



School Complaints Procedure

Review frequency: Annual

**Approval level agreed by the full governing board:
Chair of Committees**

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Name & role: Madeline Southern Headteacher

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Adopted by Governing Body: October 2020

Hove Junior School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Policy Statement

It is in everyone's best interests in our school and community to communicate well with one another and to ensure that any concerns and complaints are dealt with as quickly and appropriately as possible. In addition, concerns and complaints brought to the attention of the school can be an opportunity to inform, review and help improve school procedures. **A simplified summary of the complaints process is on page 14.**

The policy has been developed after consulting:

- Complaints Policy Working Group, consisting of Headteachers and Local Authority representatives
- Headteachers' Steering Group
- Schools, Skills and Learning Consultative Group
- Governors' Network and Diocesan representatives
- Department for Education (DfE) School Complaints Guidance
- Best practice from other local authorities

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the school and all those involved

Staff, parents/carers and governors at the school can also access policies that may be inter-related (e.g. Behaviour, Health and Safety etc.)

Key principles of the policy are:

- The legal context of the Complaints Policy
- Accessibility – useable format, free from jargon, assuming no specialist knowledge
- Good communication – clarification of the process involved in dealing with complaints
- Clear and adhered to recommended timescales (where appropriate)
- Clarity over roles and responsibilities of those involved in the process
- Appropriate confidentiality which must be maintained by all involved in the process (including any school staff, administrative staff and governors)

Legal context

From September 2003, Section 29 of the Education Act 2002 has required governing bodies of all maintained schools and nursery schools in England to have procedures in place to deal with complaints. The governing body must establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Summary

1. This policy sets out the procedures Hove Junior School will follow whenever it receives a complaint for which there are not alternative statutory procedures.
2. In all cases where the complaint directly concerns the school's Headteacher, the Chair of Governors (or nominated governor) in the first instance will investigate the complaint informally, in conjunction with advice from the Governor Support Team (if this service has been purchased). The appropriate Head of School Advisory Service will also be alerted.
3. If and when complaints about any school are brought to the attention of Brighton & Hove City Council (the Local Authority), the complainants will be advised to contact the school and to follow the procedures set out within the school's complaints policy.
4. This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean parents and carers of the school's pupils, but may include neighbours of the school or other members of the local community.
5. The Governing Body may need to consider setting up collaboration arrangements with another governing body in the eventuality of not having enough impartial governors to hear the appeal.

Monitoring and recording complaints

At all stages of the Complaints Procedure the following information should be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required

The Governing Body should appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the school. At stages 1 and 2 the complaint will be recorded (in line with the guidance above) via CPOMs.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or full) and where appropriate some form of action is taken **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

In the first instance of receiving a complaint it may be appropriate to resolve the issue by offering to the complainant one or more of the following:

- An emphatic response
- An explanation of events
- A recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to endeavor that it will not happen again. However, this must not include any information or detailed action taken involving a member of staff
- An undertaking to review school policies in light of the findings of the complaint

The complainant may choose to take no further action or take their complaint to the next stage.

Complaints that do not fall under this Complaints Procedure

Type of complaint	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection and safeguarding matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have immediate concerns that a child has suffered, or is at risk of suffering <i>significant</i> harm please contact Front Door for Families: Tel 01273 290400 (office hours) or 01273 335905 (out of office hours). https://www.brighton-hove.gov.uk/frontdoorforfamilies The local authority designated officer (LADO) is Darrel Clews: Tel 01273 295643.
Admissions to schools	School Admissions Team (local authority): Tel 01273 293653 SchoolAdmissions@brighton-hove.gov.uk in the first instance, who will advise on the correct procedure to follow.
Exclusion of children from school*	Access to Education Team (local authority): Tel 01273 293480 attendanceteam@brighton-hove.gov.uk https://new.brighton-hove.gov.uk/schools-and-learning/absent-school/what-happens-if-your-child-excluded-school *However, complaints about the application of the behaviour policy (see school website) can be made through the school's complaints procedure.
Statutory assessments of SEN	Special Educational Needs Team (local authority): Tel 01273 293552 sen.team@brighton-hove.gov.uk
Complaints about other providers who may use the school premises or facilities	Providers should have their own complaints procedure to deal with complaints about the service. Please contact them direct or ask the school office for their contact details. If you do not feel your concern/complaint has been resolved please contact the school and the senior leadership team.
Staff grievances, capability or conduct	The school's internal personnel procedures will be used. You are not entitled to participate in proceedings or receive any detail about the outcome, but you will be informed that the matter is being addressed.
Subject Access Requests and Freedom of Information requests	Refer to the school's Data Protection Policy and Freedom of Information policy.
Whistleblowing (for serious wrongdoing that cannot be covered by other procedures)	Refer to the school's whistleblowing procedure, which can be used by members of staff and the general public. For those who do not wish to raise matters direct with the school, referrals can be made to the Department of Education: www.education.gov.uk/contactus
National Curriculum - content	Contact the Department for Education: www.education.gov.uk/contactus

