

Chelmsford County High School for Girls

Complaints Policy

Introduction

As a school, we encourage feedback from students and parents. Compliments are particularly welcome and very encouraging to teachers and staff. However, concerns and complaints are always given due consideration and every effort is made to respond according to the School's Policy.

Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their daughter's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The School welcomes an open dialogue with parents about such matters. Teachers and staff will explain practices, policies, and how they affect the students. The vast majority of concerns will be handled by the Form Tutor, Year Leader, Subject Teacher or Subject Leader depending on the nature of the matter raised.

The usual approach is to speak to the student's Form Tutor in the first instance, or to contact the School Office to arrange an appointment to discuss the concern with the appropriate member of staff. At all times the staff will make every effort to help to resolve the issue. On the rare occasion that parents feel they must state their concern formally, the School has defined procedures for handling complaints.

Complaints

The procedure is to contact the student's Form Tutor or Year Leader in the first instance, or contact the School Office to arrange an appointment to discuss your complaint with the relevant member of staff.

The School's policy has been prepared using Education (Independent School Standards) (England) Regulations 2014. It is worth noting that both compliments and complaints are reported to the Governors' Management Committee.

External Complaints

Complaints from members of the public who are unrelated to any current student should in the first instance be put in writing and sent to the School addressed for the attention of the Headteacher.

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In summary, the procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage where written complaints are considered by the Headteacher.

Stage 3 is the next step once Stage 2 is complete. It involves a complaints review panel made up of Governors plus at least one person who is independent of the management and running of the School.

Beyond the Governing Body, the final recourse for a complainant is to the ESFA. An individual can complain to the ESFA only if:

- a. There is undue delay or if the School did not comply with its own complaints procedure when considering a complaint.
- b. The School is in breach of its funding agreement with the Secretary of State, or
- c. The School has failed to comply with any other legal obligation.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the School

1. Many concerns will be dealt with informally when you make them known to us.
2. You will either receive contact by telephone or in writing as soon as possible after your concern has been made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

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1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the School marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. Every effort will be made to respond within three working days.
3. We will refer you to our website for a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and provide any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. We may talk to students with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a student has specifically said that she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher or Chair of Governors will keep written, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher's or Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If we do not close the complaint after Stage 2, you may wish to proceed to Stage 3, as described below.

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Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the Headteacher, Chair of Governors or anyone else – this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the students in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be confident that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward. This does not, of course, prevent you from referring your complaint to the ESFA.

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Stage 3 - Consideration by a complaints review panel

- If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, Governors may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Chair of Governors has discretion to agree to this form of meeting where it is felt that it would be helpful in resolving the complaint.
- The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The Clerk to the Governing Body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The Clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The Headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.

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4. The Clerk will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting
5. With the letter, the Clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the Clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the Chair of the panel, the Headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
9. The Chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
10. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the Clerk can then be asked to make the necessary redaction..
11. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher;
 - you to question the Headteacher about the complaint;
 - you to be questioned by the Headteacher about the complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call witnesses (subject to the Chair's approval) and all parties to have the right to question all witnesses;
 - you and the Headteacher to make a final statement.
12. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself **within two weeks**. All participants other than the panel and the Clerk will then leave.
13. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;

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- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
14. The Clerk will send you and the Headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the Governing Body, is available to you.
 15. We will keep a copy of all correspondence and notes on file in the School's records but separate from pupils' personal records.

Appendices:

1. Guidance for School Staff.
2. Guidance for Governors.

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Chelmsford County High School – Complaints Policy – Appendix 1

Guidance for Staff

Investigating Complaints

We recommend that, at each stage of the concern or complaint, the person responsible ensures that the following steps are followed as far as possible:

- Clarify the exact nature of the concern or complaint and what is unresolved; sometimes one concern can be masking other underlying issues.
- Contact the complainant if necessary if unsure, or if more information is required.
- Establish what has happened and who has been involved.
- Ask what the complainant feels would resolve the issue.
- Notify members of staff concerned, if appropriate. Advise the member of staff's line manager or SLT, as appropriate.
- Express regret over the issue. This is not an admission of liability, but it may go a long way to appeasing the complainant.
- Interview those involved, allowing them to be accompanied if they wish; keep an open mind.
- Keep notes of all interviews and all investigations, including telephone calls. Ensure that the complainant is aware that you are taking notes.
- Try to keep to your response times; if not possible, send an interim letter.
- Keep all parties informed, in writing, of the steps/action being taken.

Resolving and closing complaints

An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. If you have reached a mutual agreed outcome or closure, record it in writing.

An acknowledgement that the complainant's concern or complaint may have some justification could be offered as a way to bring about a successful conclusion. This may involve a combination of the following:

- An expression of regret that the incident has occurred. Note this is *not* an admission of liability.
- An explanation of what happened, or an explanation of the school's policy on whatever the

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concern is about.

- An admission that the situation could have been handled better or differently; this is *not* the same as an admission of negligence.
- Where possible, an assurance that the incident will not recur.
- If appropriate, an undertaking that school policies and/or practices will be reviewed in the light of the complaint. There may be particular instances when the Chair of Governors or designated governor feels that a concern or complaint has been dealt with thoroughly but the complainant still remains dissatisfied. It will then be their decision as to whether to offer a complaints review panel or to close the case.

If the Chair of Governors feels that:

- nothing further can be gained; and that
- every reasonable action has been undertaken to resolve the complaint; and
- he or she is confident that a review panel is unlikely to help to move matters forward

- then he or she should write to the complainant outlining the reasons why the case will be closed.

