



## HEATON MANOR SCHOOL COMPLAINTS POLICY

### REVIEW OF THE POLICY

The Policy is reviewed annually. Those involved with the review are:

- **Local Authority:** through HR Services
- **Governors**

**Policy updated:** September 2018

**Annual review:** September 2019

**Governor Approval:** 10.09.18

### Introduction:

Heaton Manor is committed to providing the highest quality education and care for students. If any person or persons have a specific complaint, Heaton Manor School is committed to taking complaints seriously. We look to resolve complaints at the earliest possible stage and on an informal basis initially. We will consider complaints from any person including members of the public. Depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the School to be able to investigate a complaint, it needs to be made within three months of the incident occurring unless the case is exceptional. **Complaints about the curriculum, sex education or collective worship come within our school procedures.**

In investigating a complaint, we will take every care to safeguard privacy and confidentiality. However, any member of staff mentioned in the complaint will be made aware of the issues raised and will have an opportunity to comment on them. In addition, it may be necessary to share the complaint with other parties within the school or other professionals likely to prove helpful in providing a solution.

It may be appropriate to resolve things with one or more of the following:

- An explanation
- An acknowledgement that the complaint is valid in whole or in part and/or that a situation could have been handled differently or better, (this is not the same as an admission of negligence).
- An assurance and explanation of the steps that have been taken to ensure that it will not happen again
- An apology
- An undertaking to review procedures in light of the complaint

### Objectives

1. To promote high quality education and care for students;
2. To develop and maintain harmonious and respectful relationships between Parents and Carers and the school; and
3. To respond promptly and effectively to concerns or complaints made by Parents and Carers/others;



4. To encourage resolution of problems by **informal** means wherever possible;
5. To be easily **accessible**;
6. To be **simple** to understand and use;
7. To be **impartial**;
8. To be **non-adversarial**;
9. To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
10. To respect people's desire for **confidentiality**;
11. To address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary

The following details outline the stages that can be used to resolve complaints, other than those made against the Headteacher. (see Appendix 3)

### **The Heaton Manor School Complaints Policy has four main stages.**

In summary they are as follows: -

- Stage 1 – A complaint is made informally with a member of staff, either verbally, by telephone or in writing (including electronic communication).
- Stage 2 – A formal complaint is logged as such with the school and is considered by an appropriate SLT/Faculty Leader/Year Learning Coordinator.
- Stage 3 – The complaint is considered by Headteacher.
- Stage 4 – The complaint is considered by the Chair of Governors and/or the Governing Body's Complaints Panel.

Complaints against the Headteacher or Executive Principal are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual Governor should be made in writing to the Clerk of the Governing Body.

#### **Stage 1 – Informal Resolution**

**It is in everyone's interest that complaints are resolved at the earliest possible stage, and on a local basis.**

Complaints can be raised with the school at any time and will often generate an immediate response, which will resolve the problem. First contact would normally be with a Form Tutor, Year Manager or Subject Teacher. On some occasions, the complaint may require further investigation, or discussion with others, in which case you will receive a response within five days. The vast majority of concerns will be satisfactorily dealt with in this way

#### **Stage 2 – Complaint considered by an appropriate member of the Senior Leadership Team/Head of Faculty/Year Coordinator**

If informal resolution is not possible, please contact the school within 10 school working days, stating the nature of your continuing complaint, and what you would like the school to do. You should use

the attached form (Appendix 1) for this purpose. Please send this to The Headteacher's PA at the school, and it will be forwarded to the appropriate senior staff member. If, due to learning difficulties or disability, you have a different communication preference, you may use alternative methods of contact.

At this stage, the complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint in writing within three school working days of receiving it. In many cases, this response will also report on the action the school has taken to resolve the issue. Alternatively, an investigation may take place to investigate the matter further. This investigation will normally take place within 10 school working days of the complaint being received. The aim will be to resolve the matter as speedily as possible, with a remedy appropriate to the complaint, if it is well founded. The outcome of this will be communicated to the complainant in writing.

Only one individual complaint may be considered at one time.

### **Stage 3 – Complaint heard by the Headteacher**

If you are still not satisfied with the outcome please write to the school within 10 school working days of receiving our response. You will need to tell the school why you are still not satisfied and what you would like the school to do.

The Headteacher will arrange for a further investigation. Following the investigation, the Headteacher will issue a written response within 10 school working days.

### **Stage 4 – Complaint heard by the Governing Body's Complaints Panel/Chair of Governors**

If the matter has still not been resolved then you will need to write to the Chair of Governors within 10 school working days of receiving our response, giving details of the complaint. The Chair or a nominated Governor may be able to resolve the complaint through prompt and appropriate action. If this is not successful, the Chair or a nominated Governor will convene a complaints panel consisting of three Governors who have no previous knowledge of the case.

The hearing will normally take place within 20 school working days of the receipt of the written request for Stage 4 investigation. (There may be occasions when difficulties over availability of Governors make this time scale difficult to keep to, but it remains the aim of Governors to resolve matters as speedily as possible).