The school policies referred to above can be found on the school website, or you can ask for a copy from the school office. There is further information about different types of complaints at <https://www.gov.uk/complain-about-school>.

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 however made, about actions taken or a lack of action’.

(Ref: DfE Model Complaints Procedure for Schools 2019)

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing (email, letter or complaint form) or by telephone. It may also be made by a third party acting on your behalf, as long as they have appropriate consent to do so.

If you wish to raise a concern, i.e. seeking reassurance about a particular issue, your first point of contact is usually your child’s class teacher. If you have difficulty discussing a concern with a particular member of staff, please contact the head teacher / head of school, who will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, they may refer you to another staff member, who may be more senior but does not have to be. The ability to consider the concern objectively and impartially is important, so you could be referred to a school governor. However, that governor cannot then be involved if the concern progresses into a formal complaint. You should expect to receive a written acknowledgement within five school working days and a full response within 15 school working days of receiving the concern.

If you wish to make a formal complaint, you should follow the stages outlined in this procedure. It is helpful if you complete the complaint form at the end of this procedure (Appendix 2) as it ensures the school has all the necessary details about the complaint. However, you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

Accessibility

In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure, eg providing information in alternative formats, helping to complete the form or holding meetings in accessible locations. Please contact the school office if you require any assistance.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Hove Junior School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Anonymous complaints

We will not normally investigate anonymous complaints. The headteacher and/or chair of governors will determine whether the complaint warrants an investigation.

Please note that any complaints about child protection matters are handled under our child protection and safeguarding policy – see page 3.

Timescales

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 consider complaints made outside of this timeframe if exceptional circumstances apply.

If complaints are made outside of term time or over a weekend, we will record the day received as the first school day back after that time.

If other public bodies are investigating aspects of the complaint (e.g. the police, safeguarding teams or a tribunal), this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If legal action has been taken against the school in relation to the complaint, we may suspend the complaints procedure until those legal proceedings have concluded.

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.

Resolving complaints

Hove Junior School takes concerns seriously and will make every effort to resolve the matter as quickly as possible, by offering an empathetic response, an explanation of events or, if appropriate, a recognition that the situation could have been handled differently or better. If this is the case, we will explain any steps that will be taken to help ensure it will not happen again, with an indication of the timescales within which any changes will be made.

Withdrawal of a complaint

If you wish to withdraw a complaint, please confirm this in writing to the headteacher, via email or letter to the school office.

Governing board review of complaints

The governing board will ensure any specific actions for resolution of complaints are completed. In addition to this, at the end of each academic year, the governing board will receive an annual report from the headteacher that outlines the general nature of complaints that year (anonymised). Any learning from complaints can be used to inform the review of the complaints procedure and also other procedures and policies within the school.

Stages of the formal Complaints Procedure

Stage 1 (also known as the Informal Stage)

The complainant raises and discusses their concerns/issues with child/young person's class teacher. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

Stage 2: Investigation

If you wish to complain about actions taken or a lack of action taken by the school, you should raise a formal complaint with the headteacher (unless the complaint is about the headteacher or governing board – see below), via the school office. This may be done in person, in writing (preferably on the complaint form at the end of this procedure), or by telephone. You should make it clear that you are raising a formal complaint under the school's complaints procedure.

The headteacher will acknowledge receipt of the complaint in writing (by letter or email) within five school working days. Within this response, the headteacher will seek to clarify the nature of the complaint and what outcome you would like to see. The response will outline who will be investigating the complaint and the date you can expect a response by.

The headteacher will then investigate the complaint or they may delegate the investigation to another member of the school's senior leadership team (but not the decision to be taken). During the investigation, the headteacher (or investigator) may:

- meet with you if there is any clarification needed about your complaint or the outcome required
- interview those involved in the matter and/or those complained of (allowing them to be accompanied if they wish)

They will keep a written record of any meetings/interviews in relation to their investigation.

