

### PRINCIPLES

We aim to:

- be impartial and non-adversarial when responding to complaints;
- handle all complaints with sensitivity and ensure confidentiality where and when appropriate;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- operate an effective and efficient process which is fair to students and their parents and which ensures that formal complaints are dealt with in accordance with the key guidelines set out in the DFE's School Complaints Procedure;
- comply with the Education Regulations 2014, part 7, and guidance published by the Education and Skills Funding Agency (ESFA), when responding to complaints from parents of students at the school, and others;
- resolve complaints within a published timescale having considered all available evidence;
- ensure, where applicable, that the agreed resolution is in the best interest of the student;
- ensure that any resolution in no way compromises the efficiency of the school or the efficient education of the school community;
- liaise effectively and transparently with the ESFA as required;
- consider how the complaint can feed into school improvement evaluation processes.

<b>PUBLISHED</b>	Website	✓	Pre-admission documentation		Student/Parent Planners	✓	On Request	✓
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## 1. INTRODUCTION

- 1.1. This policy complies with our funding agreement and articles of association.
- 1.2. The school's Complaint Coordinator is the PA to the Head & Academy Head.
- 1.3. The complaints procedure is outlined in the Parent Planner (a document we can guarantee all parents have access to) and is accessible via our school website.
- 1.4. The school has separate guidelines for managing concerns. Those guidelines are readily and easily accessible for all parents in the Parent Planner.
- 1.5. All complaints received by the school will be recorded on a central register by the Complaints Coordinator.
- 1.6. All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 1.7. The following represents the most likely recommended stages.
  - 1.7.1. Complaint heard by a relevant member of staff or member of the Leadership Team designated to the task.
  - 1.7.2. Complaint heard by the Academy Head or the Associate Head.
  - 1.7.3. Complaint heard by a panel of Governors.
- 1.7. It is not appropriate for a school's complaint's policy to be used to deal with decisions. This right is provided under the legal framework for exclusions.

## 2. DEFINITIONS AND SCOPE

- 2.1 The DfE guidance explains the difference between a concern and a complaint. 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. A **complaint** is defined as '*an expression of dissatisfaction however made, about actions taken, or a lack of action*'.
- 2.2 The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 2.3 This policy does not cover complaints procedures relating to:
  - admissions;
  - statutory assessments of special educational needs;
  - safeguarding matters;
  - exclusion;
  - whistle-blowing;

- staff grievances;
- staff discipline.

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

- 2.4 Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the SENDCO, Mr Joe Holloway; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.
- 2.5 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 3. PRINCIPLES FOR INVESTIGATION

- 3.1 When investigating a complaint, we will try to clarify:
- what has happened;
  - who was involved;
  - what the complainant feels would put things right.
- 3.2 We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.
- 3.3 The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

### 4. STAGES OF COMPLAINT

#### 4.1 STAGE 1 - INFORMAL

- 4.1.1 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.
- 4.1.2 The complainant should raise the complaint as soon as possible with the relevant member of staff or the Complaints Co-ordinator as appropriate, either in person or by letter, telephone or email.
- 4.1.3 The school will acknowledge informal complaints within 3 school days, and investigate and provide a response within 10 school days.
- 4.1.4 The informal stage may involve a meeting between the complainant and a relevant member of staff, as appropriate.
- 4.1.5 If the complaint is not resolved informally, it will be escalated to a formal complaint.

## 4.2 STAGE 2 – FORMAL

4.2.1 Formal complaints can be brought to the school's attention:

- by letter or email;
- by phone;
- in person;
- by a third party acting on behalf of the complainant.

4.2.2 Using the school's Complaints Form, the complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

4.2.3 The school will acknowledge receipt complaints within 3 school days, where they are received in written form;

4.2.3 If complainants need assistance raising a formal complaint, they can contact the Complaints Coordinator.

4.2.4 The Complaints Coordinator will assign a member of the Leadership Team to the case and that individual will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

4.2.5 In cases where the complainant indicates that he/she has a difficulty discussing the complaint with a particular member of staff, the Complaints Coordinator will refer the complaint to an alternative member of staff. Where the complaint concerns the Head, the Complaints Coordinator will refer the complainant to the Academy Head, who will liaise with the Chair of Governors. Complaints concerning the Academy Head will be referred to the Head, who will also liaise with the Chair of Governors.

4.2.6 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Coordinator may consider referring the complainant to another staff member.

4.2.7 The designated member of the Leadership Team will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

4.2.8 If the complainant wishes to escalate a complaint to the next stage of the procedure, they should inform, the Academy Head, using the means described above, within 5 school days.

