



## **Hambling View Independent School: COMPLAINTS PROCEDURE**

A handwritten signature in blue ink, appearing to read 'Guy Moore', is positioned above the 'Signed By' text.

**Ratified by Chair of Govs.**

**Signed By**

**Date 24<sup>th</sup> October 2024**

**Date**

24.09.2024

**Review Date**

24.09.2025

Hambling View Independent School believes that there should be a free flow of information between home and school but recognise there may be times when misunderstandings arise, you are concerned about aspects of your child's progress, or you may be unhappy about a particular event or activity which you have heard has taken place. In any event it is important you do not keep a problem or concern to yourself but approach the school.

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. It is helpful when staff resolve issues on the spot, including apologising where necessary.

The formal procedures below will need to be invoked when initial attempts to resolve the issue are unsuccessful and you or the school consider that the issue should be dealt with on a formal basis.

### **Framework of Principles**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- allows swift handling within agreed time-limits for action and keeping people informed of progress
- ensures a full and fair investigation
- respect people's desire for confidentiality
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary
- provides information to the academy's senior management team so that services can be improved

### **Complaints Procedure**

We understand that it is important that parents and others are clear about the procedures to be followed in making a complaint and with the assurance that any complainant will be dealt with sympathetically and speedily.

The procedures are in line with advice given by the Department for Education (DfE).

#### **Step 1 - Informal Discussions with Teacher/Tutor/Keyworker**

Before making a complaint, we would suggest that you are clear about your concern and also that you discuss it with an appropriate member of staff.

The first point of contact for a specific concern should always be the appropriate teacher. If you are not sure who is most appropriate, explain your concern to your child's form tutor or class teacher, who will be able to suggest whom it is best to speak to. Please remember that all members of staff wish to help reassure you by listening to you and helping you meet with the most appropriate person.

It is preferable if you can agree on a time and place to discuss your concerns in peace and quiet rather than at a time when the teacher concerned is possibly surrounded by other children and/or parents. This could be a telephone conversation at an agreed time.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. This stage of the procedure should be completed within 10 working days.

It is a precondition to the operation of this policy that you shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the individual school's Behaviour Policy adopted from time to time. The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to move on to any other step of this Complaints Procedure where this precondition has not been met.

### **Informal Discussions with Senior Members of staff or the Headteacher**

If the matter is not resolved by discussing with a teacher/tutor, you may make an appointment to informally discuss the matter with the Headteacher. The Headteacher may ask another senior member of school staff to deal with the complaint if he or she thinks this is appropriate.

This step should be completed within 10 working days.

### **Step 2 – Formal Investigation by the Headteacher**

If, following your informal discussions, you wish an investigation to be undertaken by the school, you should put your concerns in writing to the Headteacher, via the school office. The Headteacher will record the date that the complaint is received and will acknowledge the receipt of the complaint in writing (either by letter or by email) within 3 working days. Complaints received outside of term time will be deemed to have been received on the first school day after the holiday period.

Within your complaint you should state the nature of the complaint, any actions already taken to resolve the complaint informally and what remains unresolved and the outcome which you feel would satisfy your complaint. The Headteacher will undertake a full investigation (or may ask another member of staff to do this) which may require a further meeting with you or may require you to supply additional written information.

At the conclusion of the investigation, the headteacher will provide a formal written response within 10 days of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide you with an update and revised response date.

For complaints against Headteachers, please note the process to follow is set out at the end of this policy.

### **Step 3 – Formal Investigation by the Local Governing Body**

If you remain dissatisfied, you may make a formal complaint to the Local Governing Body (LGB). This formal complaint must be lodged within 10 school days of you receiving the findings of Step 2. Any such formal complaint must be set out in writing and addressed to the Chair of the LGB (the school secretary will advise you of the address for contact or this can be found on the school website). The complaint should set out precisely why you are dissatisfied and indicate what, if any, steps should be taken to resolve the matter. The Chair of the LGB will investigate or may nominate a Governor (or Governors) to do so, if appropriate. You may be invited to attend an interview by the investigating Governor/s in addition to any written submission you make.

Following the investigation by the Governor/s you will be sent a formal response informing you of the findings. This investigation will be completed within 15 working days. If the Chair of Governors is unable to meet this deadline, they will provide you with an update and revised response date.

