complaint shall receive fair and proper consideration and a timely response.
4. The school expects that most concerns can be resolved informally and will use its best endeavours to resolve any complaints that are made informally or any concerns that are raised on that basis.
5. If informal procedures fail to resolve the issue, a formal complaint about any matter not involving child protection allegations, internal assessment decisions or a decision to exclude a student, must be given verbally or in writing to the Headteacher and will be dealt with under this policy.

4. EXCEPTIONS TO THIS POLICY

This policy will be used for most complaints with the following exceptions:

- Admissions appeals – via Hampshire County Council.
- Appeals relating to internal assessment decisions for external qualifications where a separate appeals procedure applies.
- Child Protection/ Safeguarding allegations where a separate policy and procedure applies.
- Exclusions where a separate policy and procedure applies.
- Education, Health and Care Plans – via Hampshire County Council.

5. CONFIDENTIALITY

1. Parents/carers can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.
2. Correspondence, statements and records will remain confidential; with the exception of where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

6. COMPLAINTS PROCEDURE

The school's complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with clear time-limits for action and keeping people informed of the progress.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's Headteacher and Governing Body and so that services can be improved.

The school will be clear about the difference between a concern and a complaint. We will take concerns seriously and would hope to resolve them before they turn into a complaint.

7. STAGES

Stage One – Informal Resolution

1. The main contacts between parents/carers and the school will always be the student's **Tutor and Head of Year (HOY)**, which provides clear and constant links with families. Expressions of concern (or informal complaint), in most cases, will be resolved quickly, with the Tutor or HOY liaising with eg **subject teacher or the faculty leader** where necessary, and advising parents/carers of the outcome. If the Tutor or HOY cannot resolve the matter satisfactorily, it may be

necessary for him/her to consult with the **Leadership Team Year Link** (LT Link) for advice, and, in some instances for the LT Link to speak to the parents/carers, and agree the outcome. It remains the responsibility of the Tutor/HOY to ensure that the outcome has been communicated to the parents/carers.

2. The school will use its reasonable endeavours to resolve any informal complaint within **ten (10) working days** of it being received. The Tutor/HOY will usually be the person who contacts the parents/carers with the outcome, or, in some instances it will be the LT Link, who will keep the Tutor/HOY informed of the outcome.
3. Should the matter not be resolved as referred to above, or in the event that the Tutor/HOY and the parents/carers fail to reach a satisfactory resolution, then the parents/carers will be advised to proceed with their complaint in accordance with Stage Two. The Tutor/HOY will ask them to put their complaint in writing to the Headteacher. At this point the Tutor/HOY will complete Appendix 4 of this policy, and email it to the Headteacher and Head's PA.

Stage Two - Formal Resolution

1. If the complaint cannot be resolved on an informal basis (as set out in Stage One), then the parents/carers should put their complaint in writing to the **Headteacher**. The parents/carers should also identify how they wish their complaint to be resolved. The Headteacher will normally delegate responsibility for undertaking an investigation of the complaint to a **Deputy Head** unless he/she deems it appropriate for him/her to deal with the matter personally.
2. In most cases, the Headteacher will meet or speak with the parents/carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.
3. The Headteacher will use reasonable endeavours to speak to or meet parents/carers within **ten (10) working days** of the formal complaint being received, except where the complaint is received during a school holiday. Where the complaint is received by the school during a holiday, the school has ten (10) working days upon commencement of the school term to speak or meet with the parents/carers.
4. The Headteacher will keep a written record of all meetings and interviews held in relation to the complaint.
5. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents/carers will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than **ten (10) working days** after speaking or meeting with

parents to discuss the matter. The Headteacher may also arrange to meet with parents/carers to explain the decision.

6. The school will keep a confidential written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, these records will be kept on the student's file. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.
7. Where parents/carers are dissatisfied with the outcome of the school's response to their formal complaint, the parents/carers have the opportunity to have their complaint considered by a Governors' Complaints Appeal Panel.

