BERNARDS HEATH JUNIOR SCHOOL

Complaints Policy and Procedure

POLICY REVIEW (STATUTORY POLICY)

This policy will be reviewed in full by the governing body on an annual basis.

Date: September 2026. Hertfordshire County Council template for Maintained Schools. New Revised Policy. Changes not listed by HCC.

Review date: September 2027

Signature:

(On behalf of governing body)

Date:

Who can make a complaint?

Whilst the majority of complaints submitted are most likely to come from parents, guardians, or registered carers of pupils registered on roll at the school, other individuals, including members of the public, may make a complaint to the school, provided that the complaint revolves around the provision of facilities or services that we provide. The school will confirm to you upon receipt whether or not your complaint falls under this policy and procedure and what will happen next if it does. In cases where a formal complaint cannot be accepted under this policy and procedure, the school will write to you to confirm why and what process applies instead.

Definitions

- *A concern is an expression of worry or doubt over an issue considered to be important, for which assurances are sought.*
- *A complaint is an expression of dissatisfaction however made, about actions taken, or a lack of action, that requires an investigation and a formal response in writing.*
- *A pupil, even one who is not attending school, remains a registered pupil until such time that they leave the school at the statutory leaving age, or their parent, guardian or registered carer decides to remove them from the school sooner than this, having made other suitable arrangements for their education. They cease to be a registered pupil when the school removes their name from the school roll.*

How to raise a concern

Concerns can be raised in person, in writing (by email or letter), or by telephone. They may also be raised by a third party acting on an individual's behalf. However, the third party must be able to demonstrate to the school that they have the appropriate consent to do so. (If appropriate consent is not established, the school will not accept the concern from the individual). Concerns will be directed to the most appropriate person identified by the school in the first instance for response. Should the issue remain unresolved, the next step will be to move to Stage 1 and initiate the formal stages of the complaints process.

How to raise a formal complaint

Formal complaints must be documented in writing and should be marked 'Private & Confidential'**.** If a complainant has any difficulty in submitting a written complaint, the school can offer assistance, or will signpost the individual to other sources of support (e.g. POhWER – see next page). Subject to who is actually being complained about, the following applies:

- Complaints about school staff (except the Headteacher) must be addressed to the Headteacher via the school office*.*
- Complaints about the Headteacher must be addressed to the Chair of Governors (COG) and submitted via the school office for forwarding on to the Chair.
- Complaints about the COG, any individual Governor, the majority of the Governing Body, or the whole Governing Body must be sent to the school office marked for the attention of the Governance Professional Clerk (GPC).

Members of a pupil's extended family, such as Grandparents and others who do not hold parental responsibility for them, do not have an automatic right to make a formal complaint about the school's provision for the child. Where an individual seeks to make a formal complaint in such circumstances, the school will require the individual to demonstrate that they have clear consent from someone who does hold parental responsibility, to make a complaint and receive a response from the school on their behalf. If clear consent is not established, the school will not provide a formal complaint response to the individual as the reply is likely to contain confidential information

regarding the child and/or their immediate family. The school may still look into the issues and liaise with the immediate family in case a response would be helpful or necessary.

Formal complaints cannot proceed to Stage 2, unless Stage 1 has been completed, as the DfE does not permit this. Any attempts to do so, will cause delays which the school will not be responsible for. To avoid delays, complainants must ensure the published process is followed:

- Initial concerns must be directed to the school, as per appendix 4.
- School governors must not be approached to raise a concern or complaint directly as they have no power to act on an individual basis and must remain impartial in the event of a complaint escalating to Stage 2.

For ease of use, a formal complaint form has been included within this complaints policy and procedure (Appendix 2). If you require help to complete the form, you should contact the school office. You can also ask third party organisations like Citizens Advice or an Independent Advocate to help you. **Bernards Heath Junior School** will ensure that all formal complaints are documented in writing to ensure that the issues being complained about and the complainant's desired outcomes are clear. Complainants will be asked to submit their complaint in writing, either by sending an email or a letter via the School Office, or by completing the school's formal complaint form.

In accordance with relevant equality legislation, as outlined above, the School will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints process. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please inform the school immediately if you require support to complete the form or to submit a written complaint.

If Artificial Intelligence (AI) is used, it should be used with caution. AI doesn't always get it right, for example, when citing legislation and can make a complaint more complex than necessary. In the event the school has reasonable suspicion that AI may have been used to draft some or all of the complaint received and the complaint is not entirely clear, the school reserves the right to request clarification direct from the complainant.

If a complainant is unable or unwilling to submit their formal complaint in writing, the school will ensure that the issues being complained about and the outcomes being requested are documented in writing. The school may do this in one of the following ways:

- The school office will send the complainant a copy of the school's formal complaint form for completion – A member of staff in the school office will send the complainant a copy of the formal complaint form by email or post and request that they complete and return it to the school's Complaints Coordinator (CC).
- The CC will write to the complainant to confirm the school's understanding of the complaint(s) and any desired outcome(s) – The CC will document the issues being complained about and any desired outcomes (if specified) and request that the complainant replies to confirm their agreement with this. If no desired outcomes have been indicated by the complainant, the CC will ask them to confirm if they have any. The CC may do this by email, by letter, or through use of the formal complaint form.
- Signpost the complainant to independent support, such as Citizens Advice or Advocacy – Advocates provide qualified, independent support for people that have difficulty understanding information and advice, or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. It is a free and impartial service. Their contact details are as follows: POhWER, Suite 4, Middlesex House, Meadway Corporate Centre, Stevenage SG1 2EF, Telephone: 0300 456 2370, Email: HertsAdvocacy@pohwer.net.

Anonymous complaints

Bernards Heath Junior School will not normally investigate anonymous complaints. In such instances, the Headteacher and/or the COG will determine whether the complaint warrants an investigation and will ensure that this is completed, if so. The outcome of any investigation cannot be shared with the complainant, as the school will not know who they are and therefore, the school cannot ascertain whether or not the person is entitled to have confidential information shared with them.