After the investigation, the headteacher will provide a formal written response within 15 school working days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide you with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The response will include an explanation of how to escalate your complaint if you are dissatisfied with the outcome.

If the complaint is about the headteacher or a member of the governing board, the chair of governors will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors, bellehoward@hovejun.brighton-hove.sch.uk

If the complaint is about the chair of governors, a suitably skilled governor will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors, bellehoward@hovejun.brighton-hove.sch.uk

If the complaint is about more than one governor or the entire governing board, an independent investigator will be appointed. Such complaints must be made via the clerk to governors' bellehoward@hovejun.brighton-hove.sch.uk, who will contact the local authority's Governance Development for advice. At the end of their investigation, the independent investigator will provide a formal written response.

You should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 2 of the procedure.

Stage 3: Governors' Panel

If you are dissatisfied with the outcome at Stage 2, you can appeal this by requesting a hearing with the governing board's complaints panel. The request must be made to the clerk to governors, bellehoward@hovejun.brighton-hove.sch.uk, within 20 school working days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered in exceptional circumstances. The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school working days.

The complaints panel will consist of three governors with no prior involvement or knowledge of the complaint and who do not have a vested interest in the outcomes of the proceedings. If there are fewer than three governors from the school available, the clerk will source any additional, independent governors from another local school or their partnership. An entirely independent panel will be convened if the complaint is against one or more members of the governing board.

The clerk will contact the governors' panel, the headteacher and you to find a mutually convenient date and time for the hearing. A member of the senior leadership team (SLT) may represent the headteacher at the hearing. The clerk will also check with all parties about any access requirements. The hearing should be set within 15 school working days of receiving the complaint. If the timescales cannot be adhered to then the clerk will explain the reasons why and keep you informed.

Once the date has been set, the clerk will write to all parties, confirming the following:

- Date, time and venue of the hearing

- Aims and objectives of the hearing and how it will be conducted
- The agenda for the hearing
- A request for any documentation either party wishes the panel to consider – the clerk will identify a deadline date that will give them enough time to send all documents to all parties at least five school working days before the hearing
- Clarification about who can accompany both parties – if the attendance of any pupils under the age of 18 is required, parental permission must be sought
- A request for the details of any witnesses or representatives and their role in the hearing, so that all parties can prepare appropriately, access requirements can be checked and the length of the hearing can be estimated
- How and when the panel will reach their decision

In order to achieve an outcome within acceptable timescales, every effort should be made to adhere to the confirmed hearing date. Only in exceptional circumstances will the arrangements be changed and if necessary the panel may decide to go ahead with the hearing using only written submissions from both parties.

You may bring someone along to provide support, who can be a relative or friend. Ideally, neither party should feel the need to be represented by lawyers, as the purpose of the hearing is to consider the complaint and wherever possible, work towards a resolution. It is not a form of judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, there may be occasions when it is appropriate. For example, if a school employee is called as a witness, they may wish to be supported by union or legal representation. Representatives from the media are not permitted to attend.

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 to electronic recordings must be sought from all parties attending before all meetings or conversations take place. Consent will be recorded in any minutes taken.

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

The hearing will be held in private. The clerk will welcome all parties, ensuring there is appropriate separate waiting space. Both parties must enter the hearing at the same time.

Although the panel will follow formal procedures, the chair will conduct the meeting as informally as possible, making sure all parties feel at ease and treat each other with respect and courtesy. Extra care will need to be taken if a child or young person is present.

1. The chair of the panel will introduce everyone and explain that they are there to review the complaint with the aim of reaching a resolution for the complainant and the school. (Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so).
2. The chair of the panel will give the complainant the opportunity to put their case forward without undue interruption. The complainant may bring in any witnesses or representatives to give supporting information.
3. The panel and the headteacher (or SLT member) have the opportunity to ask any questions to establish facts and further their understanding. This is not an opportunity for cross examination.
4. The chair of the panel will then give the headteacher (or SLT member) the opportunity to put their case forward without undue interruption. The headteacher (or SLT member) may bring in any witnesses or representatives to give supporting information.
5. The panel and the complainant have the opportunity to ask any questions and clarify any points.
6. The complainant will then be invited to sum up their complaint.
7. The headteacher (or SLT member) will then be invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time.