Stage Three – Governors' Complaints Appeal Panel

1. If parents/carers seek to invoke Stage Three, following failure to reach an earlier resolution and where dissatisfied with the Headteacher's decision in respect of their formal complaint, the parents/carers may request in writing, addressed to the Clerk of Governors, that their complaint be further considered by **Governors' Complaints Appeal Panel** (to be known as the panel) set up for this purpose.
2. This request for a further assessment of the complaint will, for the purposes of this procedure, be known as 'an appeal'.
3. Parents/carers must lodge their appeal in writing and within **ten (10) working days** of the date of the school's decision made in accordance with the Stage Two Procedure. Parents/carers should provide details of the complaint made against the school and the reasons why they believe the complaint has been unresolved by the Stage Two Procedure, along with the solutions suggested to resolve the complaint.
4. The Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
5. Where an appeal is received by the Headteacher, the school will, within **five (5) working days**, refer the matter to the Clerk to the Governing Body who will act as Clerk to the Panel. Where the appeal is received by the school during a holiday, the school has five (5) working days upon commencement of the school term to refer the matter to the Clerk.
6. The Clerk provides an independent source of advice on procedure for all parties.
7. Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within **five (5) working days**, and inform the parents of the steps involved in this procedure.

8. The Clerk will then endeavour to convene the Panel hearing as soon as possible to consider the matter, normally no later than **twenty (20) school days** after receipt by the school of the parent's/carer's letter that they wish to invoke the Stage Three Procedure, dependent upon the availability of panel members.
9. The Panel will consist of two Governors who have not previously been involved in the complaint, and one person independent of the school.
10. The following are entitled to attend a hearing, submit written representations and address the panel:
 11. The parents/carers and/or one representative;
 12. The Headteacher and/or one representative; and
 13. Any other interested person whom the Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.

Legal representation will not normally be appropriate

14. Where the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the panel in support of their position, including:
 - Documents in support of complaint(s),
 - Key times and dates relating to complaint(s), and
 - A written submission setting out the complaint(s) in more detail.

This evidence will be considered by the panel, along with the initial submission that was lodged by the parents/carers.

15. Evidence will initially be sent to the Clerk, who will then circulate the documentation to all parties, including the panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than **ten (10) working days** in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than **five (5) working days** in advance of the panel hearing.
16. It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the panel will resolve the parent's/carer's complaint immediately without the need for further investigation. Where further investigation is required, the panel will decide how it should be undertaken.

17. After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within **ten (10) working days** of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant Governing Body, although any such approval must be compatible with the decision of the Panel.
18. The Panel's findings will be sent by the Clerk in writing or via e-mail (in consultation with parents/carers) to the parents/carers, the Headteacher and, where relevant, the person complained about. The letter will state the reasons for the decision reached and the recommendations made by the Panel.

8. COMPLAINTS REVIEW

If a complainant has been through all the stages of this policy but remains dissatisfied, they can ask Hampshire County Council Children's Services to review the handling of their complaint.

Complainants should write to:

**Children's Services Complaints Team
Children's Services
Elizabeth II Court North
Winchester
Hants
SO23 8UG**

9. COMPLAINTS REGISTER

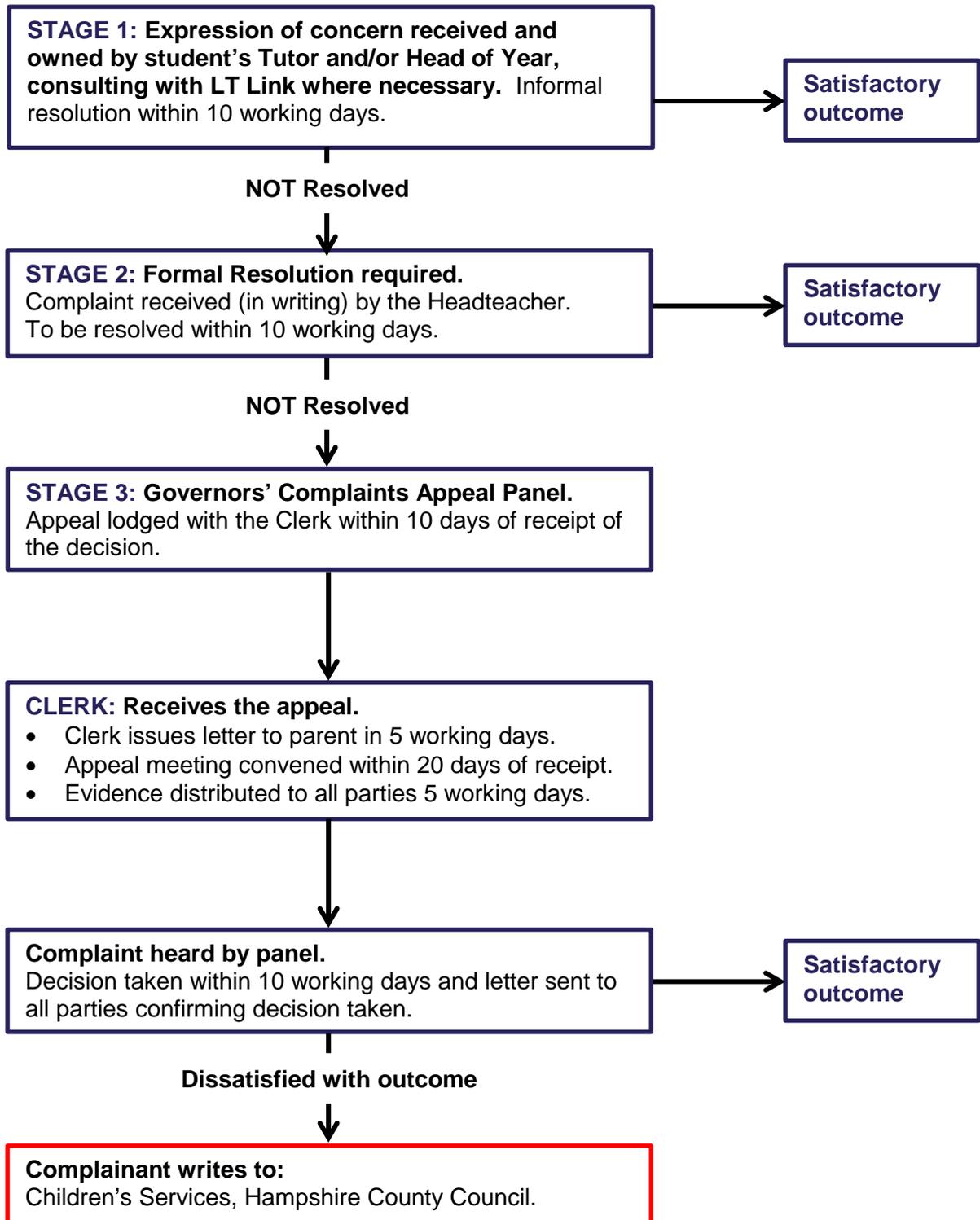
The school will keep a register of complaints.

