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# **FOREST HILL SCHOOL**

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## **FORMAL COMPLAINTS' PROCEDURE**

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Review : Annually*

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## **Introduction**

Forest Hill School is committed to creating an environment where all students and staff feel safe and secure, fostering a culture of mutual support and respect. The focus is to ensure that all students form positive learning and friendship groups in all areas of school life which in turn, helps them to achieve their maximum potential in a caring, safe and secure setting.

Positive engagement with parents, carers and other stakeholders is essential in helping to create a supportive and stimulating environment that facilitates the development of a strong relationship between the school and the students' family.

Occasionally, situations and issues may arise where parents and significant stakeholders become unhappy with the way in which the school is dealing with their concerns or other issues relating to their child's education at the school. In these instances, parents are encouraged to make contact with the school and speak with their child's Form Tutor or Head of House who should be the first point of contact. In matters considered to be of a more serious nature, it may be relevant to make contact with one of the Deputy Head teachers or even the Headteacher.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## **Legislation and Guidance**

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

## **Definitions and scope**

The DfE guidance explains the difference between a concern and a complaint:

A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

Forest Hill School will attempt to resolve the concerns of parents and carers through day-to-day communication as far as possible.

A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

At Forest Hill School we will attempt to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy **does not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Where staff feel that a matter they have reported has not been satisfactorily dealt with or resolved, they should refer to the Lewisham LEA Grievance Code for School Based Employees.

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the SEND Co-ordinator; they will then be referred to this complaints policy. Our SEND Policy includes information about the rights of parents of pupils with disabilities who believe that Forest Hill School has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned. However, in circumstances where parents and significant stakeholders feel a matter remains unresolved, the following formal complaints’ procedure should be undertaken. We recommend the first step be a written outline of the complaint sent direct to the Headteacher with a view to an informal meeting then taking place to discuss the issues in greater depth.

If the complaint is about the Headteacher or the complainant feels the Headteacher has not dealt with the matter appropriately, a written outline should be sent to the Chair of Governors who may decide to convene a personal informal meeting to discuss the issues in greater depth or if more appropriate, recommend the Vice Chair of Governors meet with the complainant on an informal basis.

From experience we have found this provides a sound platform for airing views and opinions, more often than not, leading to a mutually satisfactory resolution to the matter. The formal procedures may be invoked at any time should the informal approach fail to provide resolution.

## The Complaints' Procedure

### Informing the school leadership of the complaint

1. An appointment should be made to discuss the complaint with a senior leader or the Headteacher who will establish what has happened to date and who has been involved. They will clarify the nature of the complaint and what remains unresolved.
2. We will acknowledge informal complaints within two days, and investigate and provide a response within 14 days.

### Investigating the complaint

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

The school leader dealing with the complaint will speak to those involved to ensure they have a full and unbiased picture of the matter. If the complaint is found to be valid the senior will clarify what the complainant feels would put things right. Full notes will be kept of all discussions.

### Resolving the complaint

Once the school leader has looked into the complaint they will seek to resolve the matter as appropriate. This might be:

- an acknowledgement that the complaint is valid in whole or in part
- 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 reoccur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

Resolution will also include trying to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the Headteacher, Mr Michael Sullivan, via the school office. Please mark them as Private and Confidential.

Where a complaint is made about the Headteacher, the Chair of Governors or a governor nominated by the Chair will investigate the complaint. If the complainant is not satisfied with the resolution of the complaint or, if the complaint cannot be dealt with by the informal process then the Formal Complaint Procedure can be followed.

If a complaint is about a member of staff and the school leader investigates and finds there are no grounds for the complaint then this should not become a complaint about the school leader. The complaint remains as originally described and can then be taken to the formal stage.

### **Time scales**

Any complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will be considered if exceptional circumstances apply.

### **Complaints received outside of term time**

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, Dr John Perry, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, Mrs Karen O'Brien, via the school office. Please mark them as Private and Confidential.

### **Vexatious Complaints**

The aim of our policy is to limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted declaring such items vexatious and that the matter is now closed. Further such complaints on the same subject will receive no attention and the school will not write to the complainant any further. It should be noted that the complaints procedure is not to be used in a frivolous, vexatious or unreasonable manner. Such use is considered to be an abuse of process and the complaints procedure is an inappropriate mechanism to deal with it. A letter from the Chair of Governors or Headteacher will be sent to the complainant in this regard.

