

Southend High School for Boys

Complaints Procedure

1. Introduction

1.1 Southend High School for Boys endeavours to provide the best education possible for all of its pupils and is accountable to pupils, parents, the public and statutory agencies. We welcome any feedback that we receive and accept that some of this may not be wholly positive. Pupils or adults who have concerns or complaints should feel they can be considered seriously. Where concerns or complaints are raised the school intends for these to be dealt with:

- fairly
- openly
- promptly
- without prejudice

1.2 In order to do so, the Governors of Southend High School for Boys have approved this Complaints Procedure, which reflects the school's primary concern of ensuring the well-being of every individual student.

2. Concerns

2.1 There is a difference between a concern and a complaint. We take concerns very seriously and we make every effort to resolve them through informal discussions between staff, pupil and parent. Our underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures and that the requirement to have a complaints procedure need not undermine our efforts to do so.

2.2 Concerns may be brought to the school's attention by anyone with a legitimate interest in the school, including pupils, parents, employees and members of the public.

2.3 If parents have a concern about any aspect of their child's education, please contact the school in the first instance via email (enquiries@shsb.org.uk). Concerns about a particular subject will be raised with the relevant member of staff and concerns regarding wellbeing will be raised with the child's Form Tutor or Year Leader. Staff should be able to address the concern within a few school days and may wish to arrange a meeting with parents or speak on the telephone to discuss the issue further. All concerns will be dealt with confidentially, although the staff member may take notes if they feel that the matter might need to be taken further or that this matter may arise again in the future. All notes are kept in accordance with the principles of the Data Protection Act 1998 and may be used as evidence if further investigation is required, or if the concern is elevated to a formal complaint.

2.4 If a concern is raised about a member of staff, it will be dealt by the Headteacher in the first instance (any concern about the Headteacher, a Governor or a Member will be referred to the Chairman of Governors).

2.5 The school recognises that it may not be possible to address all concerns in a manner which provides an acceptable explanation to all parties. Where attempts to resolve the concerns informally are unsuccessful, and the person raising the concern remains dissatisfied with the outcome and wishes to take the matter further, they would then follow the formal complaints procedure.

3. Complaints – Is this the right procedure for my complaint?

3.1 The need for a pupil or adult to make a formal complaint may arise in a number of circumstances. This procedure will be relied upon for all complaints made against the school with the following exceptions, where alternative procedures are available. You can access these policies either on the school website or the DfE website.

- **Pupil admissions** – The school’s admissions criteria, the DfE Admissions Code and Admission Appeals Code.
- **Pupil exclusions** - The DfE document “Exclusion from maintained schools, Academies and pupil referral units in England” (September 2012).
- **Staff grievance** - The school’s Grievance Procedure.
- **Staff conduct** – Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.
- **Third Party Involvement** - Where the complaint concerns a third party used by the school, please complain directly to the third party.
- **Anonymous complaints** – The school’s Whistleblowing Policy.
- **Subject Access requests (including requesting a copy of a child’s school record)** – The ICO Subject Access Code of Practice.
- **Child Protection Allegations against staff** – The school’s Child Protection Procedure
- **Freedom of Information requests** - The Freedom of Information Act 2000.

4. Limitations

4.1 Southend High School for Boys (‘the school’) reserves the right not to investigate complaints made more than 3 months after the subject of the complaint took place, except in exceptional circumstances, such as where new and materially different evidence has come to light, where the complaint is of an especially serious matter and has not been raised previously, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher (or Chair of Governors if the complaint relates to the Headteacher, a Governor or a Member) will review the situation and decide whether or not to enact the complaints procedure.

5. Safeguarding

5.1 Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority.

6. Three stages of the Formal Complaints Procedure

6.1 Stage 1 – Informal investigation by the relevant member of staff

6.2 Where, after raising a concern with the relevant member of staff, the complainant still feels that the issue has not been fully addressed, then they may progress by making an informal, Stage 1, complaint. In doing so, the following steps will be followed:

- a) Complainant contacts the relevant member of staff as indicated below:
 - **Curriculum or Educational matters:** Relevant Department Leader or Deputy Head.
 - **Pastoral Care or Pupil Behaviour:** Relevant Year Leader, Key Stage Leader or Deputy Head.
 - **Financial/Administration matters:** Director of Resources.
 - **Complaint about a staff member’s conduct:** Relevant Line Manager or Deputy Head.
 - **Complaint about the Headteacher:** If an initial approach to the Headteacher, in an attempt to resolve the issue informally, is unsatisfactory or inappropriate, the Clerk to the Governors should be contacted (see contact details at the end of the document). Stage 2 of the process will then commence, with the Chair of Governors taking responsibility for the investigation.
 - **Complaint about a Governor or Member:** The Clerk to the Governors. Informal resolution will be sought, but where this fails, Stage 2 of the process will then commence, with the Chair of Governors taking responsibility for the investigation.