Timescales

All complaints must be raised within three calendar months of an event or incident. Where a series of associated matters have occurred, the complaint must be raised within three months of the last of these matters. **Bernards Heath Junior School** will consider exercising discretion to consider matters raised outside of this timeframe, only if the school deems that exceptional circumstances apply. To enable the school to make this decision, the complainant will be asked to explain why they have taken longer than three calendar months to register their complaint. Also, if more than one event or incident is being raised as a potential late complaint, as part of its decision making, the school will look to see whether it considers the events or incidents to be inextricably linked or not. If the complainant does not provide any explanation, the school deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, or the school does not consider the events or incidents in question to be inextricably linked, the school will confirm this in writing and is not obliged to take any further action.

If a complainant submits a Subject Access Request (SAR) or Freedom of Information Request (FOI) during a live complaints process and intends to use some or all of the information from such a request as evidence within their complaint, this is likely to cause a delay for the school in dealing with their complaint, e.g. if the complainant requests that the date of a Stage 2 Hearing is pushed back until after the fulfilment of the SAR or FOI. Such delays will be down to the complainant, not the school.

Concerns and complaints received towards the end of term, at the end of term, or outside of term time

The timescales for acknowledgement and response at the informal stage and Stages 1 and 2, as set out in this document, relate to 'school days' when the school is fully open and operational for all registered pupils. School holidays, inset days and occasional days do not count towards the timescales set out at each of the above stages. For example:

- If a concern or complaint is submitted on the last day of school before half term, that is counted as day 1, and day 2 commences when school resumes after the holiday.
- For any concerns or complaints submitted during a school holiday period itself, day 1 for receipt and commencement of the process is when school officially reopens.

The timescales set out are not statutory deadlines – they are timescales that the school will endeavour to meet when dealing with concerns and formal complaints. However, it must be recognised that on some occasions, the intended timescales set out within this document may not be met, e.g. due to the complexity of a particular complaint, the unexpected absence of a key member of staff, due to the complaint being independently investigated by an external Investigator, or a complainant taking longer than expected to provide evidence to support their complaint. Whenever such situations arise, the school will write to the complainant to confirm that a time extension is being applied, the reason(s) for this, and the revised timescale for response. Equally, a complainant should alert the school to any delays from their perspective.

Scope of this Complaints Policy and Procedure

This policy and procedure only applies to complaints that revolve around the provision of facilities or services by **Bernards Heath Junior School**. Please read on for examples of which matters can and cannot be accepted by the school as a formal complaint under the terms of this document.

Examples of matters that can be accepted as a formal complaint:

- Issues from parents, guardians or registered carers of pupils who attend the school.

- Complaints regarding pastoral issues, including allegations of bullying.
- Other complaints regarding pupil welfare and wellbeing.
- Complaints regarding the behaviour of a member of staff.
- Complaints regarding the behaviour of a governor.
- A governor complaining about a member of staff.
- A member of staff complaining about a governor.
- A governor complaining about another governor.
- Complaints regarding SEND provision issues where a child does not have an Education, Health & Care Plan (EHCP) in place.
- Issues that qualify for acceptance as a formal complaint that have occurred within the last three calendar months.
- Complaints about confusing or misleading information being provided.
- Allegations that a policy or procedure has not been followed correctly or at all.
- Complaints regarding poor communication.
- Complaints from other individuals, including members of the public, about provision of facilities or services by the school.

The following matters cannot be accepted as a formal complaint:

- Complaints about pupil behaviour significantly outside of school hours – e.g. over a weekend or during school holidays when pupils are the responsibility of their parent(s), guardian or registered carer.
- Complaints regarding third parties using or hiring school premises – third parties must have their own arrangements in place for dealing with formal complaints and should be contacted by the complainant directly.
- Data protection and information rights related complaints, including the school's handling of personal data, a Subject Access Request (SAR), or a Freedom of Information Request (FOI) – new legal requirements came into effect on 19th June 2026 arising from the Data (Use and Access) Act (DUAA) 2025. All organisations, including schools, are required to have clear arrangements in place for handling data protection related complaints internally before matters can be escalated to the Information Commissioner's Office (ICO). In line with the new requirements, complaints relating to data protection and/or information rights are no longer considered under the school's standard Complaints Policy and Procedure and will instead be managed in accordance with the school's separate **Data Protection Complaints Process** which is available on our website here **{insert link}.** Such matters will be overseen by the school's Data Protection Officer (DPO
- Complaints about the school carrying out a statutory duty – e.g. submitting a Child Protection Referral to Children's Services or making a referral to the Local Authority Designated Officer (LADO) – the school's complaints process cannot be invoked to challenge or stop it from doing something it has a duty to do.
- Matters likely to require a Child Protection Investigation – such matters are handled under the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- Complaints regarding internal management decisions – e.g. class allocations, teacher allocations, the selection of volunteers, school session time changes, and school closures at short notice due to exceptional circumstances, such as extreme heat or snow, etc. The Headteacher and Senior Leadership Team are entitled to take such decisions in order to ensure that the school functions effectively from a logistical point of view and fulfils its many duties and responsibilities, including class organisation and health and safety.
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Full Governing Body (FGB) – the FGB will have already given the matter full consideration and respondents will have had the opportunity through the consultation process to air their views.
- A member of staff seeking to complain about another member of staff – such matters must be dealt with under the school's Staff Grievance Procedure instead.
- A member of staff seeking to complain about an action or a decision of the school's FGB – the FGB will have already given the matter full consideration.