Once the complainant and the headteacher (or SLT member) have withdrawn, the panel will deliberate and come to a decision whether:

- any fault was found (i.e. complaint upheld in whole or in part)
- no faults were found (i.e. complaint not upheld)

If the complaint is upheld in whole or in part, the panel 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 decision will be communicated in writing to all parties within five school working days. If it is not possible to meet this deadline, the panel chair will contact both parties with a revised date.

Next step

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the 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

Summary of procedure & timescales

	Who to contact	Timescale to receive response*
Raising a concern Stage 1 (informally) i.e. seeking reassurance about an issue	Contact the class teacher or form tutor, who may be able to address your concern straight away or will arrange a meeting to discuss the matter with you at a mutually convenient time. If this person is not appropriate, you may contact the headteacher, who will refer you to another member of staff to deal with your concern.	Written acknowledgement within five school working days and full response within 15 school working days of receiving the concern.
Formal complaint: Stage 2 (investigation)	Contact the headteacher, who will investigate your complaint. They may delegate the investigation to another member of the school's senior leadership team, but the headteacher will provide the response. If the complaint is about the headteacher or the governing board, contact the clerk to governors who will direct your complaint to the most appropriate person to carry out the investigation (see page 6).	Written acknowledgement within five school working days and full response within 15 school working days of receiving the complaint.
Formal complaint: Stage 3 (governors' panel)	If you are not satisfied with the response at Stage 2, you can appeal the outcome by requesting that a panel of governors hear the complaint. Contact the clerk to governors within 20 school working days of receiving the Stage 1 response and the clerk will arrange the hearing.	Written acknowledgement within five school working days. Hearing will be arranged for within 15 school working days of receiving the complaint. Decision to be sent in writing within five school working days of the hearing.
Next step: Department for Education	If you remain dissatisfied, you can contact the Department for Education via https://www.gov.uk/contact-dfe .	

*If it is not possible to meet the timescales above, then you will be contacted to discuss reviewing these

Roles and Responsibilities

The complainant will receive a more effective response if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information/meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely

pending any appeal

- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

The clerk to governors is the contact point for the complainant and the panel and should:

- organise the hearing as set out in the Stage 3 procedure
- collate any written material relevant to the complaint and send it to all parties at the same time, at least five school working days before the hearing
- record the proceedings as a full account of what was said, especially responses to questions (draft version may need to be referred to during deliberations)
- send the typed version to the full panel for checking
- circulate agreed minutes to all present (these are to be kept confidential) – should

their accuracy be disputed, the query will be attached to the agreed minutes

- notify all parties of the panel's decision within five school working days of the date of the hearing
- file papers appropriately, disposing of additional copies securely
- notify LA of governor appeal and final outcome.

The chair of the panel - the committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease – this is particularly important if a child or young person is in attendance
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or General Data Protection Regulation (GDPR) – if a new issue arises, the panel will consider whether or not to accept the new information and if so, a short adjournment of the meeting may be required to review this
- the agenda and the processes for the hearing are followed (as set out on page 8)
- the panel is open-minded and acts independently
- the governing board is informed of the outcome of the complaint (not the details, which remain confidential), and should ensure that recommendations are being actioned, eg policy updates, staff training etc.

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not

find in their favour – it may only be possible to establish the facts and make recommendations

- many complainants will feel nervous and inhibited in a formal setting – parents/carers often feel emotional when discussing an issue that affects their child
- the welfare of children and young people is paramount so extra care needs to be taken when a child/young person is present during all or part of the meeting – careful consideration of the atmosphere and proceedings should ensure the child/young person does not feel intimidated
- the views of the child/young person should be respected and given equal consideration to those of adults
- if a child/young person is attending, there should be a mutual agreement between the panel and the parent as to which part of the meeting it is most appropriate for them to attend

Appendix 1

Serial and unreasonable complaints

Hove Junior 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 we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hove Junior School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes 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 (by letter, phone or email), as it could delay the outcome being reached.

Whenever possible, the headteacher (and/or chair of governors, if appropriate) will discuss any of the above issues with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher 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.

Any threat or action of aggression or violence will be reported to the Health and Safety department at the local authority.

In the case of 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 school.

Appendix 2

Complaint Form (Stage 2 and Stage 3)

Please complete and return to madeleinesouthern@hovejun.brighton-hove.sch.uk, who will acknowledge receipt and explain what action will be taken. If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens Advice to help you.