### **4.3 STAGE 3 – COMPLAINT HEARD BY THE ACADEMY HEAD**

- 4.3.1 The Academy Head will review the procedure to date and arrange a meeting with the complainant. The conditions specified above will apply.

### **4.4 STAGE 4 - COMPLAINT HEARD BY THE GOVERNORS' REVIEW PANEL**

- 4.4.1 Complaints can be escalated by contacting the Clerk to the Governing body, using the school's postal address, within 10 school days. The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

- 4.4.2 The review panel consists of two members of the governing board without direct knowledge of the complaint and one independent member, not associated with the management and running of the academy. These individuals will have access to the existing record of the complaint's progress.

- 4.4.3 The complainant will 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.

- 4.4.4 The complainant will be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

- 4.4.5 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.

- 4.4.6 The panel, the complainant, and the school representative, will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

- 4.4.7 The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing, the findings and recommendations, to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Head / Academy Head.

- 4.4.8 The panel will inform those involved of the decision in writing within 10 school days.

## **5. COMPLAINTS AGAINST THE HEAD/ACADEMY HEAD, GOVERNOR OR THE GOVERNING BODY**

- 5.1 Complaints made against the Head or Academy Head should be directed to the Chair of Governors, using the school's postal address.

- 5.2 The complaint will be heard using the conditions and timescales specified at 4.4.

- 5.3 Where the complaint is against a member of the governing body, the same will apply.
- 5.3 Where a complaint is against the Chair of Governors, or the entire governing body, it should be made in writing to the Clerk to the Governing Body in the first instance.
- 5.4 The Clerk will review the veracity of the complaint and may refer the matter to the Education, Skills and Funding Agency (ESFA).

## 6. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURES

- 6.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the 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. However, it will look into:
- whether there was undue delay, or the school did not comply with its own complaints procedure;
  - whether the school was in breach of its funding agreement with the secretary of state;
  - whether the school has failed to comply with any other legal obligation.
- 6.2 If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
- 6.3 For more information or to refer a complaint, see the following webpage:  
[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

## 7. PERSISTENT COMPLAINTS

- 7.1 Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person/body in the case of a complaint about the Chair) will inform the complainant that the matter is closed.
- 7.2 If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which the school will not respond is if (this list is not intended to be exhaustive):
- the school has taken every reasonable step to address the complainant's needs;
  - the complainant has been given a clear statement of the school's position and their options (if any);
  - the complainant is contacting the school repeatedly but making substantially the same points each time.
- 7.3 The school will be most likely to choose not to respond if:
- it has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience;

- the individual's letters/emails/telephone calls are often or always abusive or aggressive;
- the individual makes insulting personal comments about, or threats towards, school staff.

7.4 Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## **8. UNREASONABLY PERSISTENT COMPLAINTS**

8.1 The school will follow its Vexatious Complaints policy. A copy of the policy will be made available to the complainant.

## **9. COMPLAINT CAMPAIGNS**

9.1 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:

- publishing a single response on the school website;
- sending a template response to all of the complainants.

9.2 If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the matter will be reviewed and normal procedures may apply.

## **10. RECORD-KEEPING**

10.1 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.

10.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or at a review panel.

10.3 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 (FOIA) 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.

10.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and data protection policy.

10.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body, in case a review panel needs to be organised at a later point.

- 10.6 Where the governing body 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. LEARNING LESSONS**

- 11.1 The governing body will review any underlying issues raised by complaints with the Head / Academy Head where appropriate, and respecting confidentiality, determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **12. LINKS WITH OTHER POLICIES**

- 12.1 Policies dealing with other forms of complaints.
- Child protection and safeguarding.
  - Admissions.
  - Behaviour (exclusions).
  - Staff disciplinary and grievance procedures.
  - Privacy notices.
  - Vexatious Complaints.

## HOLLAND PARK SCHOOL 2019 to 2020

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### COMPLAINT FORM

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YOUR NAME	
STUDENT'S NAME	
YOUR RELATIONSHIP TO THE STUDENT	
ADDRESS	
POSTCODE	
TELEPHONE	
MOBILE	
EMAIL	

**Please give details of your complaint**

**Are there any witnesses to your concern?**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

<b>What actions do you feel might resolve the problem?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>

SCHOOL USE	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	

*Please complete and return to the Complaints Coordinator who will acknowledge receipt and ensure that you have a copy of the school's complaints procedures.*

BY POST:  
**The PA to the Head and Academy Head**  
 Holland Park School  
 Campden Hill Road  
 London W8 7AF

BY EMAIL:  
 Address: [info@hollandparkschool.co.uk](mailto:info@hollandparkschool.co.uk)  
 Subject: **The PA to the Head and Academy Head (complaint)**

