



HEBBURN

Comprehensive School

Complaints Policy and Procedure

Review Period	Recommended Annually		
Date of next re-view	Autumn Term 2023	Author	D Thompson
Type of Policy	Statutory	Approval	Governing Body
Signed by:			
Head Teacher	Mr D Thompson	Date: 20 December 2022	
Chair of Governors	Cllr A Ellison	Date: 20 December 2022	

Scope of this Complaints Procedure

This procedure covers all complaints relating to Hebburn Comprehensive School, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Admissions to schools
- Statutory assessments of Special Educational Needs
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion from school
- Whistleblowing
- Staff grievances
- Staff conduct
- National Curriculum content

The difference between a concern and a complaint

- A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint may be defined as *'an expression of dissatisfaction about actions taken or a lack of action'*.
- It is in everyone's best interests that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this policy. Hebburn Comprehensive School takes all concerns seriously and will make every effort to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

- A concern or complaint can be made in person, in writing or by telephone.
- Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 2 of the procedure.
- Complaints against school staff (except the Head Teacher) should be made in the first instance, to Mr Thompson, The Head Teacher, via the school office, at office@hebburn.net F.A.O Mr D Thompson: **p**lease mark the email as 'Private and Confidential'.
- Complaints that involve, or are about, the Head Teacher should be addressed to Cllr A Ellison, Chair of Governors, via the school office: please mark the complaint as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to Ms C Wilson, Clerk to the Governing Board, via the school office: please mark the complaint as Private and Confidential.

- In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to fully access all aspects of this procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, The Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Other investigations

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until the relevant public bodies have completed their investigations.

If a complainant commences legal action against Hebburn Comprehensive School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Hebburn Comprehensive School will work to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Informal Stage

- If you have any concerns about the school or the education provided, please discuss the matter, in the first instance, with your child's Head of Learning at the earliest opportunity. If you feel your concern is more serious, then please address it to a more senior staff member, i.e., the Head of Key Stage or relevant member of the senior leadership team. The school considers any concerns very seriously and most problems can be resolved at the informal stage.
- If you have difficulty discussing a concern with a particular member of staff, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Hebburn Comprehensive School will attempt to resolve the issue internally, through the stages outlined within this policy.

Formal Complaints Procedure

Stage 1

If you feel that a concern has not been addressed through informal discussion with the staff contacted initially and you wish to have the matter formally investigated by an appropriate person from the school, please indicate this.

If the matter is about:

- the day-to-day running of the school
- school policies
- the actions or inactions of staff at the school

this will normally be investigated by the Head Teacher or a senior member of staff nominated by the Head Teacher.

If the matter is about:

- school policies as determined by the Governing Board
- the actions or inactions of the Governing Board
- the Head Teacher

it will be investigated by the Chair of Governors, or a governor nominated by the Chair.

The person carrying out the investigation will review the way in which the complaint has been handled by the school and ensure that the issues have been dealt with properly and fairly. He/she will normally write to you with the outcome of this process within 10 working days of receiving the complaint.

Stage 2

If you are not satisfied with the result from Stage 1, you may choose to refer your complaint to Stage 2 of the procedure. This must be done in writing to the school within 10 working days of the completion of Stage 1.

At this Stage, the complaint will be considered by either the Chair or a nominated governor, or a panel of three governors, excluding any governor involved in Stage 1.

- A. If Stage 1 was investigated by the Head Teacher or a senior member of staff nominated by the Head Teacher, the Chair or nominated governor will consider the manner in which the complaint was addressed and decide whether it has been properly dealt with. The general principle is that the school should be able to produce documentary evidence to show that the complaint has received fair and proper consideration within the school's procedure. If they have any concerns, they may ask the Head Teacher to re-open the investigation. The complainant will be kept informed of any delay.

If the complainant is not satisfied after the Chair or nominated governor has completed the review, a panel of three governors will meet to consider the complaint and make a final decision about it on behalf of the Governing Board.

- B. When Stage 1 has been investigated by the Chair or nominated governor, Stage 2 will be carried out by a panel of three governors, who will meet to consider the complaint and make a final decision about it on behalf of the governing body.

In either A or B, 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 15 working days of your request.

A request to escalate to Stage 2 must be made to the Clerk of the Governing Board, via the school office, within 15 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email).

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, governors will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Hebburn Comprehensive School available, the Clerk will source any additional, independent governors through another local school or through the LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

If a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Hebburn Comprehensive School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hebburn Comprehensive School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.



HEBBURN
Comprehensive School

**Managing Serial and
Unreasonable Complaints**

Hebburn Comprehensive School 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

Hebburn Comprehensive School defines unreasonable behaviour as that which hinders the complaints procedure because of the frequency or nature of the complainant's contact with the school. For example, the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcome sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process.
- refuses to accept that certain issues are not within the scope of the complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before deeming the complaint as 'unreasonable'.

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

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 the Hebburn Comprehensive School site or blocking communications.