



Southend High School for Girls

Complaints Policy

Last reviewed: September 2017

Southend High School for Girls Academy Trust

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Reviewing authority: Board of Governors

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A = accepted with no amendments
 B = accepted with amendments
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PROCEDURES FOR DEALING WITH COMPLAINTS ABOUT THE CURRICULUM AND OTHER MATTERS AT SOUTHEND HIGH SCHOOL FOR GIRLS ACADEMY TRUST.

1 Introduction

1.1 The school's values are concerned with meeting the needs of its pupils, parents, staff and the community. The Governing Body accepts that feedback is an important ingredient in self-improvement and raising standards. Pupils, parents, and others with concerns or complaints should feel that these can be voiced, and that they will be given serious consideration.

1.2 A complaint is an expression of dissatisfaction that requires a response from the school and is likely to arise when there are issues of physical or emotional dissatisfaction, or when the school's stated values or aims are being ignored.

The school's policy is to resolve any complaint through informal means whenever possible. All investigations prompted by a complaint will be full, fair, swift and confidential. All complainants will have the right to be accompanied when making a complaint, and pupils may be accompanied by a parent or other adult. They will be kept informed of progress and the decisions reached.

1.3 This document details the arrangements for dealing with *general complaints and complaints about the curriculum*. The arrangements cover complaints made by parents and others in respect of the performance of duties or exercise of powers by the Governing Body of Southend High School for Girls Academy Trust and must comply with The Education (Independent School Standards) Regulations 2010.

Separate procedures have been established for appeals against pupil exclusions, employment rights and safeguarding issues.

1.4 The duties of the Governing Body are as follows: -

1.4.1 The provision of a curriculum, (including religious education and worship), which meets the general requirements of Sections 1 and 2 of the 1988 Act and subsequent Education & Skills Funding Agency, Department for Education and Schools and Families directives;

1.4.2 Provision to pupils of compulsory school age of courses leading to approved external qualifications;

1.4.3 Provision of religious education and worship;

1.4.4 Consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the curriculum;

1.4.5 Operation of charging policies in relation to the curriculum;

1.4.6 Compliance with regulations about the provision of information;

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1.4.7 Compliance with any other enactments relating to the curriculum.

1.5 Where there is provision for a statutory appeal procedure in respect of any complaint that statutory procedure must be exhausted before a complaint may be considered under the arrangements in this document. If a statutory procedure allows for final appeal to the Secretary of State (as for appeals against the special educational provision specified in a statement of special educational need,) then such a complaint cannot fall within the scope of these arrangements.

1.6 It is in the interest of all parties that complaints are resolved as quickly as possible. The school will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of the school's staff. In such cases the Headteacher will appoint another member of staff to consider the matter. All discussions will be treated in the strictest confidence. The ability to consider the complaint objectively and impartially is most important.

2. Complaint Arrangements

It is the school's policy to offer:

- i) an opportunity to resolve the complaint with staff at the Academy on an informal but confidential basis, for example through discussion with a senior member of staff.
- ii) a formal complaint stage when a complaint is made in writing and addressed to the Headteacher or Chair of Governors.
- iii) a right of appeal, (if not satisfied,) to a panel set up by the Academy Trust comprising of three people not directly involved in the preliminary investigation, one of these will be independent of the management and running of the school.

SHSG will have 4 Complaint Stages as follows

Stage 1 - Complaints heard by a Member of Staff.

Stage 2 - Complaints Heard by the Headteacher and for Appeals to the Headteacher following a contested Stage 1 decision.

Stage 3. For a Complaint about the Headteacher Heard by the Governing Body.

Stage 4. For an Appeal heard by the Governing Body's Appeals Panel.

Following a Stage 2 or Stage 3 decision.

A formal complaint about the school must be made in writing or by email and should be addressed to the: Headteacher, Chair of Governors or Clerk to The Governors.

Upon receipt of a formal complaint a staged procedure will be initiated and proceed as follows: -

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Stage 1 – Formal Complaints heard by a Member of Staff.

2.1 A senior member of staff will be appointed to investigate the complaint as speedily and fully as possible, including where necessary and appropriate, discussing the matter with the Complainant and other staff and/or pupils.

2.2 A file note of the investigation, discussions and meetings held will be made, along with the findings.

2.3 Under normal circumstances Stage 1 should be completed within 10 school working days of the Academy receiving a complaint. If the Complainant is satisfied that matters have been dealt with adequately and with the outcome, then the matter will be deemed to have been concluded and a findings report retained on file. In this case no further action will be necessary.

Stage 2 For Complaints Heard by the Headteacher

2.4 If a Complainant is dissatisfied with the outcome of a Stage 1 Procedure or is dissatisfied with the manner in which the complaint was handled, or if a complaint is deemed sufficiently serious to warrant the immediate attention of the Headteacher then the matter may be directly considered by the Headteacher. The Headteacher may delegate the task of collating information about the case to another member of staff but not a decision on any action to be taken.

2.5 A file note of the investigation, discussions and meetings held will be made, along with the findings.

2.6 If the Complainant is satisfied that matters have been dealt with adequately by the Headteacher and with the outcome, then the matter will be deemed to have been concluded and the findings report retained on file. No further action will be necessary.

2.7 A Stage 2 complaint should be dealt with by the Headteacher within 10 school working days of Stage 1, or if heard first by the Headteacher within 10 school working days of the Academy receiving a complaint.

Stage 3. For a Complaint about the Headteacher Heard by the Governing Body.

2.8 Where the complaint is about the Headteacher the Complainant will be asked to write to The Chair of Governors setting out details of the complaint. An informal resolution will continue to be sought through discussion and/or formal correspondence. In certain circumstances the Complainant (accompanied if she/he wishes) will be invited to a meeting at which the Chair of Governors (or their representatives) will be present. The arrangements and atmosphere of this meeting will be relatively informal and the purpose will be to seek, through discussion, a resolution of the concern of the complainant.

2.9 Following this meeting the Complainant will be sent a written report detailing the outcome of the meeting. If the Complainant accepts that the issue has been resolved at this stage, then the matter is concluded. If however, the Complainant remains dissatisfied they should inform the Clerk to The Governors of their intention to appeal.

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2.10 Under normal circumstances Stage 3 should be completed within two weeks of the Academy receiving a complaint against the Headteacher.

Stage 4. For an Appeal heard by the Governing Body's Appeals Panel.

2.11 Where a Complainant remains dissatisfied with either a stage 2 or 3 outcome the Complainant will be asked to write to The Clerk to The Governors setting out details of the complaint and/or reasons for an appeal. The Chair or a nominated Governor will convene a Complaints Appeal Panel. The 3 person panel will comprise of two Governors and one other person independent of the management of the school. The process for selecting an independent person will conform to relevant guidance issued from time to time by the Department for Education and/or the Education and Skills Funding Agency. A Chair and Clerk will be appointed to administer and record proceedings.

2.12 Seven days advance notice of the meeting will be given to the Complainant. Under normal circumstances Stage 4 should be completed within 14 days of the Academy receiving notification from the Complainant indicating that they remain dissatisfied following the outcome of the Stage 2 or 3 process and that they wish to appeal against the outcome.

2.13 The Complainant (accompanied if she/he wishes) will be invited to a meeting at which the Headteacher (and/or their representatives) will normally be present. The arrangements and atmosphere of this meeting will be relatively formal with a Chair and Clerk. Copies of relevant documentation should have been sent to all parties in advance of the meeting, and normally include: - the written complaint, and any other written representations provided by the complainant; the written "findings" report of the outcomes of Stage 1 and/or Stage 2; any additional comments on the process and outcome prepared by the Headteacher.