This form is provided for ease of use – you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Tel no: Email:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 3 – Acknowledgement Letter to Complainant Template

[Insert date]

Dear [Insert Complaint name],

I am writing to acknowledge your letter of [insert date], in which you outline your complaint [insert complaint summary].

As [insert name of Governor] has some limited prior knowledge of this case, they will now not participate in the panel hearing or have further involvement in this process moving forwards.

The key next steps are as follows:

- I will convene a panel, which will consist of three Governors to hear your complaint. I will be one of the three Governors and will chair the meeting.
- Our Senior Clerk, [insert name], will be in touch in due course to confirm date, time, location and panel participants. In line with the Complaints Policy, this will be scheduled within 15 school working days of your letter.
- An agenda will be shared with all parties ahead of the meeting.
- You will have the opportunity to send through any additional documentation that you wish the panel to consider no later than 5 working days before the meeting, so that this can be shared with all parties prior to the hearing.
- The panel's decision will be communicated within 5 working days of the hearing.

(Given the current COVID-19 pandemic, this panel hearing may need to be held virtually, however if all parties are amenable, it may be possible for a socially distanced face to face meeting to be held.

Please note that the DfE have provided the following [guidance](#) to schools about the management of complaints at this time:

For maintained schools, governing bodies are advised that DfE does not expect schools to handle new or existing complaints while they are partially closed during the coronavirus (COVID-19) outbreak. Schools should, however, still engage with parents and pupils where they can. Complaints should be considered once schools have fully reopened.

Please bear in mind that the current situation may impact the timeline that we would normally adhere to in the management of complaints).

Please can you contact our clerk on [insert email address] to advise your availability for [insert dates]. Please also indicate your preferences with regards to meeting face to face or virtually.

If you have any questions about this process, please also don't hesitate to contact our clerk.

Yours sincerely,

Chair of Governors, Hove Junior School

Appendix 4 – Acknowledgement Letter to Headteacher Template

[Insert date]

Dear Headteacher,

I am writing to let you know that the Co-Chairs received a letter from **[insert Complainant name]** on **[insert date]** in which they outline their **[summarise complaint]**.

In line with the Complaints Policy, please see attached a copy of their letter and supporting document, which details a summary of their communications with the school on this matter.

*As **[insert name of Governor]** has some limited prior knowledge of this case, they will now not participate in the panel hearing or have further involvement in this process moving forwards.*

The key next steps are as follows:

- I will convene panel, which will consist of three Governors to hear the complaint. I will be one of these three Governors and will chair the meeting.
- Our Senior Clerk, **[insert name]**, will be in touch in due course to confirm date, time, location and panel participants. In line with the Complaints Policy, this will be scheduled within 15 school working days of the complainant's letter.
- An agenda will be shared with all parties ahead of the meeting.
- You will have the opportunity to send through a Headteacher's statement or any other documentation that you wish the panel to consider, no later than 5 working days before the meeting, so that this can be shared with all parties prior to the hearing.
- The panel's decision will be communicated within 5 working days of the hearing.

Given the current COVID-19 pandemic, this panel hearing may need to be held virtually, however if all parties are amenable, it may be possible for a socially distanced face to face meeting to be held.

Please note that the DfE have provided the following [guidance](#) to schools about the management of complaints at this time:

For maintained schools, governing bodies are advised that DfE does not expect schools to handle new or existing complaints while they are partially closed during the coronavirus (COVID-19) outbreak. Schools should, however, still engage with parents and pupils where they can. Complaints should be considered once schools have fully reopened.

That said, Governors are keen to resolve this matter swiftly, given the wellbeing issues raised in the complainants letter. However, please bear in mind that the current situation may impact the timeline that we would normally adhere to in the management of complaints.

Please can you contact our clerk on **[insert email address]** to advise your availability for **[insert dates]**. Please also indicate your preferences with regards to meeting face to face or virtually.

If you have any questions about this process, please also don't hesitate to contact our clerk.