Try not to be too curt in writing to the complainant, however vexed you might feel. This can be very frustrating for the complainant, whether or not their complaint is justified. You can sometimes head off any further come-back with a few extra (conciliatory) words. Rather than just stating "I am writing to inform you that I have considered your complaint thoroughly but find no evidence to substantiate it and therefore regard the matter as closed", or similar, consider whether there are any lessons to be learnt from the case. For example, the Governing Body might have reviewed a particular policy or set of procedures as a result of the inappropriateness or inadequacy of the existing arrangements coming to light. Indicate this in your letter along these lines: "We have, however, reviewed our procedures and have made a number of changes which should ensure that this kind of incident does not recur."

Vexatious or protracted complaints: closure

A sound set of complaints procedures should limit the number of complaints that become protracted or vexatious; and if the procedures are followed correctly to keep the complainant informed of what is happening, this should not become an issue. However, occasionally, despite all the procedures having been followed, the complainant will remain dissatisfied. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of "agreeing to disagree" and moving on.

If a complainant continues to make representations to the school or tries to re-open the same issue, the Chair of Governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed.

Threats involving the media and/or legal action should be treated respectfully, whilst reassuring the complainant that the school will respond to any letters or approaches from the media or solicitors in the normal way. Very often these are "empty" threats made out of

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frustration in the heat of the moment and are without substance.

Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter to the complainant threatening to ban him or her from the premises should be sufficient to stop any unwelcome behaviour. In extreme cases, it may be necessary for the Chair of Governors to impose an actual ban on the person.

Complaints from the Community

Dealing with complaints or concerns from residents is also the responsibility of the School and the Governing Body. It is important to maintain good relationships with local residents.

In the event of an incident giving rise to a complaint, a prompt and courteous reply - with perhaps an expression of regret for any inconvenience caused - will go a long way to maintaining the school's good name and standing in the community.

It is the responsibility of the Governing Body to ensure that any third party, such as a sports or social club using school facilities, has its own complaints procedures in place.

Recording Complaints

A brief note of meetings and telephone calls, together with copies of any written responses should be made. This may be useful if the complainant asks for escalation of the complaint to a governors' complaints review panel.

All formal complaints received should be reported, and any general issues arising discussed at governors' meetings, once they have been resolved or signed off.

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Chelmsford County High School – Complaints Policy – Appendix 2

Guidance for Governors

Governing Body complaints review panel

This is the final stage for a complaint at school level. The complainant will have put in writing to the Chair of Governors the details of the complaint. Whether to progress the complaint to the panel stage is the decision of the Chair of Governors, where he or she feels it would be helpful in resolving the complaint.

This stage of the procedures **cannot** be invoked for complaints about the personal conduct of members of staff; they can **only** be dealt with by the Headteacher; and concerns about a Headteacher's personal conduct can **only** be dealt with by the Chair of Governors.

Under the school's internal confidential procedures, and as required by employment law, the outcome of any investigation may not be disclosed in detail to the complainant but a letter stating that the matter has been investigated and any appropriate action taken should be sent.

A complaint about a member of the school's Governing Body can only be heard by a governor panel and again it is dealt with under the school's internal procedures.

The purpose of the Governing Body complaints review panel is to give the complainant a hearing in front of a panel of governors who are as independent as possible and who can therefore consider the issue without prejudice, plus at least one person who is independent of the management and running of the School, as decided by the Chair of Governors.

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The aim of the review panel is to establish the facts and make any recommendations necessary to help resolve the complaint and to achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations that will re-assure the complainant that the complaint has been taken seriously.

It is recommended that the panel be chaired by the Vice-Chair of Governors, as the Chair may already be aware of the case. It may also be prudent to have a parent governor on the panel.

Whilst the DfE strongly recommend that the review panel be clerked, there is no statutory requirement for the Clerk to the Governing Body to carry out this function and therefore, if a school wishes, a member of staff, or an agency clerk employed on a "one-off" basis, can take full and fair notes of the meeting.

The Panel Chair/Clerk will aim to arrange the review panel to take place within 20 working days of written notification being received.

The Headteacher will be asked to prepare a written report, plus any reports or statements from

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other members of the staff. The complainant will also be asked if he or she wishes to provide any further written documentation and any witness statements; and whether they wish to have any witnesses present. The Headteacher may wish to have a professional association representative present at the hearing.

At least **five working days** before the meeting, the time, date and venue need to be notified to all parties, along with all relevant written reports and statements.

Although the complaints review panel is a formal procedure, it should be made as comfortable as possible for the complainant; and the process should be outlined either by letter sent with the other details or before the review hearing starts.

Checklist for a panel hearing

- The Panel Chair makes the introductions and outlines the proceedings.
- The complainant is invited to explain the complaint, followed by their witnesses.
- The panel and Headteacher may question both the complainant and their witnesses.
- The Headteacher is then invited to explain the school's action and be followed by any school witnesses.
- The panel and complainant may question both the Headteacher and the witnesses.
- The Chair of the Panel has the discretion to adjourn the hearing where new information is introduced – or for other reasons.
- The complainant is asked to sum up the complaint.
- The Headteacher is asked to sum up the school's action and response to the complainant.
- The Chair of the Panel explains that both parties will hear the panel's decision and/or findings within a set time and both parties are asked to leave while the panel decides on the issues.

The letter to all parties will outline the panel's action and should indicate what recourse the complainant might have beyond the governing body.

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