- Whistleblowing issues – must be dealt with in accordance with the school's Internal Whistleblowing Procedure for all employees, including any temporary staff or contractors. The Secretary of State for Education is the prescribed person for matters relating to Whistleblowing in education where an individual decides not to raise matters directly with their employer: www.education.gov.uk/contactus.
- Any matters for which a formal right of appeal through an independent review process exists – e.g. disputes in relation to the content of Sections B, F, or I of an EHCP.
- Attendance and absence recording – Such decisions will be made by staff in their professional judgement – and where necessary, the Headteacher – having considered any request, explanation or evidence submitted by the parent, guardian or registered carer. The Headteacher's decision is final and there is no requirement for such decisions to be reviewed again by any complaints or appeals process.
- Any matters subject to past, present or pending Police involvement or investigation.
- The school's response to a formal request for comment or information from another agency or statutory body – e.g. the Local Authority in relation to an EHC Needs Assessment or Child Protection enquiry, a Tribunal, the Police, or a Court.
- Traffic management and parking issues outside of school, including parents' driving and parking – it is the responsibility of the driver themselves to drive and park responsibly and legally. In the event they do not so, this may potentially become an issue for the Police, or the local highways authority if the road is part of the adopted public highway network.
- Any matters that have already been considered through the school's complaints process or a separate process of complaint or appeal – if an individual tries to submit a complaint where the substantive issue(s) at the heart of it have already been considered, the school is not obliged to investigate and respond to those issues again. Such a situation may be considered vexatious (see Appendix 3 for more information).
- National Curriculum content complaints – must be directed to the Department for Education at: www.education.gov.uk/contactus.
- Term time holiday requests – Headteachers cannot grant any leave of absence during term time unless there are exceptional circumstances. The Headteacher's decision is final and there is no requirement for such decisions to be reviewed again by any complaints or appeals process.
- Complaints regarding the availability or delivery of Section F provision for a child with an EHCP in place – as Local Authorities with SEND responsibilities have a non-delegable legal duty to secure all of the provision set out within Section F of an EHCP.
- Any matters subject to past, present or pending legal proceedings – e.g. before a Court or Tribunal.
- Complaints about unsuccessful school admission applications – because a formal right of appeal to an Independent Appeal Panel exists (most often arranged by the Local Authority).
- Complaints about Fixed-Term Suspensions from school – as the DFE's statutory guidance applies instead – *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – Guidance for maintained schools, academies, and pupil referral units in England* (School suspensions and permanent exclusions - GOV.UK). This link is to the current guidance, which may change from time to time, so always ensure that the most up-to-date guidance is being used.
- Complaints about Permanent Exclusions from school – As above, the DFE's statutory guidance applies instead. In addition to this, Permanent Exclusions may ultimately be appealed to an Independent Review Panel (IRP).
- Complaints about the instigation of communication management measures and/or a ban from the school premises – Any individual(s) subject to such restrictions will be given the opportunity to have a representation considered by the school when the measures are introduced, and if the measures remain in place beyond this, on each occasion the school will commit to reviewing them again within a fixed time period.

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the School's ability to meet the timescales set out within this policy and procedure, and may result in the process being suspended until the other relevant body has concluded its enquiries. If a complainant commences legal action

against **Bernards Heath Junior Schoo**l in relation to their complaint or related matters that the school considers to be inextricably linked, we will consider whether to suspend the complaints process until the legal proceedings have concluded. The school will only consider investigating the complaint after the conclusion of legal proceedings if the school considers that those proceedings did not address the issues at the heart of the complaint.

Responding to complaints

At each stage of this process, **Bernards Heath Junior School** will try to resolve the complaint and/or provide clarity insofar as possible. Wherever practical, the school will confirm whether the complaint is upheld, in whole, in part, or not at all. In addition to this, the school may offer one or more of the following if it is deemed appropriate and necessary:

- An explanation.
- An acknowledgement that the situation could have been handled differently.
- An explanation of the steps that have been taken, or will be taken, to try and ensure that the same issues do not recur and an indication of the timescales within which any steps will be implemented and by whom.
- An undertaking to review relevant school policies and procedures in light of the complaint.
- An apology.

Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint at either of the formal stages (1 or 2), they must inform the school as soon as possible. **Bernards Heath Junior School** will then ask them to confirm this in writing. If they are unable or unwilling to do this however, the school will write to them instead to confirm that their complaint has been withdrawn, in accordance with their wishes.

Informal stage – concern

A concern is an expression of worry or doubt over an issue considered to be important, for which reassurances are sought.

Raising concerns in a timely manner is crucial in assisting the school to take swift action and provide a response. If a concern is not reported, school staff are unlikely to be aware that there may be a problem. **Bernards Heath Junior School** will always attempt to resolve a concern informally. Where individuals have a concern, they are encouraged to raise it directly with the school (e.g. their child's Class Teacher) as soon as possible to enable the member of staff look into the matter and respond within 5 school days.

Stage 1 – formal complaint

An expression of dissatisfaction however made, about actions taken, or a lack of action, that requires an investigation and formal response in writing.

Formal complaints must be made to the Headteacher at Stage 1 via the school office (unless the complaint is about the Headteacher). If you are unable to submit your complaint in writing by email or letter, the school will follow one or more of the steps set out on page 2 of this document. Similarly, if any aspect of the complaint(s) and desired outcome(s) are unclear, the Headteacher will seek clarification from the complainant using one or more of the steps set out on page 2. Once the formal complaint and any desired outcome(s) have been confirmed by the complainant, the school will record the date the complaint was originally submitted and the date that confirmation was obtained from the complainant. A formal complaint acknowledgment will then be sent out within 5 school days.

The Headteacher can delegate the actual investigation of the issues that comprise the complaint to another member of school staff, but not the decision(s) to be taken when concluding Stage 1. During the investigation of the formal complaint, the Headteacher (or Investigator) will:

- Seek to meet those involved in the matter and/or those complained about, allowing them to be accompanied by another individual if they wish. The decision in terms of who should be interviewed and how is up to the Headteacher (or Investigator). Those who wish to be accompanied must notify the Headteacher (or Investigator) in advance of the name of the individual accompanying them and the capacity in which they will be attending the meeting.