Yours sincerely,

**Chair of Governors
Hove Junior School**

Appendix 4 – Stage 3 Hearing Invite Letter to Complainant Template

[Insert date]

Dear [Insert name],

Further to the letter from [Insert Chair of Governors name] on [Insert date], I am writing to invite you to attend a Stage 3 hearing during which your appeal/complaint will be heard. I have restated the summary you provided re the nature of your appeal/complaint, as detailed in your letter of [Insert date]:

- [Insert Complaints Summary]

Date & time of the hearing

The hearing will be held as a socially distanced, face to face meeting and has been scheduled as follows:

- **Date:** [Insert date]
- **Time:** [Insert time]
- **Location:** [Insert location]

Purpose of the meeting

The meeting will provide you with the opportunity to present your appeal/complaint in front of a panel of three Governors, who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The panel will aim to establish facts and make recommendations.

Hearing participants

The Panel will be made up of the following Governors:

- [Insert Governor name] – Chair of the Panel
- [Insert Governor name]
- [Insert Governor name]

Other participants will include:

- [Insert name], Complainants (and if desired, a representative)
- [Insert name], Headteacher (and if desired, a representative)
- [Insert name], Senior Clerk to Governors, who will be taking minutes throughout the hearing.

Entitlement to be accompanied

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 to the school. They are there to give you support but also to witness the proceedings and to speak on your behalf, if you wish.

Format of the meeting

In line with the school's Complaints Procedure, the hearing will proceed as follows:

1. The Chair of the Panel will introduce everyone and set out that the remit of the Panel is to investigate the appeal/complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
2. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
3. You will be given the opportunity to state your case. The panel and the Headteacher then have the opportunity to ask any questions.
4. The Headteacher is given the opportunity to state the school's case. The panel and you will then have the opportunity to ask any questions.
5. You will then be invited to sum up your complaint.
6. The Headteacher will also be invited to sum up the school's actions and response to the complaint.
7. The Chair will let both parties know how they will be notified of the panel's findings, within agreed timescales. The Chair will draw the meeting to a close.
8. Both will parties leave at the same time and the Panel will withdraw to make their findings.

Enclosures

Attached with this letter you will find the following:

- **[SD1]** Agenda for the hearing.
- Supporting documents:
 1. **[SD2]** Letter to Chair of Governors (*Source – **[Insert Complainant's name]***)
 2. **[SD3]** Headteacher's Statement and any supporting documents (*Source – **[Insert name]** – **to follow**, no later than 5 school working days before the meeting.*)
 3. **[SD4]** **[Insert Supporting document & source]**
 4. **[SD5]** **[Insert Supporting document & source]**
 5. **[SD6]** **[Insert Supporting document & source]**

Minutes of the meeting

The Chair of the Panel will ensure that the meeting is properly minuted. If you would like to have a copy of the minutes, you should let the Chair know in advance so that

the clerk can maintain confidentiality in the minutes. **Please note** – no changes will be made to the content of the minutes.

Outcome of the meeting

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 you and the Headteacher within **5 school working days**. All participants, other than the panel and the clerk, will then leave.

The panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least a majority, decision.
- The panel can:
 - Dismiss the complaint in whole or in part.
 - Uphold the complaint in whole or in part.
 - Decide on the appropriate action to be taken to resolve the complaint.
 - Recommend to the Governing Board, where appropriate, any changes to the school's systems or procedures to ensure that similar problems do not happen again.
- You and the Headteacher will be sent a letter outlining the decision of the panel.

Please can you:

- Confirm your availability to attend the meeting, by no later than **[Insert date]**.
- Indicate whether you plan for any witnesses or representatives to participate in the meeting with you. If so, please confirm their name ahead of the hearing.
- Should you wish to do so, send through any additional documentation that you would like the panel to consider **no later than 5 school working days before the meeting**.
- Contact me with any questions you may have on this process ahead of the meeting, by email at **[Insert email address]**.

Finally, I wanted to outline the process in the event that you are unsatisfied by the outcome of the hearing, which is as per the school's Complaints Procedure:

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the 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

Appendix 4 – Stage 3 Hearing Invite Letter to Headteacher Template

[Insert date]

Dear [Insert name],

Further to the letter from [Insert Chair of Governors name] on [Insert date], I am writing to invite you to attend a Stage 3 hearing during which the recent appeal/complaint from [Insert Complainant name] will be heard. I have restated below the complaints summary, as detailed in their letter of [Insert date]:

- [Insert Complaints Summary]

Date & time of the hearing

The hearing will be held as a socially distanced, face to face meeting and has been scheduled as follows:

- **Date:** [Insert date]
- **Time:** [Insert time]
- **Location:** [Insert location]

Purpose of the meeting

The meeting will provide you with the opportunity to respond to the complaint in front of a panel of three Governors, who have no prior knowledge of the details of the case and who can, therefore consider it without prejudice. The panel will aim to establish facts and make recommendations.