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. They should decide, on the basis of the information presented at the meeting, whether the complaint is justified, in whole or in part, and decide on any appropriate action to be taken.

The procedure to be adopted by the panel is outlined in Appendix 2. All parties will be notified of the Panel's decision in writing within five school working days after the date of the hearing.

**The Governors' Complaints Panel hearing is in all cases the last school-based stage of the complaints process.**

For advice on what further steps may be available to you if you are dissatisfied with the outcome of Stage 4, you should contact **the Secretary of State for Education directly at the Department of Education.**

NB. Complaints which prove to be malicious or vexatious may incur appropriate action by the school and/or any individuals complained against.

**The Local Government Ombudsman still considers complaints in respect of local authority services which include SEN, school admissions, permanent exclusions and school transport.**

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

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

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

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

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

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Heaton Manor causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

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

### **Complaints not in the scope of this Policy**

- Admissions to school
- SEND
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use the school premises or facilities

**N.B.** Any issues regarding Child Protection / Safeguarding should be referred to the designated person.



## COMPLAINTS FORM

Name (please print) .....

Student Name\* ..... Form Group\* .....

Address .....

.....

Telephone Number .....

Date .....

**Please summarise your attempts to resolve your complaint informally:**

a) To whom was the initial complaint made and when?

b) What was the school's response to your complaint?

c) Why do you remain dissatisfied with the response to your complaint?



**Nature of Complaint:**

**Outcome sought to the complaint (you should indicate the outcome you seek in making this complaint):**

**NB** You are asked to note that this is your preference only and places no restriction on the outcome of the operation of the Complaints Procedure.

Data Protection

I hereby consent for any sensitive/confidential personal data held by the school to be made available to the investigator/panel members for use as evidence or supporting documentation as appropriate. I understand that as part of the investigation into my complaint, it may be necessary to share this information with other school or external professionals on a need-to-know basis.

**I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.**

**Give my consent for information in the Form and attached documents, and personal data held elsewhere within the school, to be shared with relevant members of school staff/Governors/Panel members on a need-to-know basis for the purpose of investigating my complaint.**

**Signature:** .....

\*Please disregard if you are not a parent

**HEATON MANOR SCHOOL  
COMPLAINTS POLICY**

**GUIDELINES FOR DEALING WITH A FORMAL COMPLAINT AT STAGE 4,  
THE GOVERNING BODY'S COMPLAINTS PANEL**

The Panel needs to take the following points into account:

- The hearing, while structured, is conducted as informally as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, and an outline by the Chair of the purpose of the meeting, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Panel decides on the issues.
- The Chair explains that both parties will receive the Panel's decision in writing, normally within three working days unless, because of time constraints, the panel needs to reconvene in order to make its decision. In these circumstances the Panel's decision will be issued within three days of the second meeting.

## **Complaints against the Headteacher**

### **Stage 1: Consideration by Chair of Governors**

Any complaint about the Headteacher should be made in writing to the Chair of Governors. Where the Chair of Governors has had previous involvement, the matter should be referred to the Vice Chair or another Governor. Within 5 school days of receipt of the complaint the Chair of Governors will acknowledge receipt, and give a target date for any investigation to be completed.

The Chair of Governors will investigate the complaint and interview all concerned. The Chair of Governors will record the findings and contact the parent with the outcome within the target date set. If circumstances force a delay in the process then the Chair of Governors should notify the parent/carer in writing, explaining the reason for the delay and give an alternative date for completion of the investigation.

Any response to the complaint should be in writing and the complainant reminded how to proceed to the next stage, if appropriate.

### **Stage 2: Review by Governing Body's Complaints Panel**

Should the complainant wish to proceed to this stage, then the request for the review should be made in writing to the Clerk to the Governing Body within 10 school days of receipt of the Chair of Governor's response. Where the Clerk to the Governing Body is also a member of the school administrative staff, confidentiality must be maintained to ensure no conflict of interest arises.

The Vice Chair of Governors will acknowledge receipt of the request within 5 school days and give details of the procedure and process to be followed. The letter should also give an indication of the time-scales for concluding the review – this should normally be within 20 school days of receipt of the request by the Clerk to the Governing Body. (There may be occasions when difficulties over availability of Governors make this time scale difficult to keep to, but it remains the aim of Governors to resolve matters as speedily as possible.)

The Vice Chair of Governors will convene a panel of no less than three governors, who have had no prior knowledge of the complaint, to review the request. The Chair of Governors, having undertaken the investigation, will be required to provide information on the outcome of their investigation and their findings.

The Clerk to the Governing Body will invite all relevant documentary information to be submitted by the complainant, Headteacher, and Chair of Governors. All such information should be made available to the committee, complainant, Headteacher, and Chair of Governors at least 5 school days before the date of the hearing.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. They should decide, on the basis of the information presented at the meeting, whether the complaint is justified, in whole or in part, and decide on any appropriate action to be taken.

The procedure to be adopted by the panel will parallel that outlined in Appendix 2. All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing.