



# **Hardenhuish School Complaints Policy and Procedure**

This policy has been produced in consultation with Hardenhuish School's elected professional association representatives and the School appointed HR Consultants (Stone King).

If you would like any policy in a more accessible version, please contact the Administration Manager  
([admin@hardenhuish.wilts.sch.uk](mailto:admin@hardenhuish.wilts.sch.uk))

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## 1. Aims

- 1.1. The aim of this policy is to ensure that a concern or complaint raised by a parent, member of the community or member of staff is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, is fair to those concerned and helps to promote good relationships with and between our stakeholders.
- 1.2. The School will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in the light of circumstances. This complaints procedure meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards (England)) Regulations 2014.
- 1.3. The School recognises that a difficulty which is not effectively resolved as quickly as possible can be damaging to relationships and also to our School ethos and reputation.
- 1.4. If the complaint is from a parent or pupil, the School offers an assurance that a complaint will not be taken amiss or adversely affect a pupil or his/her opportunities at the School.
- 1.5. For parents of young people with Special Educational Needs (SEN), this procedure will cover complaints related to the support provided at Hardenhuish, but any complaint related to an EHCP or statutory process should be diverted to the Local Authority.
- 1.6. When responding to complaints, we aim to:
  - 1.6.1. Be impartial and non-adversarial
  - 1.6.2. Facilitate a full and fair investigation by an independent person or panel, where necessary
  - 1.6.3. Address all the points at issue and provide an effective and prompt response
  - 1.6.4. Respect complainants' desire for confidentiality
  - 1.6.5. Treat complainants with respect and courtesy
  - 1.6.6. Make sure that any decisions we make are lawful, rational, reasonable, fair and

- proportionate, in line with principles of administrative law
- 1.6.7. Keep complainants informed of the progress of the complaints process
  - 1.6.8. Consider how the complaint can feed into the school improvement evaluation process

## 2. Definitions

- 2.1. A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The School will resolve concerns through day-to-day communication as far as possible.
- 2.2. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

## 3. Scope

- 3.1. The School intends to resolve complaints informally where possible, at the earliest possible stage.
- 3.2. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 3.3. This policy does **not** cover complaints procedures relating to:
  - 3.3.1. Admissions
  - 3.3.2. Statutory assessments of SEN
  - 3.3.3. Safeguarding matters
  - 3.3.4. Exclusion
  - 3.3.5. Whistleblowing
  - 3.3.6. Staff grievances
  - 3.3.7. Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

## 4. Roles and Responsibilities

### 4.1. The complainant

The complainant will receive a more effective and timely response to their complaint if they:

- 4.1.1. Follow these procedures
- 4.1.2. Co-operate with the School throughout the process, and respond to deadlines and communication promptly
- 4.1.3. Treat all those involved with respect
- 4.1.4. Not publish details about the complaint on social media

### 4.2. The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- 4.2.1. Interview all relevant parties, keeping notes
- 4.2.2. Consider records and any written evidence and keep these securely
- 4.2.3. Prepare a comprehensive report to the headteacher or complaints committee which

includes the facts and potential solutions

#### 4.3. The Complaints Co-ordinator

- 4.3.1. An individual will be appointed as the Complaint Co-ordinator. The Complaints Co-ordinator can be:
  - 4.3.1.1. The headteacher
  - 4.3.1.2. An identified member of staff appointed by the headteacher
  - 4.3.1.3. The designated complaints governor
- 4.3.2. The Complaints Co-ordinator will:
  - 4.3.2.1. Keep the complainant up to date at each stage of the procedure
  - 4.3.2.2. Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors and clerk to the governing board

#### 4.4. Clerk to the governing board

The clerk will:

- 4.4.1. Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- 4.4.2. Arrange the complaints hearing
- 4.4.3. Record and circulate the minutes and outcome of the hearing

#### 4.5. Committee chair

The committee chair will:

- 4.5.1. Chair the meeting, ensuring that everyone is treated with respect throughout
- 4.5.2. Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

### 5. Principles

When investigating a complaint, we will try to clarify:

- 5.1.1. What has happened
- 5.1.2. Who was involved
- 5.1.3. What the complainant feels would put things right

### 6. Timescales

- 6.1. The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
- 6.2. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
- 6.3. When complaints are made out of term time, we will consider them to have been received on the next school day.
- 6.4. If at any point we cannot meet the time scales we have set out in this policy, we will:
  - 6.4.1. Set new time limits with the complainant
  - 6.4.2. Send the complainant details of the new deadline and explain the delay

### 7. Stages of Complaint

#### 7.1. Stage 1: Informal Stage

- 7.1.1. The School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.
- 7.1.2. A Stage 1 complaint should be made in writing to the Complaints Co-ordinator (School Business Manager) who will consider, and where appropriate, investigate (or delegate the investigation to another senior member of staff) and offer a written resolution to the issue. If the complaint is about the headteacher, in whole or in part, the Complaints Co-ordinator will liaise with the Chair of Governors ([see section 8](#)). If the complainant is unclear how to contact them they should contact the Administration Manager by either telephoning 01249 650693 or emailing [admin@hardenhuish.wilts.sch.uk](mailto:admin@hardenhuish.wilts.sch.uk)
- 7.1.3. Where an investigation is appropriate the Complaints Co-ordinator will ensure that the investigation:
  - 7.1.3.1. Reviews the informal complaint
  - 7.1.3.2. Establishes what has happened so far and who has been involved
  - 7.1.3.3. Clarifies the nature of the complaint and what remains unresolved
  - 7.1.3.4. Meets with the complainant or contacts them to clarify information if

- necessary
- 7.1.3.5. Clarifies what the complainant feels would put things rights
  - 7.1.3.6. Formally meet with the persons involved in the matter (allowing them to be accompanied if they wish)
  - 7.1.3.7. Keep detailed written records of their investigation
  - 7.1.3.8. Inform the complainant in writing of the outcome of the complaint, providing the reasons for the decision. At Stage 1 the complaint can be dismissed in whole or in part, upheld in whole or in part or not substantiated (where there is insufficient evidence to prove one way or the other)
- 7.1.4. The School will acknowledge informal complaints within 5 school days and investigate and provide a written response within 30 school days.
  - 7.1.5. The informal stage may involve a meeting between the complainant and the Complaints Co-ordinator
  - 7.1.6. If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **7.2. Stage 2: Formal Stage**

- 7.2.1. The formal stage involves the complainant putting the complaint to the headteacher in writing or requesting the Complaints Co-ordinator forwards the original written complaint and any subsequent documentation.
- 7.2.2. The complainant 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.
- 7.2.3. If complainants need assistance raising a formal complaint, they can contact the Administration Manager by either telephoning 01249 650693 or emailing [admin@hardenhuish.wilts.sch.uk](mailto:admin@hardenhuish.wilts.sch.uk)
- 7.2.4. 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 15 school days.
- 7.2.5. If the complaint is about the headteacher the complainant should put the complaint in writing to the Chair of Governors via [clerktogovernors@hardenhuish.wilts.sch.uk](mailto:clerktogovernors@hardenhuish.wilts.sch.uk) or requesting the Complaints Co-ordinator forwards the original written complaint and any subsequent documentation.
- 7.2.6. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board [clerktogovernors@hardenhuish.wilts.sch.uk](mailto:clerktogovernors@hardenhuish.wilts.sch.uk) in writing or requesting the Headteacher forwards the original written complaint, Stage 2 formal complaint and/or and any subsequent documentation within 5 school days.