Title of Policy	Complaints Policy
Review Cycle	3 Years
Policy prepared by	MBE
Committee responsible	Learning & Achievement
Date of last review by committee	N/A (new Policy - previous 2012)
Date of FGB approval	09 Feb 2016
Date of next review by FGB	Feb 2019

Appendix:

1. Complaints flow chart
2. Complaints about a Governor
3. Unreasonably persistent complainants and unreasonable behaviour
4. Complaints form

COMPLAINTS FLOW CHART



A COMPLAINT AGAINST A GOVERNOR

1. Complaints about individual governors are relatively rare but can be difficult to resolve. They generally relate to the conduct of a governor within school, or whilst on school business; they may include breaches of policy or confidentiality. As with complaints about members of staff every opportunity for the governor to receive support and training should be explored prior to any disciplinary action being taken.
2. Complaints about the conduct of a governor outside of school, in a private capacity, do not fall within the remit of this policy.
3. The same good practice principles, as already set out in this policy, apply to the management of complaints about individual governors. A two stage procedure is to be followed and will be managed by the Chair of Governors in person, or, in the event of the complaint being about the Chair of Governors, by the Vice Chair of Governors.
4. The Chair of Governors will be impartial, objective and rigorous in his/her investigation of a complaint about a fellow governor and will demonstrate this to be the case. Detailed notes will be kept and timescales adhered to. Notes may be subject to subsequent Freedom of Information requests.
5. The Clerk to Governors is responsible for the administrative support and general advice, as with other school complaints.

Stage 1

1. The complaint should be presented either verbally or in writing to the Chair of Governors and if the complainant requires assistance this will be facilitated.
2. The Chair of Governors will acknowledge receipt of the complaint in writing within three school working days and provide a target date for providing a response.
3. The Chair of Governors will offer to meet with the complainant to clarify aspects of their concern and to seek further information before embarking on his/her investigation. Meeting notes should be taken either by the Clerk or the Chair of Governors. These notes may be seen at a later stage by the complainant so they must be accurate and clearly presented.
4. The Chair of Governors will then investigate the key issue(s). This investigation will be rigorous, objective and impartial. All key witnesses will be interviewed and relevant documents, policies or guidance will be taken into account. Students will not normally be interviewed.

5. The Chair of Governors will report his/her findings and any recommendations to the complainant in writing and verbally if necessary, this will usually be within ten school working days. The Chair of Governors will give reasons for the decision being uphold, partially uphold or overturned. If there is good reason for any delay the Chair of Governors will notify the complainant, giving a revised target date for the completion of the investigation.
6. If the complainant is not satisfied with the Chair of Governors response, then within ten school working days, they should request a review of how the complaint has been managed.