Hearing participants

The Panel will be made up of the following Governors:

- [Insert Governor name] – Chair of the Panel
- [Insert Governor name]
- [Insert Governor name]

Other participants will include:

- [Insert name], Complainants (and if desired, a representative)
- [Insert name], Headteacher (and if desired, a representative)
- [Insert name], Senior Clerk to Governors, who will be taking minutes throughout the hearing.

Entitlement to be accompanied

You are entitled to be accompanied to the meeting, to give you support but also to witness the proceedings and to speak on your behalf, if you wish.

Format of the meeting

In line with the school's Complaints Procedure, the hearing will proceed as follows:

1. The Chair of the Panel will introduce everyone and set out that the remit of the Panel is to investigate the appeal/complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
2. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
3. The complainant will be given the opportunity state their case. You and the panel will then have the opportunity to ask any questions.
4. As Headteacher, you will have the opportunity to state the school's case. The panel and the complainants will also have the opportunity to ask any questions.
5. The complainants will then be invited to sum up their complaint.
6. As Headteacher, you will also be invited to sum up the school's actions and response to the complaint.
7. The Chair will let both parties know how they will be notified of the panel's findings, within agreed timescales. The Chair will draw the meeting to a close.
8. Both will parties leave at the same time and the Panel will withdraw to make their findings.

Enclosures

Attached with this letter you will find the following:

- **[SD1]** Agenda for the hearing.
- Supporting documents:
 1. **[SD2]** Letter to Chair of Governors (*Source – **[Insert Complainant's name]***)
 2. **[SD3]** Headteacher's Statement and any supporting documents (*Source – **[Insert name]** – **to follow**, no later than 5 school working days before the meeting.*)
 3. **[SD4]** **[Insert Supporting document & source]**
 4. **[SD5]** **[Insert Supporting document & source]**
 5. **[SD6]** **[Insert Supporting document & source]**

Minutes of the meeting

The Chair of the Panel will ensure that the meeting is properly minuted and will be shared with you as output of the meeting. **Please note** – no changes will be made to the content of the minutes.

Outcome of the meeting

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 complainants and you within **5 school working days**. All participants, other than the panel and the clerk, will then leave.

The panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least a majority, decision.
- The panel can:
 - Dismiss the complaint in whole or in part.
 - Uphold the complaint in whole or in part.
 - Decide on the appropriate action to be taken to resolve the complaint.
 - Recommend to the Governing Board, where appropriate, any changes to the school's systems or procedures to ensure that similar problems do not happen again.
- You and the complainants will be sent a letter outlining the decision of the panel.

Please can you:

- Confirm your availability to attend the meeting, by no later than **[Insert date]**.
- Indicate whether you plan to be accompanied to the meeting. If so, please confirm their name ahead of the hearing.
- Send through a Headteacher's Statement (and any supporting documents) for the panel to consider, **no later than 5 school working days before the meeting**.
- Contact me with any questions you may have on this process ahead of the meeting, by email at **[Insert email address]**

Yours sincerely,

Senior Clerk to Governors

Enclosed – **X** documents (as outlined above), with supporting document(s) to follow.

Appendix 5 – Participant Availability Tracker

Complaint's Panel - Participant Availability

Name	06/07/2020		07/07/2020		08/07/2020		09/07/2020		10/07/2020		13/07/2020		14/07/2020		15/07/2020		16/07/2020		17/07/2020		Virtual or F2F
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
Participant 1	Grey	Grey	Grey	Grey			Grey				Grey	Grey	Grey	Grey	Grey						
Participant 2	Grey	Grey	Grey	Grey			Grey	Grey		Grey	Grey				Grey		Grey	Grey	Grey	Grey	
Participant 3	Grey	Grey	Grey	Grey	Grey		Grey				Grey										
Participant 4		Grey		Grey					Blue	Blue		Grey								Blue	Blue
Participant 5											Grey	Grey									
Participant 6																					

Appendix 6 – School Complaints Recording Form

School Complaints Recording Form

Complainants Personal Details

NAME(S)	
ADDRESS	
EMAIL ADDRESS	
TELEPHONE	
NAME OF CHILD	
RELATIONSHIP TO SCHOOL	

Stage 2

DATE COMPLAINT MADE	
MEDIUM OF COMPLAINT	•
MEETING	•
DESIRED OUTCOME OF THE COMPLAINANT	•
HOW THE COMPLAINT WAS INVESTIGATED	•
ACTION TAKEN/OUTCOME	•
COMPLAINANTS RESPONSE	