Any individual whose attendance has not been confirmed in advance does not have to be admitted to the meeting. The Headteacher will consider whether a face to face meetings are the most appropriate way of doing this, whether to conduct meetings online (e.g. via Microsoft Teams), or whether to conduct enquiries by way of written representations (e.g. by email).

- Keep a written record of any meetings or interviews in relation to their investigation.
- Review all relevant documentation relating to the complaint.
- Refer to applicable school policies and procedures (as appropriate).

Once the investigation has been concluded, the Headteacher will provide a formal written response within 15 school days, either from the date of receipt of the complaint, or from the date that confirmation of the complaint (and any desired outcomes) was obtained by the school from the complainant. If the investigation of the complaint is delegated to another member of school staff, the Investigator will provide their findings to the Headteacher, to enable the Headteacher to write and send an outcome letter to the complainant that sets out the complaint findings and any actions arising. If the Headteacher is unable to meet the original timescale (within 15 school days) for sending an outcome letter, they will provide the complainant with an update and a revised response date before the expiry of the original 15 school days timeframe .

Once complete and sent out, the Stage 1 formal complaint response will detail how the complaint has been investigated, the findings in respect of each part of the complaint, the reasoning behind them and any actions arising with a timeframe for completion. The response will also set out how the complainant may escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or individual members of the Governing Body (including the COG or Vice-Chair of Governors (VCOG) or jointly about both of them), a suitably skilled Governor will be appointed to complete all of the required actions at Stage 1 as set out above.

Complaints about the Headteacher or a member of the Governing Body must be sent to the school office marked for the attention of the Governance Professional Clerk (if they are employed in house by the school), or the Complaints Co-ordinator (if the school does not directly employ its own GPC). **(School needs to amend this paragraph accordingly when adopting this policy and procedure).**

If however, the complaint revolves around the majority of the Governing Body or the entire Governing Body, Stage 1 will be considered by an Independent Investigator appointed by the Governance Professional Clerk (if they are employed in house by the school), or the Complaints Co-ordinator (if the school does not directly employ its own GPC). **(School needs to amend this paragraph accordingly when adopting this policy and procedure).** This person could be a Governor from another school or an external professional. At the conclusion of their investigation, the Independent Investigator will inform the school of their findings and any identified actions arising, and the school will then confirm the outcome(s) to the complainant in a written response to conclude Stage 1.

If the complainant is dissatisfied with the Stage 1 response to their formal complaint and wishes to escalate it to Stage 2, they should request escalation in line with the process set out in the Stage 1 response, within 10 school days to enable the school to continue to deal with the complaint in a timely manner. The school will not be responsible for any delays caused by escalation requests being made outside of this timeframe. Complaints will only be progressed to Stage 2 if the complainant formally requests this.

Stage 2 formal complaint – Complaint Hearing by a Panel of Governors

In most instances, Stage 2 complaints will be heard by a panel of three impartial governors, usually from the school's Governing Body if it is appropriate to do so. In certain circumstances however, the COG may decide to source external impartial governors. The COG's decision on this is final. The appointment of the Panel Chair is decided amongst the Panel Members themselves and confirmed in advance of the Hearing. Stage 2 is the final stage of the school's complaints process.

The school will record the date the Stage 2 escalation request is received and will acknowledge receipt of the request in writing (either by email or letter) within 5 school days.

Stage 2 will only consider complaints that have already been lodged and investigated at Stage 1. It is not an opportunity to raise new complaints.

The Governance Professional Clerk (if they are employed in house by the school), or the Complaints Co-ordinator (if the school does not directly employ its own GPC) **(school needs to amend this paragraph accordingly when adopting this policy & procedure)** will write to the complainant to propose a date, time and venue for the hearing and will offer two further dates and times if necessary. If the complainant rejects all three dates and times offered without good reason, the school will decide which of the three dates the hearing will take place on, as it is not always possible to reconcile every attendees' availability. The school will make every effort to try and convene a panel within 30 school days of receipt of the Stage 2 request and it should be noted a complaint hearing is permitted to proceed in the absence of the complainant, respondent, or both, on the basis that the parties are required to submit a written case to the panel in advance of the hearing itself. **(If the school does not employ its own clerk in house, this is the point at which the school needs to source a GPC for the upcoming hearing – school to amend or remove this paragraph accordingly when adopting this policy and procedure).**

The panel will usually take place in person or online, with both parties present, or attending separately at different times. On some occasions however, the panel may take place by way of written representations without the complainant and/or respondent being present. The panel will decide in advance how the hearing will be held, and the arrangements will be confirmed in writing to the parties as soon as possible. In reaching a decision on each occasion, the panel will take into account the circumstances of the complaint, and the needs and wellbeing of the parties involved. When a complaint is heard by way of written representations, the parties will still have the opportunity to make such representations and to have them considered by the Panel within 30 school days.

In the event that a face to face hearing takes place, both the complainant and the respondent may bring a supporter or representative along with them. This person could be a friend, relative or independent supporter. Whilst not prohibited, neither the school nor the DFE encourages bringing a legal representative to the complaint hearing as it is not a Court of Law. Cross questioning is not therefore permitted. All questioning throughout the hearing is conducted by the panel only. Witnesses, including members of staff, may be invited to give evidence during the course of the hearing. They may also be accompanied by a friend, relative or independent supporter.

Representatives from the media are not permitted to attend a Stage 2 hearing and neither audio nor video recording are usually permitted unless all attendees present consent to this or if it is an agreed reasonable adjustment to enable an attendee to fully participate in the meeting. In the event this happens, the school will arrange for the hearing to be officially recorded. Requests for this as a reasonable adjustment will be considered; however, the school reserves the right to refuse the request if it considers that suitable alternative arrangements are already in place, such as appointing a GPC to take the official notes of the meeting of the hearing and allowing attendees to also take their own personal notes.

