



# Complaints Policy

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Statutory Policy	<b>Yes</b>

Signed: David Becker

**Chair of Governors**

Date: Dec 2020



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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

## 3. Definitions and scope

### 3.1 Definitions

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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”



### **3.2 Scope**

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. This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the SENDCO and headteacher; they will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## **4. Roles and responsibilities**

### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### **4.2 The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

### **4.3 Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing



#### **4.4 Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

### **5. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

#### **5.1 Timescales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **6. Stages of complaint (not complaints against the headteacher or governors)**

#### **6.1 Stage 1: informal**

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. The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office via emailing [contactus@highamlaneschool.co.uk](mailto:contactus@highamlaneschool.co.uk) or phoning the school office on 02476388123.

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 5 school days.

The informal stage will involve a telephone call with or meeting between the complainant and the headteacher, another appropriate senior member of staff and/or the subject of the complaint.

If the complaint is not resolved informally, it will be escalated to a formal complaint.



## 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the headteacher by completing the Higham Lane School Complaints Form (see appendix A), and informing the headteacher:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

A copy of the Complaints Form should be sent to the headteacher.

On the Higham Lane School 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. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office via emailing [contactus@highamlaneschool.co.uk](mailto:contactus@highamlaneschool.co.uk) or phoning the school office on 02476388123.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 10 school days by sending a communication to the school in an envelope marked 'Confidential- For the attention of the clerk to the governing board' or emailing it to [contactus@highamlaneschool.co.uk](mailto:contactus@highamlaneschool.co.uk) With the heading in the email written as 'Confidential- For the attention of the clerk to the governing board'.

## 6.3 Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10). The complainant must 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.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence.



The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the notes of the hearing and the findings and recommendations to the complainant if these are requested and to the headteacher. The notes taken will not be verbatim notes, just the key points that were discussed.

The school will inform those involved of the decision in writing within 5 school days.

## **7. Complaints against the headteacher, a governor or the governing board**

### **7.1 Stage 1: informal**

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools and/or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

## **8. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education Skills Funding Agency (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

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.

For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.



## 9. Persistent complaints

### 9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

#### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.



### **9.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **9.3 Complaint campaigns**

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

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record keeping**

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.

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

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 (FOI) 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.

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

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

Where the governing board 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.



Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

### **11. Learning lessons**

The Strategy Sub Committee will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to 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. Monitoring arrangements**

The Strategy Sub Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Strategy Sub Committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the headteacher.

This policy will be reviewed by the Strategy Sub Committee at least once every 2 to 3 years. At each review, the policy will be approved by the Strategy Subcommittee.

### **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child Protection and Safeguarding Policy
- Admissions Policy
- Exclusions Policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN Policy and information report
- Privacy notices



## **Addendum to the Higham Lane School Complaints Policy for Appeals Relating to Results – Summer 2020 ONLY Version 2- Updated 19th August 2020**

In summer 2020, in line with Ofqual instructions, students have been awarded centre-assessed grades\* or grades moderated\* by awarding bodies, whichever is the highest, in GCSEs, A-levels and some vocational qualifications, following awarding bodies receiving centre-assessed grades submissions from the School. (See below for explanation of what these terms\* mean and how these grades were calculated). This is in order to ensure students have the opportunity to move on to further study, apprenticeships or employment, despite the cancellation of examinations by Ofqual.

It is possible that students who would like to improve upon their subject grades, and have a realistic case for doing so, will be able to take examinations in October 2020 (for A-levels) and November 2020 (for GCSEs).

With the exceptions of Art and Design, Fine Art and Photography, grades for this series will be based on exam performance alone with no non-exam assessment (NEA). Any student who is able to make a case for being entered in the October/November examination series should make their request by emailing our Examinations Officer, Mrs T. Ingham, (tingham@highamlaneschool.co.uk) no later than midday on Thursday 3rd September 2020 for A-level re-sits or midday on Monday 14th September for GCSE resits or completing the slip enclosed with your results and handing it in/emailing it to school by the same date.

All fees for examination re-sits will be paid for by the School.

A-level results from the October examination series will be issued on Thursday 17 December, GCSE results from the November examination series for GCSE English and mathematics will be issued on Thursday 14 January and all other GCSE subjects results will be issued on Thursday 11 February.

These dates are subject to change by Ofqual.

### **How Grades Were Set**

The School was asked to submit centre-assessed grades\* and also a ranking within each grade for every student across every subject. Teachers were led through the process of calculating their grades for what students would have gone on to achieve, had school closure not occurred and had the summer exams taken place.

The starting point for making this calculation was the most recent assessment data and trial exam results for each subject. In some cases, teachers had to allow for the fact that trial examinations in their subject did not include whole papers or all of the exam papers which the students would have sat in the summer.