### **step 4– Formal Investigation and Panel Hearing by the PROPRIETOR and/or an independent chair. Hearing to Include an independent member of the Local Authority SEND Team. As well**

**as 2 commissioned independent SEND experts, such people not to have been involved with the business previously.**

If you are still dissatisfied with the outcome of the LGB investigation you may make a formal complaint to the Proprietor. The Proprietor will undertake a full investigation which may require a further interview with you or a request for additional written information. A formal panel will take place where you will have the opportunity to attend. The Proprietor will write to you informing you of the date of the panel meeting. They will aim to convene the meeting within 10 working days of receipt of the complaint. If this is not possible then you will be informed of an anticipated date and will be kept informed.

If you reject the offer of three proposed dates, without good reason, the Proprietor will decide when to hold the meeting. It will then proceed in your absence on the basis of the written submissions from all parties.

Following the panel hearing, a written reply will be sent to you following the investigation within 5 working days of the panel hearing.

### **Step 5 - Appeal to the ESFA or Secretary of State for Education**

If you are still dissatisfied of the outcome of the Proprietor hearing you can complain directly to the Department for Education – to the Schools Complaints Unit via this link:

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)

Or in writing to School Complaints Unit, Department for Education, 2nd Floor, Piccadilly Gate, Manchester M1 2WD

### **Points to note:**

#### **Personal Representation**

Where you are expected to attend an interview or a complaints panel regarding your complaint, you are invited to bring someone along to provide support. This can be a relative, friend or other representative such as a Parent Champion from an independent support service. Should you wish to do so. Please advise the school if you wish to do this so that arrangements can be made to ensure that all members are accommodated within the meeting/panel.

#### **Complaints Involving The PROPRIETOR or Headteacher**

If your complaint involves the Proprietor or a Headteacher Step 1 and 2 is fulfilled by you having direct discussions with the PROPRIETOR or the Headteacher. Where it is not possible to resolve the complaint through such informal discussions, you should set out your formal complaint in writing and send it to the Chair of the chair of the LGB. Please ensure you send a copy of your complaint to the PROPRIETOR or Headteacher it relates to.

Where the complaint involves a Headteacher it will be dealt with at Steps 3, 4 and 5 as necessary. Where the complaint involves the PROPRIETOR, it will be dealt with at Step 3 and if no resolution is achieved it will be dealt with at Step 5.

If your complaint could involve disciplinary action against a member of staff, the Governors should follow the Hambling View Independent School disciplinary procedures. If this situation arises, subject to data protection obligations, the Chair of LGB will inform you of the procedures to be followed. However, the complaint process will still be followed in respect of the complaint raised.

#### **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Trust or the PROPRIETOR is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

In addition, complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.
- complaints which are designed to cause disruption or annoyance.
- demands for redress that lack any serious purpose or value.

Where this decision has been made on the basis of behaviour (bullet point 1) the PROPRIETOR will advise the complainant that the matter will not be dealt with further until such time as the complainant is able to advance the complaint in a courteous manner.

In all other cases, the PROPRIETOR may write to the complainant to inform him/her that the complaint is deemed to be vexatious and that Hambling View Independent School will not respond to any further correspondence on this issue or a closely related issue.

### **Complaint Campaigns**

Where Hambling View Independent School receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign' it will deal with the complaints in the following way, individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants, or a single response will be published on the website at the discretion of the PROPRIETOR/Chair of Governors.

Where the complaint campaign involves complainants who are parents, they will be entitled to escalate the complaint to a governor if they are dissatisfied with the PROPRIETORs response. The PROPRIETOR will consider how best to manage panel hearings in such circumstances.

### **Anonymous Complaints**

Whilst we respect the complainant's right to confidentiality, we will not consider anonymous complaints.

### **Time Limits**

It is best if complaints are made quickly once any informal procedures have been exhausted. Save in exceptional circumstances at the absolute discretion of Hambling View Independent School, no complaint will be considered if it is made more than eight school weeks after the event.

### **Record Keeping**

During the informal stages, it is helpful if the member of staff records a brief note of what was discussed and agreed.

A written record will be kept of all complaints that were resolved at the formal stage of the complaint's procedure. Records will contain details of whether the complaint was resolved at step 2, 3, 4 or whether it proceeded to a step 5. The action taken by the school as a result of a complaint (regardless of whether they are upheld) will also be recorded.

**Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.