At least 12 school days before the hearing, the parties will be notified in writing of the confirmed final arrangements, including the date, time and venue for the hearing. It will also be made clear that if either party decides to leave the hearing before it has finished, it is permitted to continue in their absence. At the same time, the parties will be given the opportunity to submit any further evidence they wish to be considered by the panel, at least 7 school days before the hearing date. Late evidence submitted after this time may not be accepted.

Written material submitted and received within the above timescale will be circulated to all parties at least 5 school days before the date of the hearing in the format of a panel pack. This will be done by the Governance Professional Clerk (if they are employed in house by the school), or the

Complaints Co-ordinator (if the school does not directly employ its own GPC) **(school needs to amend this paragraph accordingly when adopting this policy & procedure)**. The school needs to ensure that any third party information that may have been submitted for inclusion in the panel pack, e.g. by the complainant, is suitably redacted, before the panel packs are circulated to recipients. Any witness statements submitted by either the complainant or respondent in support of their case, should be signed and dated by the individual. The content of the panel pack cannot be challenged or complained about before or after the hearing as both parties will have the opportunity to comment on the content of it when presenting their case to the panel. The panel will not normally accept as evidence any recordings of conversations that were obtained without the informed consent of all parties being recorded. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint(s) that may have been included. Any new complaints must be dealt with at Stage 1 of the complaints process first.

The Stage 2 complaints panel hearing will be held in private. Neither audio or video recording of the hearing will be permitted unless a complainant's own disability or special needs requires a reasonable adjustment to be made. Complainants cannot insist on a hearing being recorded without good reason. Prior knowledge and consent of all parties attending must be sought and obtained before recording of the hearing can take place. Any request to audio or video record the meeting and whether this was consented to or not by all parties present should be documented in the GPC's notes of the hearing. The final decision as to what reasonable adjustments will be made or have been made, if any, rests with the school, which when considering any such request, will also take into account the arrangements already in place and whether it deems them to be sufficient.

The Stage 2 complaints panel will consider the complaint and all of the evidence presented by both parties. The panel can:

- 'Uphold' the complaint in full or in part.
- 'Reject' the complaint in full or in part.
- Make a finding of 'No Judgement' if there is insufficient evidence to reach a definitive conclusion.

If the complaint is upheld in full or in part, the Stage 2 complaints panel will consider what actions may be required to resolve the complaint. As part of this consideration, the panel will take into account any actions that may have already been implemented by the school, e.g. arising from Stage 1. Once it has done this, the panel will decide whether to make any recommendations, such as changes or improvements to the school's systems or processes, to try and prevent the same or similar issues from recurring in future. Any recommendations made by the panel will then be considered as an agenda item at one of the upcoming meetings of the school's Full Governing Body. The FGB will endeavour to meet and consider any recommendations made within 5 school weeks.

The Chair of the panel will send an outcome letter to the complainant, with a copy also being sent to the respondent on behalf of the school, within 5 school days of the hearing taking place. The outcome letter will confirm the panel's findings in respect of the complaint(s) and the reasoning behind them.

If the panel has made any recommendations due to upholding any aspects of the complaint(s) fully or partially, the initial outcome letter will state that some recommendations have been made and that a final outcome letter will follow once the Full Governing Body has met and formally considered the recommendations. As stated above, the FGB will endeavour to meet and consider any recommendations made within 5 school weeks.

If no recommendations have been made by the panel, e.g. because the complaint has not been upheld, the outcome letter will confirm that the school's complaints process has been exhausted and will include details of how the complainant may contact the Department for Education (DFE) in case they remain dissatisfied.

If a second and final outcome letter is required due to recommendations being made by the panel,

the letter will confirm the recommendations approved by the FGB, the timescale(s) for implementation and who will lead on this. It will also confirm that the school's complaints process has been exhausted and will include details of how the complainant may contact the DfE in case they remain dissatisfied.

If the complaint revolves around the majority of the Governing Body or the entire Governing Body, Stage 2 will be heard by a panel of independent governors sourced by the COG. On some other occasions, the COG may also deem it appropriate to source a panel of independent governors to hear a complaint. They will decide based upon the circumstances of the case. In the event an independent panel is convened, once it has heard the complaint, the same process as set out above will be followed in terms of informing the parties of the findings and any recommendations arising.

Stage 2 – Governor Review – Complaints involving a child who no longer attends the school and whose name is no longer listed on the school roll

The purpose of this complaints process is to ensure that if an error has been made, or an injustice has occurred, action can be taken to try and provide a remedy. Where the complainant has removed their child from the school, it is impossible for the school to provide a remedy that will directly benefit them or their child.

However, as the school has a duty of care to pupils who remain on roll, where a child has already left the school, it will ensure that the circumstances of any qualifying complaint made are reviewed so that it can be assessed whether or not school acted appropriately and proportionately and that the relevant policies and procedures were followed correctly. Through this process, changes or improvements may be identified and implemented for the benefit of current and future pupils.

Under this policy and procedure, where a child no longer attends the school and their name is no longer listed on the school roll, the COG has the discretion to commission a Stage 2 Governor Review or a Complaint Hearing by a Panel of Governors in the event that the complainant requests escalation to Stage 2 after receiving a response at Stage 1. The Chair of Governors will choose one of the two options, to ensure that the complaint is investigated and responded to appropriately and that the published complaints process is completed. Their decision on this is final and entirely at their discretion and cannot be challenged through the formal complaints process.

If a decision is taken to commission a Governor Review instead of a Panel Hearing, the COG will appoint a governor who has had no prior involvement in the matters being complained about to undertake this. If a governor cannot be appointed from the school's own Governing Body (e.g. due to sickness, other commitments, or a conflict of interest), an external governor will be sourced.

