



**SHENFIELD  
HIGH SCHOOL**

# **Complaints Policy & Procedure**

It was ratified by the Governing Body on :

**S&P Jan 22**

**FGB March 2022**

## **1. Introduction**

All academies must have a complaints procedure which meets the standards set out in The Education (Independent School Standards) Regulations 2014. It is anticipated that this will include clear signposting of the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the Academy website and in the Academy office.

The intention of this procedure is to provide the academy with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaints and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

All references to working days refer to days on which the Academy is open to students.

## **2. Scope of the Procedure**

This procedure covers all complaints against Shenfield High School by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Anonymous complaints will not normally be considered. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Employees of Shenfield High School cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the School.

## **3. General Principles**

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

**The Governing Body will ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will monitor the nature and level of complaints at least once per school year, so as to best ensure the effectiveness of the procedure, and consider any underlying issues Shenfield High School may need to address, including whether specific actions identified by governors' appeal panels have been addressed.**

#### **4. Resolving Complaints**

At each stage in the procedure Shenfield High School will consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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 recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Shenfield High School policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that Shenfield High School could have handled the situation better is not the same as an admission of negligence.

#### **5. Stages of the Procedure**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by Shenfield High School to have a full discussion with the complainant before moving into the stages of this procedure.

A written record of all complaints will be kept, detailing whether they are resolved following a formal procedure, or proceed to a panel hearing, and the action taken by the school as a result of those complaints, regardless of whether they are upheld.

#### **Who should you contact?**

- For a minor day to day issue please contact the relevant teacher, Form Tutor or Pastoral Manager for your child's year group.
- For a more serious subject related academic concern, the Team Leader for that subject should be contacted.
- For a more serious general academic concern or pastoral matter, the relevant Pastoral Team Leader is the appropriate person to contact.
- For concerns about the curriculum, please contact one of the Deputy Headteachers
- For any other pastoral or disciplinary concerns, please contact the Assistant Headteacher (Behaviour for Learning)
- In matters regarding finance, catering and non-academic services please contact the Business Manager.

Staff Contacts <http://www.shenfield.essex.sch.uk/contact-us.aspx>

We will do all we can to ensure that we respond to complaints promptly and in a professional manner.

### **Informal Stage**

If the concern/complaint is not resolved through such discussion, the complainant should contact the Headteacher. The complaint should be made by the complainant in writing, or by another person on their behalf, with their signed consent.

The Headteacher, or other member of staff nominated by him/her, will meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint. Where necessary the Headteacher, or other nominated member of staff, will carry out a full investigation into the issues raised. The Headteacher will respond to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure.

Where the complaint is against the Headteacher the informal stage should be conducted by the Chair of Governors. If the complaint progresses to the formal stage, this will be conducted by the Vice Chair or other nominated governor.

Where the complaint is against the Chair of Governors, the informal stage should be conducted by the Vice Chair of Governors, or another governor nominated by him/her. If the complaint progresses to the formal stage, this will be conducted by another nominated governor.

### **Formal Stage**

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing by letter to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Headteacher/Chair of Governors). A copy of the complaint will be provided to the member of staff (or Governor) about whom the complaint has been made.

The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The Chair/Vice Chair will communicate his/her response in writing to the complainant as soon as possible but, in any case, within thirty working days of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

### **Appeal Stage**

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within five working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction.

A complaint panel should be convened, consisting of two or three governors who have had no previous involvement in consideration of the complaint and one panel member who is independent of the management and running of Shenfield High School. Where the complainant is a parent, governors will consider the possible advantages of this panel including a parent governor. The complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the

appeal. The panels' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision.

## **6. Opportunities to Request a Review**

### **Complaining to the Secretary of State**

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State are handled by the Education and Skills Funding Agency (ESFA) and details of how to contact the ESFA are available on their website at <http://www.education.gov.uk>

### **Serious allegations or complaints**

Individuals wishing to raise concerns relating to the financial irregularity in organisations funded by the Department for Education should write to the Department for Education's Internal Audit Investigation Team with full details.

<https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Senior HR Officer and/or the Director of Resources and/or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care.

The Academy reserves the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

## **APPENDIX A**

### **Conduct of Complaints Appeal Meetings**

1. Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Headteacher and/or Chair of Governors, as appropriate;
  - the members of the Complaints Panel;
  - a minute taker, appointed by the governors;

Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.

5. The panel will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the Academy's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
8. The Headteacher, Chair of Governors and the panel members will have the opportunity to ask questions of the complainant.
9. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
10. The complainant and the panel will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.

11. The panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

12. Both parties will leave the meeting and the panel will consider the information that has been put to them.

13. The panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) Shenfield High School needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of Shenfield High School staff. Normally the panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

14. The panel will communicate their findings and recommendations to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The panel response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which panel members arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by Shenfield High School as a result of the complaint and within what timescales. The panel's findings and recommendations will be made available for inspection on the school premises by the Headteacher.

15. Correspondence, statements and records relating to individual's complaint will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 Education and Skills Act 2008 Act requests access to them.