Stage 3

DATE COMPLAINT MADE	
MEDIUM OF COMPLAINT	
CORRESPONDENCE	•
HEARING DATE	•
HEARING PARTICIPANTS	•

DESIRED OUTCOME OF THE COMPLAINANT	<ul style="list-style-type: none">•
ACTION TAKEN/OUTCOME	

Appendix 7 - Stage 3 Complaints Hearing Agenda

Complaints Hearing (Virtual*)

[Insert Date]

[Insert Time]

Hove Junior School, Portland Road Site

AGENDA

GOVERNOR PANEL	
COMPLAINANT	
SCHOOL	
SENIOR CLERK	

1.	Chair's welcome <ul style="list-style-type: none">• Introductions• Aims and objectives of the hearing• Explanation of the process• Others in attendance (representatives/witnesses) and their purpose
2.	Verbal statement from complainant, with supporting information from witnesses, if applicable
3.	Questions from panel to complainant
4.	Questions from Headteacher to complainant
5.	Verbal statement from Headteacher, with supporting information from witnesses, if applicable
6.	Questions from panel to Headteacher
7.	Questions from complainant to the Headteacher
8.	Complainant sums up their complaint
9.	Headteacher sums up the school's actions and their response to the complaint
10.	Chair explains next steps and timescales
11.	Meeting to close - both parties to leave at same time and panel deliberates.

Appendix 8 – Minute Taking Template

MEETING	Stage 3 Complaints Panel Hearing
DATE & TIME	
LOCATION	
GOVERNOR PANEL	1.
COMPLAINANTS	2.
SCHOOL	3.
SENIOR CLERK	

SUPPORTING DOCUMENTS

- [SD1] Complaint's Hearing Agenda
- [SD2] Letter to Chair of Governors (*Source – [Insert Complainant's name]*)
- [SD3] Headteacher's Statement (*Source – Mrs Southern*)
- [SD4] [Insert Supporting document & source]
- [SD5] [Insert Supporting document & source]
- [SD6] [Insert Supporting document & source]

CHAIR'S WELCOME

The meeting opened at XX:XX.

VERBAL STATEMENT FROM COMPLAINANT

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

QUESTIONS FROM PANEL TO COMPLAINANT

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

QUESTIONS FROM HEADTEACHER TO COMPLAINANT

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

VERBAL STATEMENT FROM HEADTEACHER

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

QUESTIONS FROM PANEL TO HEADTEACHER

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

QUESTIONS FROM COMPLAINANT TO THE HEADTEACHER

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

COMPLAINANT SUMS UP THEIR COMPLAINT

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

HEADTEACHER SUMS UP THE SCHOOL'S ACTIONS AND THEIR RESPONSE TO THE COMPLAINT

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

CHAIR EXPLAINS NEXT STEPS AND TIMESCALES

The hearing resumed at XX:XX.

The hearing adjourned for a break at XX:XX. Participants left the room at the same time.

Appendix 9 – Outcome Letter Template

Dear **[Insert name]**,

Thank you for taking the time to attend the Stage 3 hearing on **[Insert Date]**.

Your appeal/complaint can be summarised as follows:

- **[Insert Complaints Summary]**

The panel considered the format and method of investigation, content of letters received and issued, the school's Complaints Procedure and other supporting documents. The Headteacher also attended the meeting and was asked a number of questions for clarification.

Following careful consideration, we feel that a detailed investigation was/was not **[Amend as appropriate]** carried out and that this was/was not **[Amend as appropriate]** done fairly. **The panel have decided that your appeal/complaint is/is not upheld [Amend as appropriate].**

[Insert further details on areas explored/considered in the complaint, with appropriate headings]

The panel very much regret how this experience has made you feel and we wish to assure you that Hove Junior School is committed to the safety and wellbeing of all its pupils.

Other Recommendations

We would like to thank you for your feedback, both in your letter and through your considered contribution during the meeting. In addition to what has already been outlined above, the panel will ask the school and the Governing Board to specifically consider:

1. **[Insert area for consideration]**
2. **[Insert area for consideration]**

Next Steps

Stage 4 – If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the 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