Once a governor has been appointed, they will review the original complaint, the investigation and response completed at the previous stage, the complainant's reply to this (including their escalation request) and any further related evidence the complainant has submitted (this must relate to the complaint and cannot be in relation to new matters). They will also review relevant records and applicable policies and procedures from the school, as well as any further related evidence from the school. The governor may decide to invite relevant individuals to meet with them to discuss the complaint further, or to submit a statement about it. However, the governor may instead decide that meeting with individuals and gathering statements from them is not necessary, depending on the extent of the investigation and response already completed at Stage 1 and other records pertaining to the complaint. The governor's decision in this respect is final and cannot be challenged through the formal complaints process.

When the review is complete, the governor who conducted it will file their findings and any identified actions arising with the COG, who will then confirm the outcome(s) to the complainant in a written response to conclude Stage 2. If the COG is unable to do this for any reason, another member of the Governing Body will do this, in order to complete the school's complaints process.

The response will set out the finding(s) reached and the reason(s) for them. Where appropriate, the reply will include details of actions the school will take to try and resolve matters and prevent

the same issues from recurring for current and/or future pupils. The complainant will also be advised of their further recourse in case they remain dissatisfied.

Further recourse

If the complainant believes that the school did not handle their complaint correctly in accordance with this complaints policy and procedure, or that it acted unlawfully or unreasonably in exercising its duties under education law, they can approach the DFE once they have exhausted the school's published process. The DFE will not normally re-investigate the substance of a complaint or overturn any decisions made by **Bernards Heath Junior School**. They will consider whether the school has adhered to education legislation and any statutory policies relevant to the complaint. The DFE will not substitute its decision for that of the Stage 2 Complaints Panel or Governor Review simply because the complainant disagrees with it and wants it to be changed. The complainant can contact the DFE about their complaint online at https://customerhelpportal.education.gov.uk, by telephone on 0370 000 2288, or by writing to:
School Complaints Compliance Unit, Department for Education,
Piccadilly Gate, Store Street, Manchester, M1 2WD

Appendix 1

Roles and Responsibilities

Complainant

The complainant should:

Explain their complaint in full and clarify what outcome(s) they are seeking as swiftly as possible.

- Co-operate fully and respectfully with the school and the complaints process at all times and respond within indicated timelines, e.g. to requests for information or meeting invites, in order to assist the school's handling of the complaint.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.
- Refrain from behaving in an abusive, threatening and/or unreasonable manner, e.g. making unfounded allegations about the school online, targeting school staff and governors in a personal way, and encouraging others to do the same, etc. Such behaviour can make matters worse during the complaints process and can hinder the school's consideration of the person's complaint.
- Refrain from acting against the school and behaving in a way that prevents collaboration and possible resolution of the complaint.
- Whilst an individual may believe that other parents or guardians share their views, any complaint they make should be specific to themselves and their child/ren. Attempting to build a crowd is not helpful as all qualifying complaints must be dealt with by the school in confidence. Furthermore, clear consent would need to be established by any individual who is attempting to raise a concern or submit a formal complaint on behalf of a third party.
- If the complainant fails or refuses to follow the above, the school may have to suspend its consideration of their complaint, either temporarily or permanently, depending on the nature of the complainant's behaviour and how this affects the school's handling of the complaint. In such circumstances, the school will consider invoking its policy and procedure for 'Managing Persistent and Vexatious Behaviour and Complaints' (contained in Appendix 3), as well considering further action as appropriate.

Investigator (if one is required or appointed)

This could be the Headteacher, another member of school staff, or a governor who has no previous knowledge of, or record of involvement in, the complaint. The Investigator's role is to carry out a full and proper investigation into the complaint and to try and establish facts relevant to the complaint, in order to arrive at clear findings and to make recommendations where they find it is appropriate to do so:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through discussions and notes of any interviews undertaken, within indicated timescales.
- Careful investigation of the complaint(s) whilst maintaining an open mind.
- Deciding who to interview in order to try and establish facts, e.g. school staff, governors, pupils and/or their parent(s).
- If the Investigator is somebody other than the Headteacher, they should prepare a report for the Headteacher or the Stage 2 Complaints Panel that sets out the facts, tries to identify solutions and makes recommendations to try and resolve the issues.
- Consideration of records and other relevant information. All documentation must be kept securely pending any further consideration of the complaint.
- Referring to school policies and procedures relevant to the complaint.
- Once the Investigator has concluded their enquiries, the Headteacher (at Stage 1) or panel (at Stage 2) will then determine whether to uphold or reject the complaint in full or in part and communicate their finding(s) to the complainant, whilst also providing the appropriate escalation details.

Complaints Co-ordinator

This should be a member of school staff who has not been involved in the issues being complained

about, e.g. a member of school office staff who provides administrative support.
The Complaints Co-ordinator should:

- Ensure that the complainant is updated as and when required, e.g. by sending out acknowledgement letters.
- Liaise with key parties, e.g. the complainant and the respondent, to obtain required information and to ensure a smooth and effective complaints process.
- Remain mindful of issues regarding sharing third party information and offering additional support or signposting to sources of assistance. For example, an Interpreter may be needed if the complainant's first language is not English, or an Advocate may be required where the complainant is a child or young person.
- Help to progress the complaint in line with the school's published process until a GPC is appointed.
- Keep accurate records and store them securely.