## **7.3. Stage 3: Review Panel**

- 7.3.1. Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.
- 7.3.2. The panel will be appointed by or on behalf of the Governing Board and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the School. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the School.
- 7.3.3. The panel will have access to the existing record of the complaint's progress ([see section 11](#)) including any written material at least 7 days before the date of the meeting.
- 7.3.4. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from

the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

- 7.3.5. At the panel meeting the complainant and representatives from the school, as appropriate, will be present. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.
- 7.3.6. At the beginning of the meeting the panel chair will clarify expectation to all parties with regard to mutual respectful behaviour and confirm that the meeting will be paused in the event of unacceptable or abusive language or behaviour. The panel chair will confirm that the meeting is not a court case.
- 7.3.7. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.
- 7.3.8. The panel, the complainant and the School representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- 7.3.9. The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Governing Board and headteacher.
- 7.3.10. The panel can:
  - 7.3.10.1. Uphold the complaint, in whole or in part
  - 7.3.10.2. Dismiss the complaint, in whole or in part
- 7.3.11. If the complaint is upheld, the panel will:
  - 7.3.11.1. Decide the appropriate action to resolve the complaint
  - 7.3.11.2. Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future
- 7.3.12. The panel will inform those involved of the decision in writing within 10 school days.

## 8. Complaints against the Headteacher, a Governor or the Governing Board

### 8.1. Stage 1: Informal

- 8.1.1. Complaints made against the headteacher, or any member of the governing board should be directed to the clerk to the governing board in the first instance.
- 8.1.2. If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at Stage 1 ([set out above](#)).

### 8.2. Stage 2: Formal

- 8.2.1. If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in Stage 2 ([set out above](#)). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### 8.3. Stage 3: Review Panel

- 8.3.1. If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools and will carry out the steps at Stage 3

([set out above](#))

## 9. Referring Complaints on Completion of the School's Procedure

9.1. If the complainant is unsatisfied with the outcome of the school's complaint procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- 9.1.1. Breached a clause in its funding agreement
- 9.1.2. Failed to act in line with its duties under education law
- 9.1.3. Acted (or is proposing the act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

9.2. For more information or to refer a complaint, see the following webpage:

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

9.3. We will include this information in the outcome letter to complainants.

## 10. Unreasonable or persistent complaints

Definition

10.1. Definition

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 10.1.1. Has made the same complaint before, and it's already been resolved by following the School's complaints procedure
- 10.1.2. Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- 10.1.3. Knowingly provides false information
- 10.1.4. Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- 10.1.5. Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- 10.1.6. Changes the basis of the complaint as the investigation goes on
- 10.1.7. Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- 10.1.8. Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

10.2. Steps we will take

10.2.1. We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

10.2.2. If the complainant continues to contact the School in a disruptive way, we may put



communications strategies in place. We may:

- 10.2.2.1. Give the complainant a single point of contact via an email address
- 10.2.2.2. Limit the number of times the complainant can make contact, such as a fixed number per term
- 10.2.2.3. Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- 10.2.2.4. Put any other strategy in place as necessary
- 10.2.3. We may stop responding to the complainant when all of these factors are met:
  - 10.2.3.1. We believe we have taken all reasonable steps to help address their concerns
  - 10.2.3.2. We have provided a clear statement of our position and their options
  - 10.2.3.3. The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience
- 10.2.4. Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- 10.2.5. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### 10.3. Duplicate complaints

- 10.3.1. If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.
- 10.3.2. If we are satisfied that there are no new aspects, we will:
  - 10.3.2.1. Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
  - 10.3.2.2. Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- 10.3.3. If there are new aspects, we will follow this procedure again.

### 10.4. Complaint campaigns

- 10.4.1. Where the School receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the School, the School may respond to these complaints by:
  - 10.4.1.1. Publishing a single response on the School website
  - 10.4.1.2. Sending a template response to all of the complainants
- 10.4.2. If complainants are not satisfied with the School's response, or wish to pursue the complaint further, the normal procedures will apply.

## 11. Record Keeping

- 11.1. The School will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 11.2. This material will be treated as confidential and held centrally. It will be viewed only by those involved in investigating the complaint or on the review panel.
- 11.3. This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or

through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

- 11.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.
- 11.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.
- 11.6. Where the governing board is aware of the substance of the complaint before the review panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 11.7. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **12. Learning lessons**

The Strategy committee will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **13. Monitoring arrangements**

- 13.1. The Strategy committee will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Strategy committee will track the number and nature of complaints, and review underlying issues as stated in section 12.
- 13.2. The complaints records are logged and managed by the Complaints Co-ordinator.
- 13.3. This policy will be reviewed and approved by the Strategy committee annually.