


## JFS Policies – Complaints Procedure – July 2023

Headteacher	Chair of Governing Board
	
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## INTRODUCTION

- The complaints procedure applies to any matter other than matters relating to admissions, exclusions and transport (run by Transport for London) each of which has its own procedure.
- The procedure follows the non-statutory guidance given in the DfE document:  
[Best practice guidance for school complaints procedures 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/best-practice-guidance-for-school-complaints-procedures-2020) It also follows the statutory guidance given in section 29 of the Education Act 2002.
- The above document distinguishes between concerns and complaints thus:

*“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 generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action.’”*

- This document sets out a three-stage approach for the resolution of complaints which might include at the informal level concerns as defined above. It is a precondition to the operation of this procedure that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with JFS’s Behaviour Code adopted from time to time. The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

## STAGE 1: INFORMAL DISCUSSION

- The Governors expect that any concerns experienced by parents and others will, in the first instance, be dealt with by way of informal discussions with the teacher concerned or their immediate line manager, such as a head of department or a head of year.
- Discussions may also be held with a member of the Senior Leadership Team as part of the process of informal investigation and resolution.

## STAGE 2: FORMAL COMPLAINT TO THE HEADTEACHER

- The complainant normally must put the complaint in writing within three months of the events or circumstances which have given rise to the complaint, addressed to the Headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where JFS has not met reasonable expectations. However, where a written complaint may be problematic for the complainant, an oral complaint in person or by telephone, made within the same time frame and set out in similar terms, may be accepted as a formal complaint so long as this is made clear by the complainant and that a copy of what was said is made available to and agreed by the complainant: until that agreement is reached, the formal complaint cannot be regarded as having been submitted.
- An investigation will be carried out by a member of the Senior Leadership Team (who is not the subject of the complaint and ideally has not previously been part of the process) who will offer the complainant a meeting or a telephone conference, and who will speak to others involved. Whenever reasonable and possible, the meeting with the complainant will take place within ten school days of the formal complaint being received.
- The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonable and possible, this will take place within five school days of the meeting with the complainant.

- Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor to investigate and deal with the complaint in the same way as in Stage 2 of the formal process outlined above.

### **STAGE 3: FORMAL COMPLAINT (IF REQUIRED) TO THE GOVERNING BODY**

- If the complainant is not satisfied with the response of the investigator, s/he may request that the complaint be considered by the Complaints Panel of the Governing Body. That request must be in writing, addressed to the Clerk to the Governors of JFS, within ten school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response. However, an oral complaint in person or by telephone, made within the same time frame and set out in similar terms, may be accepted as a formal complaint so long as this is made clear by the complainant and that a copy of what was said is made available to the complainant.
- The Complaints Panel will consist of at least three members, who were not directly involved in the matters detailed in the complaint, and one of whom is independent of the management and running of JFS. An independent individual may be the head of another school or a person with an appropriate professional or business background and with no children currently or previously at JFS.
- The Clerk will invite JFS to put in writing its response to the complainant's reasons. JFS will do this within ten school days and at the end of that period (whether or not JFS has responded) the Clerk will convene a meeting of the Complaints Panel, one of whom will act as Chair of the Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, JFS and the members of the Panel. Whenever possible, the meeting will be held within ten school days of the end of the school's response time, and so within twenty school days from receipt of the stage 3 formal complaint.
- The meeting is not a court case and will be as informal as circumstances allow.
- The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing or included in the oral submission. JFS will have the opportunity to put its view and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- The Panel will formulate its response as quickly as reasonably possible, aiming to do so within ten school days, and the Clerk of the Governors will notify all concerned.
- A record of the Panel's findings and recommendations will be kept on school premises and made available to the Headteacher and Governors.

## GENERAL NOTES

- A written and confidential record of all formal complaints (Stage 2 or 3) will be maintained by JFS, stating (a) whether they are resolved following a formal procedure, or proceed to a panel hearing; and (b) action taken by JFS as a result of these complaints (regardless of whether they are upheld).
- The correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or an authorised inspectorate operating on behalf of the Secretary of State requests access to them.
- Where the governing body itself is the subject of a complaint, this will be dealt with using the Stage 3 procedure, but with a fully independent Complaints Panel appointed by the Clerk to the Governors as far as possible from a pre-determined and appropriate list of potential independent panel members.
- At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. Likewise JFS will not have legal representation.

## PERSISTENT COMPLAINTS

- Where a complainant tries to re-open the issue with JFS after the complaints procedure has been fully exhausted and JFS has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.
- If the complainant subsequently contacts JFS again about the same issue, JFS can choose not to respond. The normal circumstance in which we will not respond is if:
  - JFS has taken every reasonable step to address the complainant's needs, *and*
  - The complainant has been given a clear statement of JFS's position and their options (if any), *and*
  - The complainant is contacting JFS repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

JFS will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting JFS with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once JFS has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

JFS will ensure when making this decision that complainants making any new complaint are heard, and that JFS acts reasonably.