- b) The complainant must explain in writing by email or by post (assistance may be sought from the school to complete this if necessary):
 - An overview of the complaint so far;
 - Who has been involved;
 - Why the complaint remains unresolved;
 - Action they would like to be taken to put things right.
- c) The relevant member of staff will respond to the complainant within 5 school days (not including school holidays) of having received the written complaint, explaining the action that they are intending to take.
- d) Where the complaint is about a member of staff, the relevant Line Manager or Deputy Head may arrange an informal mediation meeting or direct communication between the two parties to see if a resolution can be reached.
- e) Within 15 school days (not including school holidays) from the date of sending confirmation of intended action, the relevant member of staff will provide written confirmation to the complainant outlining the outcome of their investigation. Should the complainant not be satisfied with the outcome, they are able to progress to Stage 2 of the complaints procedure.

6.3 Stage 2 – Formal investigation by the Headteacher

- a) If a complaint remains unresolved after completing Stage 1, then the complainant may submit a formal complaint, in writing by email or by post, to the Headteacher (or Chair of Governors, should the complaint be related to the Headteacher, a Governor or a Member). If the complaint is jointly about the Chair and Vice-Chair or the entire Governing Body, or the majority of the Governing Body, Stage 2 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.
- b) The Headteacher will acknowledge receipt of the complaint in writing within 10 school days (not including school holidays) of the date of receipt of the complaint and explain what action will be taken, giving clear timeframes.
- c) The Headteacher will consider all relevant evidence; this may include, but is not limited to:
 - A statement from the complainant;
 - Where relevant, a statement from an individual who is the subject of the complaint;
 - Any previous correspondence regarding the complaint;
 - Any supporting documents in either case;
 - An interview with anyone related to the complaint.
- d) The Headteacher will decide whether or not to have a meeting with the complainant (and, where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation. Making a complaint does not routinely or automatically necessitate, or entitle the complainant to, a meeting with the Headteacher.
- e) After considering the available evidence, the Headteacher may:
 - Uphold the complaint and direct that certain action be taken to resolve it;
 - Reject the complaint and provide the complainant with details of the Stage 3 appeals process;
 - Uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

- f) The Headteacher must inform the complainant of their decision in writing within 20 school days (not including school holidays) of having issued written acknowledgement of the receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. They must explain clearly the process that has been followed and why they have come to the decision that they have made. They must outline any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Clerk to the Governors.

6.4 Stage 3 – Panel Hearing

6.5 If the complainant wishes to appeal against a decision by the Headteacher (or Chair of Governors) at Stage 2 of the procedure, or they are not satisfied with the action that has been taken in relation to the complaint, the complainant may appeal the decision.

6.6 The complainant must write, by email or by post, to the Clerk to the Governing Body as soon as possible, and within 4 weeks, after receiving notice of the Headteacher’s decision, outlining the nature and content of the appeal and requesting that a meeting of the Governors’ Complaints Review Panel is convened. If the complainant does not request a meeting of the Complaints Review Panel within 4 weeks of receiving the Headteacher’s decision, the complaint will not be considered except in exceptional circumstances that account for the delayed notification.

6.7 On receipt of the written request for a meeting of the Complaints Review Panel, the following steps will be followed:

- a) The Clerk will write to the complainant within 5 school days (not including the school holidays) to confirm receipt of the request and detail further action to be taken.
- b) The Clerk will convene a panel of 3 people: 2 Governors and 1 panel member who is independent of the management and running of the school. None of the three panel members will have prior knowledge of the content of the complaint.
- c) The appeal hearing will take place within 20 school days (not including school holidays) of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal. The Clerk will make every effort to give the complainant at least 5 days’ notice (including weekends), in writing, of the meeting. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of their written submission.
- d) In addition to the panel, the following parties may be invited, where applicable:
 - The complainant;
 - The Headteacher, who dealt with the complaint at Stage 2;
 - The staff member who is the subject of the complaint.

The complainant may bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member may bring a companion with them. The companion may be a friend or a colleague. Neither party is permitted to bring legal representation with them. If, after the hearing, any party feels that legal action is necessary, please see the contact details at the end of the procedure.

- e) If the attendance of pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
- f) Where the complaint is about a Governor or Member, the complainant may request that the appeal is heard by an entirely independent panel. This is at the discretion of the Governing Body or Academy Trust, who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school sources appropriate individuals for the review.
- g) The panel may make one or more of the following decisions:
 - Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 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;
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- h) All parties who attend the meeting, including the complainant, and where relevant, the person complained about, will be informed, in writing, of the outcome of the appeal within 5 school days (not including school holidays).