Stage 2

1. The Clerk to the Review Panel will write to the complainant to acknowledge receipt of the written request within 5 school working days. The acknowledgement will inform the complainant that a panel of three governors will review the complaint within 30 school working days of receiving the request, unless there are exceptional circumstances.
2. The Clerk will convene a review panel of three governors who have not previously been involved in the complaint. It would be usual for the Vice Chair of Governors to be involved at this stage.
3. A governors' impartiality is a matter for the individual and/ or the governing body to decide. Prior knowledge of an issue does not automatically deem a person ineligible to sit on a review panel.
4. A further letter will be sent to the complainant explain the right of all parties to submit documentation relevant to the complaint. Three possible dates will be offered to the complainant but if these fail to be suitable then the review may be conducted in private by the panel. The Clerk to the panel should be present to advice on procedure, record the discussion and the decision. The Clerk will also produce the final letter to the complainant.
5. If the Chair of Governors (at Stage 1) or the Review Panel (Stage 2) upholds the complaint and decides that action against a governor is required, it will be discussed within the full governing body as a confidential item and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.
6. Regulations provide for a governor to be suspended or removed in certain circumstances, there is also the possibility of verbal sanctions. It will be a matter for the Chair of Governors and ultimately the governing body, to decide on the appropriate course of action.

UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE BEHAVIOUR

Guidelines

The majority of people with complaints or concerns about schools behave reasonably in pursuing their complaint. This means that they:

- treat all school staff with courtesy and respect;
- respect the needs of students and staff within the school;
- do not use violence (including threats of violence) towards people and property;
- recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint
- recognise that resolving a specific problem can sometimes take some time; and
- adhere to the school's complaints procedures.

However, a small number of complainants may be deemed **unreasonably persistent complainants**".

Definitions

For the purposes of this policy, an "unreasonably persistent complainant" is defined as follows:

"An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable."

Such behaviours may be characterised where complainants:

- *persist in pursuing a complaint where the school's complaints procedure has been fully and a properly implemented and exhausted (e.g. where several responses have been provided)*
- *change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. (Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints);*
- *are unwilling to accept documented evidence of action;*

- *are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action;*
- *deny receiving an adequate response in spite of correspondence specifically answering their questions;*
- *persist in pursuing a matter when they have already exhausted other statutory routes;*
- *do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;*
- *continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate;*
- *focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criteria;*
- *have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case;*
- *have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police authority if threatening behaviour/physical assault has taken place;*
- *have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour;*
- *are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved; and*
- *make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.*

Procedure

1. Where complainants have been identified as persistent and/or unreasonable under the scope of this policy, taking account of the above criteria, the Headteacher and Chair of Governors (or if unavailable the Vice Chair of Governors) will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as persistent and/or unreasonable and what action will be taken. They will also be notified of the review procedure.
2. This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. staff, members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as persistent and/or unreasonable.
3. It may be decided to deal with complainants in one or more of the following ways:
 - withdraw contact with the complainant either in person, by telephone, by e-mail, by fax, by letter or by any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times;
 - restrict contact to liaison through a designated member of staff;
 - notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end and that further contact received will be acknowledged but not answered;
 - temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not withdraw, or not provide, any services to which the complainant or his/her family are entitled to receive.

Review Decisions and Withdrawing 'Persistent and/or Unreasonable' Status

1. Once a complainant has been determined, as persistent and/or unreasonable, such status needs to be regularly reviewed and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
2. A panel of three governors should review their decisions to categorise a complainant as persistent and/ or unreasonable every six months.
3. The panel on review may either withdraw the status of persistent and/or unreasonable, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision as soon as practicable.
4. Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the clerk who will hold and maintain a centre register of such decisions.

Monitoring Arrangements

Incidents will be presented at the next scheduled meeting of the Governing Body with details of the number of complainants, if any, who are categorised as persistent and/ or unreasonable in the Headteacher's Report to Governors.

General

Nothing in this policy affects an individual's statutory rights.

COMPLAINT FORM (for internal use only)

*To be completed by the Tutor/Head of Year receiving the complaint.

Tutor / Head of Year's Name:	
Student's Name:	
Tutor / Year Group	
Parent / Carer Name and day time and evening telephone numbers:	
Details of the complaint:	
What action, if any, have you already taken to try and resolve the 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.	
Tutor/HOY Signature:	Date:
Official use:	
Date acknowledgement sent:	By who:
Complaint referred to:	Date:

Email to Headteacher and the Head's PA