



**HORNCHURCH**  
HIGH SCHOOL  
EXCELLENCE FOR ALL

## COMPLAINTS POLICY

<b>SCHOOL NAME:</b>	<b>HORNCHURCH HIGH SCHOOL</b>
<b>DATE OF ADOPTION:</b>	<b>01/09/23</b>
<b>CHAIR OF GOVERNORS SIGNATURE:</b>	<b>TERRY IRISH-JONES</b>
<b>HEAD SIGNATURE:</b>	<b>S.MADHVANI</b>

### 1.0 INTRODUCTION

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The procedure outlined in this document is based upon current Department for Education guidance.

A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. This document refers to this person as the complainant.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. At Hornchurch High School this nominated member of staff is the Headteacher.



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## **2.0 SPECIAL CIRCUMSTANCES**

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect should be referred without delay through the school's safeguarding processes. If Havering social services decide to investigate a situation this may postpone or supersede investigation of the complaint by the school.

Where a matter is capable of resolution through a legal appeal it will not be considered as a formal complaint and the complainant should be directed to the appropriate appeal procedure. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to exclude a child.

## **3.0 DEALING WITH CONCERNS INFORMALLY**

The vast majority of complaints and concerns can be resolved informally.

The complainant will be encouraged to discuss their concern with the appropriate member of staff. On major issues, the Head of School may be the appropriate member of staff at this stage, but more usually it may be a class teacher, Head of Subject or Head of Year.

- The complainant may bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with a letter to the complainant copied to the Headteacher, with appropriate detail, within 15 school days of the date of receipt of the complaint.
- Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. To assist in this process the complainant should be provided with a copy of the Hornchurch High School Formal Complaint Form. However, formal complaints may be made in any written format.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.



#### **4.0 FORMAL STAGE I – REFERRAL TO HEADTEACHER FOR INVESTIGATION**

- 4.1** The Headteacher must acknowledge receipt of the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 4.2** The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- 4.3** If the complaint is against a member of staff, the Headteacher should talk to and if necessary take a written statement from the staff member against whom the complaint has been made.
- 4.4** If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 4.5** The Headteacher must keep reasonable written records of meetings, telephone conversations and other documentation.
- 4.6** Once all the relevant facts have been established, the Headteacher will produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 4.7** The written response must include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 4.8** Stage I must be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher will write to the complainant giving a revised target date.
- 4.9** Hornchurch High School will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
- 4.10** The Formal Stage I response must also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Executive Headteacher/Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the names and the address to which the complainant can send the letter.



## **5.0 COMPLAINTS AGAINST THE HEAD**

If the complaint is wholly or mainly about the Head, the Executive Head must consider the complaint. The school must forward the complaint without delay to the Executive Head.

However, before Stage 2 is instigated the Executive Headteacher will invite the Headteacher to respond to the complaint in writing within ten school days. The Executive Headteacher will send a copy of the Head's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response a complaint against the Executive Headteacher should commence as described below.

## **6.0 COMPLAINTS AGAINST THE EXECUTIVE HEADTEACHER**

If the complaint is wholly or mainly about the Executive Head, the Governing Body must consider the complaint. The school must forward the complaint without delay to the Chair of the Governing Body.

However, before Stage 2 is instigated the Chair of the Governing Body will invite the Executive Headteacher to respond to the complaint in writing within 10 school days. The Chair will send a copy of the Executive Head's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response Formal Stage 2 should commence as described below.

## **6.0 FORMAL STAGE 2 – CONSIDERATION BY THE GOVERNING BODY**

- 6.1** If the complainant decides to take the matter further and the Chair of the Governing Body receives a formal complaint following an unsuccessful attempt to resolve the matter at Formal Stage 1, the Chair of the Governing Body will write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Head and the Clerk to the Governing Body.
- 6.2** If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Head and Executive Headteacher. However, where the complaint is against the Head and there has been an unsuccessful



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attempt to resolve the matter at Formal stage 1 by the Executive Headteacher, or the complaint is against the Executive Headteacher, the complaint is referred to Stage 2. The Chair of the Governing Body must decide how the complaint should be investigated.

Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Governing Body's Complaints Appeal Panel (CAP).

- 6.3** Hornchurch High School Governing Body's CAP consists of three governors with no prior, direct involvement with the complaint and a fourth member who is independent of the management and running of the school. In deciding the make-up of the CAP, where possible the governing body will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- 6.4** The Headteacher may not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.
- 6.5** The CAP will consider the complaint on the basis of the written evidence and set up a



hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

- 6.6** The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:
- Deal with the administration of the procedure;
  - Provide independent advice on procedure and evidence;
  - Ensure that the relevant facts are established;
  - Minute the meeting; and
  - Draft the decision letter.
- 6.7** The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Head and/or Executive Headteacher.
- 6.8** The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).
- 6.9** The complainant, Head and/or Executive Headteacher will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Head and/or Executive Headteacher within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.
- 6.10** The Head and/or Executive Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.
- 6.11** All relevant correspondence regarding the complaint will be circulated to the CAP, the complainant and the Headteacher in advance of the meeting.
- 6.12** If the Head and/or Executive Headteacher, and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.
- 6.13** It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.
- 6.14** The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint



or upholding some parts and not others.

**6.15** If either party wishes to introduce previously undisclosed evidence or witnesses, it is



in the interest of natural justice to adjourn the meeting so that the other side has time to respond to new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

**6.16** The meeting will allow for:

- The complainant to explain his or her complaint and the Head and/or Executive Headteacher to explain the reasons for his or her decision;
- The Head and/or Executive Headteacher to question the complainant about the complaint and the complainant to question the Head and/or Executive Headteacher;
- The CAP to have an opportunity to question both the complainant and the Head and/or Executive Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses;
- A final statement by the Head and/or Executive Headteacher and complainant.

**6.17** The Chair of the CAP will explain to the complainant and the Head and/or Executive Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head and/or Executive Headteacher and any witnesses will then leave.

**6.18** The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

**6.19** As in Section 4.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

**6.20** The Clerk/Chair of CAP will send a written statement outlining the decision with reasons, incorporating the findings of the panel and any recommendations, to both the complainant, the Head and/or Executive Headteacher and where relevant the person complained about. A copy of the written statement will be made available for inspection on the school premises by the proprietor and the Head and/or





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Executive Headteacher, that details:

- Whether the complaint was resolved by either formal procedure or whether it proceeded to panel hearing.



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- What action was taken by the school as a result of those complaints (regardless of whether they were upheld)

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**6.21** Stage 2 will be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Head and/or Executive Headteacher giving a revised target date.

**6.22** A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

## **7.0 ROLE OF THE SECRETARY OF STATE FOR EDUCATION**

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

For the Secretary of State to intervene following a complaint, she needs to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

Guidance on making a submission about a school complaint to the Department for Education can be found on Department for Education website at the following link: <https://www.gov.uk/complain-about-school/state-schools>

- If the complainant is dissatisfied with the response from the Department for Education, they should contact the Parliamentary and Health Service Ombudsman via the local MP.



## 8.0 VEXATIOUS COMPLAINTS

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There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed



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## **9.0 CONFIDENTIALITY**

All correspondence, statements and records of complaints will 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.



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*Appendix I*

**Complaint Form**

Please complete and return to:

- Ann Tyler (HR Manager) at Riverside School

who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

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

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 2

### I. Procedure for Managing Serial and Unreasonable Complaints

Hornchurch High is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hornchurch High 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 (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher, Executive Headteacher or Chair of the Trust will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.