Performance across skill sets in subjects was considered.

The class teacher then went through a process, making a clear line of inquiry, as to what progress could have reasonably been made had the School remained open.

When considering what estimated grades to submit to the awarding bodies, staff factored in the progress that would have been achieved if the student had:

- continued with the level of effort in lessons which they had demonstrated prior to closure
- continued to make the same progress as they had demonstrated between previous assessment points



- continued applying the same levels of attendance and engagement in intervention lessons (where relevant), and
- maintained a consistent level in the quality of homework, revision and preparation

Where controlled assessment formed part of a subject's assessment requirements, this may also have been taken into account alongside other evidence.

Although the evidence used, varied from subject to subject, a consistent approach was applied between the class teachers within each subject.

When class teachers had submitted their grades for their students, Subject Leaders went through a moderation process to ensure that consistency was secure between their teaching staff. Once subject moderation was complete, the Senior Leadership Team, alongside Subject Leaders, analysed the expected outcomes for each subject, at a whole cohort level, comparing this data with targets and prior attainment to ensure that this data aligned with our professional predictions and expectations.

Once the information had been supplied by schools, the awarding bodies had planned to do the following: remoderate and assign grades proportionally for each subject by moderating submissions from across England. They intended to use historical trends of performance of the School in each subject to judge the accuracy of the estimated grades submitted. Awarding bodies indicated that they could increase grades, or lower them, depending on their analysis of how they believed the cohort would perform. The grade the awarding bodies arrived at is called the 'moderated grade' or 'calculated grade'\*.

Due to major concerns with the initial calculation of the A- level grades nationally, Ofqual announced on 17<sup>th</sup> August that students would be awarded whichever grade is highest between the moderated/calculated grade and the centre-assessed grade for all A- level and GCSE grades and some vocational qualifications grades in 2020.

## **Appeals 2020**

HLS Pol 27 Iss 1 Rev 2 - 5 - Schools can appeal against a student's grades on behalf of a student on the following grounds:-

- if you think that the School made a mistake when submitting your centre assessment grade(s) or your position in the rank order(s), you can ask the School to check whether it made a mistake when submitting your centre assessment grade(s) or your position in the rank order(s). If it finds it made a mistake in the data it provided, it can ask the awarding body to correct it;
- if you think that bias or discrimination on the part of the School has affected your centre assessment grade(s) or rank order position(s) this summer.

It is important that you speak to the School about whether it believes there are grounds for appeal in your case – all appeals must be made by the School and not by individual students.

Ofqual have made the decision that students cannot challenge the centre-assessed grades submitted by their school or their rank position within the cohort, simply because they are unhappy with what has been awarded.



If after requesting an appeal that was refused, a student still believes they have been awarded the wrong grade, this needs to be submitted as a complaint using the School's Complaints Policy, which can be found on the School's website, here: <https://www.highamlaneschool.co.uk/schoolpolicies/Complaints>

If a student wishes to make a formal complaint about any grade they have been awarded, then it needs to be noted that:

1. Schools have had to have solid evidence for any estimated grade submissions made to an awarding body.
2. If a student has not shown consistent performance at a grade across a range of opportunities, that grade cannot be awarded.
3. Wanting a certain grade, needing a certain grade or believing that an increase in effort, work ethic or tuition would have resulted in an unforeseen improvement, cannot be reasons to award a particular grade and therefore cannot be valid reasons to complain.
4. A complaint should be made in writing to the Headteacher. As part of the complaint, evidence must be submitted for what grade the student believes they should have received. This evidence must include actual data (such as assessments marks and grades) that the School can verify, including rough dates for the data quoted to allow the School to cross check.

If you need any further advice about the appeals or complaints process, for A-level grades, please contact Mr Ladha, Assistant Headteacher and Head of Sixth Form, or for GCSE grades, please contact Mr Banks, Deputy Headteacher, at Higham Lane School.

Date of this addendum: 19th August 2020



**Appendix A:**

**Higham Lane School Complaint Form**

When you have filled in this form, please take it to the school or send it to Mr P.Kelly, Headteacher, Higham Lane School, Shanklin Drive, Nuneaton, CV10 0BJ, marking the envelope CONFIDENTIAL. Please use black ink if possible. Please continue on a separate sheet of paper if necessary.

1. Child's name (if applicable).....

2. Your name .....

3. Address .....

.....

Post Code.....

4. Telephone number: home .....work .....

5. Email address:.....

6. Brief details of the complaint. The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents.

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7. To whom have you already complained informally and when?

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8. What do you feel would resolve the complaint?

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Signed ..... Date .....