Governance Professional Clerk (GPC)

The GPC is the main point of contact at Stage 2 for the complainant, the respondent on behalf of the school, and the complaints panel. They should:

- Ensure that everybody involved in the complaints process is aware of their rights and responsibilities, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR),etc.
- Set the date, time and venue of the meeting, whilst trying to accommodate the attendees' availability as much as possible. Ultimately, if three proposed dates are declined by the complainant without good reason, the GPC and COG will decide between them then the panel hearing will be in order for the school to get the complaint heard in a reasonable timeframe).
- The GPC should also ensure that the venue and proceedings are accessible for all attendees.
- Collate any written material relevant to the complaint (e.g. the Stage 1 paperwork generated, the complainant's submission at Stage 2, the respondent on behalf of the school's submission at Stage 2, and any signed, dated witness statements) and send it to the relevant parties in advance of the meeting in a timely manner (e.g. panel members, complainant, and respondent).
- Provide procedural advice to the panel and other attendees as and when required during the Stage 2 process.
- Take notes of the Stage 2 hearing.
- Provide a copy of their notes to both the panel chair and COG for circulating to the complainant and respondent at the conclusion of the Stage 2 process.

Chair of the Stage 2 Complaints Panel

The Chair of the Stage 2 Complaints Panel (must not have any previous knowledge or prior involvement in the complaint) will be appointed in advance of the hearing and should ensure that:

- Both parties are asked (via the GPC) to provide any additional information relating to the complaint by a specified date in advance of the hearing.
- The hearing is conducted fairly and impartially, with every person in the hearing encouraged to treat each other with courtesy and respect.
- The remit of the complaints panel is explained to both parties, and clarity of written material being seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- Attempts to raise new issues that are not relevant to the complaint being heard must be directed back to Stage 1 to maintain fairness in the process. In the event an issue is deemed relevant to the Stage 2 complaint, consideration by the panel can be given; however, this is likely to require an adjournment of the hearing whilst clarification is sought, e.g. by the Panel from the complainant and/or respondent on behalf of the school.
- Both the complainant and the respondent on behalf of the school are given the opportunity to present an oral summary of their written case.
- The chair and panel members should seek clarity as required, either through written submissions ahead of the hearing and/or verbally during the hearing itself.

- All questioning is conducted by the panel. No cross questioning amongst the parties is permitted.
- The issues are addressed and key findings of fact are made insofar as possible.
- The panel is open-minded and acts impartially at all times.
- No member of the panel has an external interest in the outcome of the proceedings or has had any involvement at an earlier stage of the complaints process.
- The GPC takes detailed notes of the Hearing.
- They liaise with the GPC whenever the need arises (and the CC, if the school has one).

Stage 2 Complaints Panel Member

Stage 2 Complaints Panel Members should remain mindful of the following, and assist the Chair of the panel in ensuring that:

- The hearing must be fair and impartial.
- They must not have had prior involvement in the complaint.
- The aim of the hearing should be to try and resolve the complaint and achieve reconciliation between the school and the complainant wherever possible.
- The panel has delegated responsibility to reach findings and to consider any recommendations if appropriate. For example:
    - **Finding(s)** – Complaint upheld.
    - **Recommendation(s)** – A review of the behaviour policy, improved communication, a review of the Home-School Agreement, etc.
- Those present are likely to feel nervous and emotional.
- Extra care needs to be taken if the complainant is a child or young person and they are present during all or part of the hearing. Their views should be respected and careful consideration of the atmosphere and proceedings should be given where this applies.
- If a child or young person is the complainant, the panel should ask them in advance if any support is needed to help them present their complaint.
- Where a child or young person's parent, guardian or registered carer is the complainant, the panel should give them the opportunity to say which parts of the meeting, if any, the child or young person would like to be present for.
- The complainant should be advised that it may not be agreed for a child or young person to attend a hearing if the panel considers that it is not in the child or young person's best interests.
- The welfare and best interests of the child or young person should remain at the forefront at all times.

Appendix 2

Formal Complaint Form

Name:			
Address inc. postcode:			
Email address:			
Contact number(s):			
What is the nature of your complaint? (Please use additional sheets if needed):			
What are your desired outcomes? (Please use additional sheets if needed):			
Have you raised your concerns at the informal stage? If so, when did you do this?		**Yes (give date)**	**No**
If yes - have you received an informal response to your concerns yet?		**Yes (give date)**	**No**
Have you submitted a formal complaint at Stage 1?		**Yes (give date)**	**No**
If yes - have you received a formal response to your Stage 1 complaint yet?		**Yes (give date)**	**No**
Signed:			
Date:			
Please complete and return this form to the school office by email at admin@bernardsheathjnr.herts.sch.uk or in hard copy format, marked for the attention of the Complaints Coordinator who will then ensure that it is acknowledged and passed on the appropriate person			

Appendix 3

Bernards Heath Junior School Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints

Bernards Heath Junior School is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Governing Body has adopted.

The school will not usually limit the amount of contact that parents, guardians, registered carers or complainants have with us. However, the school does not expect its staff and governors to tolerate unreasonable behaviour and we will take decisive action to protect their health, safety and wellbeing from such behaviour, including any that the school deems to be abusive, offensive or threatening, or where the school has reason to believe an individual is making contact with the intention of causing disruption or inconvenience.

Bernards Heath Junior School defines unreasonable behaviour as that which affects the smooth and efficient running of the school on a daily basis, or that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to clarify their complaint or specify the grounds of a complaint or the outcomes, despite a request to do so and/or an offer of assistance.
- Refuses to co-operate with the complaints process at any stage.
- Make unrealistic demands and act in a way that frustrates the complaints process
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant and/or irrelevant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded allegations about staff who are trying to deal with the issues and/or tries to have them replaced or for their employment at the school to be suspended or terminated.
- Tries to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE) at the very end of it.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate staff, governors, and any other persons involved in the complaints process.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the school on an ongoing basis with varying time delays in between.
- Knowingly provides false inaccurate or misleading information.
- Persistently approaches various individuals at the school, as well as the Local Authority, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses during the complaints process.
- Posts or publishes what the school deems to be inappropriate or unacceptable content about staff, governors, or the school more generally on social media or other platforms.