6.8 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 findings and recommendations will also be available for inspection on the school premises by the Academy Trust and the Headteacher.

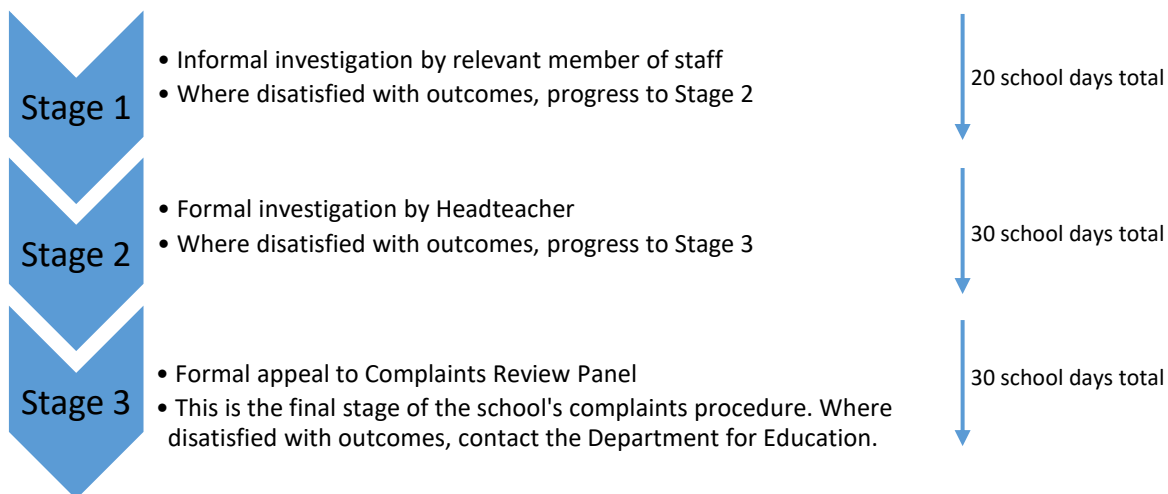
6.9 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

6.10 All correspondence, statements and records relating to individual 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.

6.11 Stage 3 is the final stage of the school's complaints procedure. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

7. Timeframes

7.1 Southend High School for Boys will endeavour to abide by timeframes stated under each stage, but acknowledges that in some circumstances this may not be possible due, for example, to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint or external bodies investigating aspects of the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within the published timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and agree a timeframe that works for all parties involved.



7.2 The school will consider complaints made outside of term time to have been received on the first school day after the holiday period.

8. Social Media

8.1 In order for complaints to be resolved as quickly and fairly as possible, Southend High School for Boys requests that complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

9. Complaints that result in staff capability or disciplinary

9.1 If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and, if appropriate, the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

10. Unreasonable complaints

10.1 Southend High School for Boys is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from any such behaviour, including that which is abusive, offensive or threatening.

10.2 Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not re-investigate the complaint except in exceptional circumstances, for example where new evidence has come to light that is relevant to the basis of the decision that was made previously.

10.3 If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education if they wish to take the matter further.

10.4 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify in writing 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 whilst still wishing their complaint to be resolved;

- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or 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 complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on the time of staff and school governors while the complaint is being dealt with by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone.

10.5 A complaint may also be considered unreasonable if the complainant presents the issue face-to-face, by telephone, in writing, or by email:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information; and/or by
- publishing unacceptable information in social media, websites or newspapers.

10.6 The Headteacher will decide whether or not to investigate these complaints. If he chooses not to investigate the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may refer to the Department for Education.

10.7 Complainants should limit the numbers of communications with a school while a 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.

10.8 Whenever possible, the Headteacher or Chair of Governors will communicate with the complainant informally before determining the complaint to be 'unreasonable'.

10.9 If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Southend High School for Boys, causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

10.10 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the school premises.

10.11 The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants investigation.

10.12 If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

11. Barring from the School Premises

11.1 Although fulfilling a public function, schools are private places. Members of the public have no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

11.2 If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher may notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The parent will be given the opportunity to express their views formally in writing on the decision to bar.

11.3 The decision to bar will subsequently be reviewed, taking into account any representations made by the parent, and the bar either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

11.4 Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

12. How to make a complaint

12.1 If you have any queries regarding any aspect of the complaints procedure, or wish to make a formal complaint, please contact the **Clerk to the Governors, c/o Southend High School for Boys, Prittlewell Chase, Southend on Sea, Essex SS0 0RG** (enquiries@shsb.org.uk).

12.2 Following Stage 3, the complainant may, if they wish (see paragraph 6.11), refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

13. Relevant legislation and guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>
- The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>
- Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>