### **Formal Complaint**

The first instance, the complainant should inform the Headteacher in writing.

This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher or designated member of the senior leadership team will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied this meeting and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative person to accompany them.

The Headteacher or other person appointed by the Headteacher for this purpose will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 working days of receiving the written complaint.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 15 working days.

### **Inform the Chair of Governors in writing**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 15 working days.

This letter should set out the details of the complaint including evidence as previously set out above. The complainant should also specify what they feel would resolve the complaint and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The Chair of Governors or a governor nominated by the Chair will investigate a formal complaint. The Chair or nominated governor will carry out an investigation to review the way in which the school handled the complaint and ensure that the issues have been dealt with properly and fairly. The investigating governor will normally write to the person raising the complaint with the outcome of this process within 20 working days of receiving the complaint.

The person making the complaint will have the opportunity to submit written evidence on the complaint. If it becomes apparent that a complaint about a member of staff leads to a disciplinary or capability issue, the matter will be dealt with under the schools' disciplinary or capability procedure rather than the complaints procedure. The complainant will be notified if this is the case but will not be entitled to know which procedure or the final outcome.

### **Formal complaint - Second stage**

If at the end of the first stage of the formal complaint the situation has not been resolved to the satisfaction of the complainant they may take the matter a stage further. This must be done in writing to the school within 15 working days of receipt of the letter from the investigating governor.

A Review Panel of three governors will meet to consider the complaint and make a final decision on behalf of the governing body. The Panel will consist of governors who have no detailed prior knowledge of the complaint or connection with the complainant. The meeting will normally take place within 20 working days from receiving the second written complaint.

The complainant will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend and be accompanied by a friend or partner to put across their case. The schools leaders will be given the same opportunities.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative person to accompany them.

The panel will write to the complainant with its conclusion within ten working days of the meeting. **However, the decision of the panel is final.**

A complainant who is not satisfied with the way the governors have dealt with this matter may wish to put the complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State for Education.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies held by the school were properly adhered to. The SCU also looks at whether statutory policies held by the school adhere to current education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage;

<https://www.gov.uk/complain-about-school>

### **Allegations about members of staff**

If an allegation of a child protection nature is made against a member of staff then the school will follow the procedures outlined in its Safeguarding Policy and refer the case to the Local Authority Designated Officer for guidance and advice.

### **Whistleblowing**

Advice for staff and parents about whistleblowing can be found in the school's Safeguarding Policy.

### **Monitoring and Review**

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. All formal complaints received by the school are logged and each resolution recorded. Governors receive a termly report on any complaints made through the formal procedures and keep this policy and all school policies under review. If necessary, changes to our complaints procedure will follow the review.

This policy will be reviewed annually by the Coordinating and finance committee in line with any changes to statutory policy made by the Department of Education.

## **Appendix 1: Guidance for the Complaints Appeal Panel**

There are several points which any governor sitting on a complaints panel needs to remember: It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The governors sitting on the panel need to be aware of the complaints procedure.

### **Roles and Responsibilities**

#### **The role of the Clerk**

Any panel or group of governors considering complaints must be clerked. The clerk would be the contact point person for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended 10 at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision. As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.



## **The role of the Chair of the Governing Body or the Nominated Governor**

The role of the nominated Governor is to check that the correct procedure has been followed:

- if a hearing is requested, notify the clerk to arrange the panel. The role of the Chair of the Panel
- the Chair of the Panel has a key role, ensuring that:
- the remit of the panel is explained to the parties and each party has the opportunity of presenting their case without undue interruption;
- the issues are addressed;
- key findings of facts are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- any written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- the hearing is as informal as possible.
- witnesses are only required to attend for the part of the hearing in which they give their evidence.
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- the Headteacher may question both the complainant and the witnesses after each has spoken.
- the Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- the complainant may question both the Headteacher and the witnesses after each has spoken.
- 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 hear from the panel within a set time scale.

## Appendix 2: Complaints Policy Flow Diagram