- Inundates the school with accusatory emails or letters that have been, or appear to have been, generated wholly or in part through the use of AI.

Please note, the above list is not exhaustive.

Complainants should try to limit their communication with the School where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text, etc), as it could delay the outcome(s) being finalised.

Wherever possible, the Headteacher or Chair of Governors (COG) will discuss any concerns with the individual about their behaviour informally before deciding whether to implement restrictions to manage unreasonable, persistent or vexatious behaviour and complaints.

If any unacceptable behaviour continues beyond this point, the Headteacher or COG will make contact with the individual, usually in writing, to confirm that the school deems their behaviour to be persistent, unnecessarily persistent and/or vexatious in relation to a particular matter (or set of matters), and request that they refrain from behaving in this way immediately.

Wherever an individual continues to contact **Bernards Heath Junior School** excessively, causing a significant level of disruption, the school will consider whether to impose some or all of the following communication management measures and confirm this in writing accordingly:

- Requesting that contact only takes place in writing by email or letter.
- Requiring contact to take place with a designated member of staff or mailbox.
- Restricting contact to specified days and times.
- Imposing a page limit for written correspondence.
- Asking the complainant to enter into an agreement about their future contact and conduct with the school.
- Confirming that face-to-fact meetings will be held by appointment only – and only if the school deems that a meeting is appropriate or necessary on each occasion.
- Stating that the school will not acknowledge or respond to any correspondence they consider has already been dealt with or where a response is deemed to be unnecessary.
- If the complainant tries to re-open any issue that has already been considered through the formal complaints process, the COG will inform them in writing that the process has been exhausted, that the matter is now closed, and that the school will not enter into any further correspondence about it.
- Warning of a potential ban from school premises should the conduct of the individual(s) not cease or improve immediately.
- Informing the complainant that if they do not comply with these measures, any further communication or correspondence that does not present significant new matters or new information will only be read and kept on file and will not be acknowledged or responded to.

The above list is not exhaustive and the school will consider what restrictions to communication and/or the premises are reasonably required on a case by case basis. In the event a decision is taken to introduce any restrictions, the Headteacher and/or COG will write to the individual to confirm what measures will be put in place and how long for. They will also confirm why such action is being taken, giving examples and dates of incidents and how the school was affected. At this point, the individual will be given the opportunity to submit a representation if they disagree with the measures being taken. In the event a representation is received, the Headteacher and/or COG will consider it, before sending a response to the individual to confirm the school's position.

The decision of the Headteacher and/or COG to invoke this policy and procedure (and any communication management measures imposed as a result) is final and cannot be challenged or overturned through the school's complaints process. This is because the decision will be reviewed by the Headteacher and/or COG after **six months** and because the individual will already have had the opportunity to have a representation considered. If the individual's behaviour has remained the same or worsened, the Headteacher and/or COG may extend the communication management

measures for a further **six months** each time they review the situation. If however, the individual's behaviour seems to have improved to a level that the school deems acceptable, then communication management measures may be eased or lifted entirely, on the proviso that should matters ever regress, the school will reinstate some or all of the communication management measures that previously applied. In such circumstances, the school may also consider additional measures.

In response to any serious incidents, e.g. acts of aggression, violence, or intimidation **Bernards Heath Junior School** will consider informing the Police and will communicate our actions in writing. This may include barring the individual(s) from the school premises. Should the school deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled Controlling access to School premises. Depending on the circumstances of a particular case, the school may also consider invoking the DFE's 'When to stop responding' guidance contained within Best practice guidance for school complaints procedures 2020 - GOV.UK.

The School also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent conduct or communication not directly associated with, or resulting from, formal complaints.

Appendix 4

The complaints process at a glance

For staff and governor use to support effective complaints handling.

Stage	What happens	Timescale	Dates/Notes
Informal concern raised	Concern is raised with the school and directed to the most appropriate person.	Should ideally be raised as soon as possible. The school will aim to respond within **5 school days**.	*e.g. Raised 02.09.2026. Reply sent 07.09.2026.*
Formal complaint submitted	Complaint should be documented in writing, and the school confirms the issues and any desired outcomes where indicated.	Must normally be raised within **3 calendar months** of the event, incident or last associated matter.	*e.g. Received 15.09.2026.*
Stage 1 acknowledgement	The school acknowledges the formal complaint once it has been received and clarified, if necessary.	Within **5 school days**.	
Stage 1 investigation and response	The Headteacher, appointed Governor or Independent Investigator investigates. An outcome letter is then sent out by the school to conclude Stage 1.	Written response within **15 school days** of receipt of the complaint or confirmation of the complaint and desired outcomes. If this cannot be met, the school will provide an update and revised response date.	
Escalation to Stage 2 requested	If dissatisfied with the Stage 1 response, the complainant may request escalation to Stage 2.	Should be requested within **10 school days** of the Stage 1 response.	
Stage 2 acknowledgement	The school records and acknowledges the Stage 2 escalation request.	Within **5 school days** of receiving the escalation request.	
Stage 2 hearing arranged	The Governance Professional Clerk or Complaints Coordinator proposes hearing dates and confirms the arrangements.	The school will aim to convene the Panel within **30 school days** of receipt of the Stage 2 request.	
Hearing arrangements confirmed	Final arrangements are confirmed and parties are invited to submit any further evidence.	Arrangements confirmed at least **12 school days** before the hearing. Further evidence must be submitted at least **7 school days** before the hearing.	
Panel pack circulated	Written material received within timescale is circulated to relevant parties.	At least **5 school days** before the hearing.	
Stage 2 outcome	The Panel hears the complaint and confirms its findings in an outcome letter.	Within **5 school days** of the hearing.	
If recommendations are made	The Full Governing Body considers any recommendations made by the Panel and a final outcome letter is issued if required.	The Full Governing Body will endeavour to consider recommendations within **5 school weeks**.	