The purpose will be for both parties to present their case to the Panel for consideration and for the Panel Members to determine the issues and recommend a resolution. The Complainant and the other parties (including the Headteacher) will withdraw, whilst the Panel consider its judgement and reaches a decision.

2.14 Within seven days of the meeting the Clerk will write to the Complainant informing them of the panel's decision, the reasons for it, and any action to be taken by the school. The decision of the Panel is final. If the Complainant accepts that the issue has been resolved at this stage then the matter will have been concluded. If, however, the Complainant remains dissatisfied, the next recourse would be to refer the matter to The Education and Skills Funding Agency (EFSA) or other suitable agency as indicated in 7 below.

2.15 If the EFSA upholds a complaint it may ask the Academy to reconsider the complaint or to change its complaints procedure to comply with legal requirements.

2.16 The Governors' Appeal Panel hearing is the last school-based stage of the complaints process. The Panel must reach a decision based only on the information presented to it at the hearing.

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3. Complaints Appeal Panel – Recommended Order of Proceedings

3.1 The order of proceedings adopted by the Panel for hearing appeals will broadly be as follows:-

- Following introductions, the Complainant will be invited by the Chair to present their grievance, and to be supported by their witnesses. The hearing will be as informal as possible. Complainants may bring a friend or representative to attend the hearing if they wish. A child must be accompanied by a parent / carer or responsible adult. Witnesses are only required to attend the part of the hearing in which they give their evidence.
- The Headteacher may question both the Complainant and the witnesses after each has spoken.
- Reference may be made to any documents / statements presented by the Complainant.
- The Headteacher will then be invited to explain the school's actions and be followed by any school witnesses.
- The Complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel Members may ask questions at any point.
- The Complainant is then invited to summarise their complaint.
- The Headteacher is invited to sum up the school's actions and response to the complaint.
- The Clerk checks that both sides have submitted the evidence that they wish to present
- The Chair explains that both parties will hear from the Panel within a set time scale, (usually within seven days of the hearing.)
- Both parties leave together while the Panel decides on the issues.
- When the written response is sent the Complainant / representative should be informed that subject to certain conditions being met there is a right of appeal to EFSA or other body.

4. The Remit of The Complaints Appeal Panel

4.1 The Panel can:

- 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.

4.2 The following will inform the actions of Governors and the independent member sitting on the appeals panel:

- 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 a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and to achieve reconciliation between the school and the Complainant. It should 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.

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- 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 that the setting is informal and not adversarial.
- Where the complainant is a child, careful consideration of the atmosphere and proceedings will ensure that (s)he does not feel intimidated. The Panel Members need to be aware of the views of the child and give her/him 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 should be aware of the complaints procedure.

5. Serial and Persistent Complainants

5.1 SHSG will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. In cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will need to recognise when they have done everything that is reasonably possible in response to the complaint. If a complainant tries to repeatedly raise the same issue the Chair of Governors may inform them that the procedure has been completed and that the matter is closed.

6. Roles and Responsibilities

The Role of the Clerk

Any hearing by The Complaints Appeal Panel will be clerked. The Clerk would be the contact point for the complainant and will be required to:

- set the date, time and venue of the hearing, ensure 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decision.

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 that each party has the opportunity to put their case forward without undue interruption;
- the issues are addressed;
- key findings of fact 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 a semi-formal manner with each party treating the other

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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;
- written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it.

7. Unresolved complaints

7.1 Unresolved complaints relating to the following should not be directed to EFSA but to other authorities as follows: -

- complaints about the quality of education or leadership, or concerns affecting the school as a whole should be raised with Ofsted.
- about discrimination should be raised with the Equality Advisory Support Service.
- about data protection should be raised with the Information Commissioner's Office.
- about exam malpractice or maladministration should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body.
- about criminal behaviour should be raised with the police.
- about employment matters should be raised through the academy's grievance procedure, or taken to an Employment Tribunal.
- about child protection should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services.
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).