

COMPLAINTS POLICY

1. Introduction

- 1.1 This policy has been reviewed with reference to the Department of Education's (DfE) "Best Practice advice for School Complaints Procedures 2016".
- 1.2 There is a difference between complaints and concerns. 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*".
- 1.3 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.
- 1.4 There are occasions when complainants would like to raise their concerns formally. In those cases, our formal procedures will be invoked through the stages outlined in our Procedures.
- 1.5 Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).
- 1.6 Section 29 of the Education Act 2002 requires all Boards of Governors to have in place a school's complaints procedure to deal with all complaints relative to their school and to any community facilities or services that the school provides. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.
- 1.7 The procedure outlined in section 2 is not for complaints from staff about matters relating to their duties or employment at the school, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.
- 1.8 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.
- 1.9 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:
 - Complaints about the statementing process for children with special educational needs;
 - Disciplinary issues relating to members of staff;
 - Child protection allegations;
 - Admissions and exclusions;
 - Provision of collective worship and religious education;
 - Complaints concerned with the delivery of the National Curriculum (or the school's sex education policy);
 - Allegations of bullying by pupils.

In some of these cases the local authority may have a role to play in ensuring that the school has followed the correct procedure, for example where the school plays a specific part in discharging the local authority's responsibilities for admissions.

- 1.10 Initially most complaints will be oral. There is not be a requirement for the complainant to put their complaint in writing at the informal stage. However, the school is mindful that English may not be the complainant's first language and due consideration and appropriate action will be taken where this is known to be the case. Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.
- 1.11 Schools will keep a record of all complaints made and the actions taken. When receiving anonymous complaints in the majority of cases the only action the head teacher will take is to log the complaint and a record of any actions taking in response to the complaint. However there may be exceptions to this where the head teacher feels further action should be taken and it is for the head teacher to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.
- 1.12 Governors will not attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the school will direct them to the Head Teacher. There will be some instances, for example when the complaint is about the Head Teacher, where it would be appropriate for the complainant to be advised to write to the chair of governing body instead of the Head Teacher.
- 1.13 The Local Authority (LA) does not have any power to investigate most of the concerns raised by parents or carers wishing to complain nor do they have the power to require school staff or Boards of Governors to take any particular action in the majority of cases raised through complaints. (The main exceptions to this are child protection and health and safety where the LA does still have the powers to investigate and intervene). Therefore in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to the Head Teacher or the chair of the Board of Governors.
- 1.14 It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between the school and the parents. All members of the school community are entitled to have their points of view properly considered and heard, as long as they are communicated in a courteous fashion.
- 1.15 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. Complaints and concerns relating to issues, which occurred more than three months before will generally be ruled "out of time".
- 1.16 Head Teachers or governors will not investigate (or in the case of governors be a member of the review panel) when a complaint is about their own actions.
- 1.17 When investigating a complaint the investigating officer will to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions.

Complaints procedures

2. Stage one: - Local resolution of the problem (the informal stage)

2.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

3. Stage two – The Formal Stage

3.1 If the Complainant is not satisfied with the response from the member of staff at stage 1 they should be advised that the next stage is to put their complaint in writing to the head teacher. Where the head teacher is the subject of the complaint then sections 4 and 5 of this procedure apply.

3.2 The head teacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating officer may feel it necessary to meet with the complainant. The investigating officer should produce notes of this interview.

3.3 At the conclusion of their investigation the investigating officer will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.

3.4 When writing to the head teacher the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

3.5 The head teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).

3.6 Before the head teacher (or senior member of staff investigating) interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

3.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the head teacher will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 3.5 above. The head teacher may feel it appropriate to meet with the complainant to communicate their findings.

3.8 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

3.9 At this stage the complainant will be told that consideration of the complaint by the head teacher is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.

3.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.

3.11 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the head teacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

4. Where the complaints is about the actions of the Head Teacher

4.1 **Stage one - Local resolution of the problem (the informal stage):** In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

5. Stage two – The formal stage (where the complaint is about the actions of the Head Teacher)

5.1 If the complainant is not satisfied with the response from the Head Teacher at stage 1 they should be advised that the next stage is to put their complaint in writing to the chair of governors.

5.2 The chair of governors will be responsible for carrying out an investigation or appointing another governor to carry out the investigation and report their findings to the chair of governors who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating governor may feel it necessary to meet with the complainant. The investigating governor should produce notes of this interview.

5.3 At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the chair of governors.

- 5.4 When writing the initial letter to the chair of governors the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.
- 5.5 The chair of governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that they will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).
- 5.6 Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.
- 5.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the chair of governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 5.5 above. The chair of governors may feel it appropriate to meet with the complainant to communicate their findings.
- 5.8 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld;
 - The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
 - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
 - The complaint is not substantiated by the evidence and therefore not upheld.
- 5.9 At this stage the complainant will be told that consideration of the complaint by the chair of governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the chair of governors in handling the complaint. This stage is outlined in paragraph six below. Complainants have the right to request an independent panel for a stage three complaint if they believe there is likely to be bias in the proceedings.
- 5.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.
- 5.11 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the chair of governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

6. Stage three – The Governors Review Panel (All Complaints)

- 6.1 Review Panels are convened to review the school's response to a complaint (stage 2). If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel – the next stage in the process.

6.2 The Review Panel's purpose, in each case, is to reconsider (not to re-investigate) the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

6.3 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint;
- to reach a definite view on a point of law;
- to criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
- to be an alternative to a disciplinary hearing, as far as staff are concerned;
- or
- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

6.4 Any review of the process followed by the head teacher, chair of governors or the investigating governor shall be by a panel of at least three members of the governing body appointed to be the Review Panel.

6.5 The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

6.6 The panel will consider the letter from the complainant (outlined in paragraph 5.11 above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The head teacher or investigating governor will be invited to make a written response to the complainant's submissions.

6.7 The panel should have access to all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

6.8 The outcome of the investigation may be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

6.9 The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant's letter requesting a review.

6.10 If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education & Skills (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:

- The Board of Governors is acting or proposing to act unreasonably;
- The Board of Governors has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

Serial complaints

In the case of serial complaints, the school will register but not address any additional complaints until the procedure connected to the original complaint has been concluded. New cases will be addressed only after there has been a conclusion of any existing procedure. This does not prevent a parent logging an allegation.

Policy for Unreasonable Complainants

The school's definition of this type of complaint is a complainant who persists in pursuing a complaint where the complaints procedure has been fully and properly exhausted. Their complaints have been thoroughly investigated and have received a comprehensive and full response to each of their complaints, but continue to pursue the matter [and/or any evolving issues] despite correspondence, apologies and/or meetings.

Complainants (and/or anyone acting on their behalf) may be deemed by the Head Teacher and /or the chair of governors to be unreasonable or persistent where previous or current contact with them shows that they meet any one of the following criteria (but this list is not exhaustive). The following are given as examples of behaviour by complainants that may be described as unreasonably persistent. (In these examples a "contact" may be in person, by telephone, letter, email, fax or SMS text). The complainant:

- by the frequency of contact with the school hinders objective consideration of a "live" complaint;
- makes a string of further complaints about a "live" investigation or changes aspect of the complaint, during the investigation;
- who has exhausted all stages of the school's complaints procedure but continues to pursue the matter;
- who seeks an unrealistic outcome and persists in doing so despite being advised that this is the case;
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while 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 and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does either face-to-face, by telephone or in writing or electronically:-

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

An additional consideration of the school may be to decide to deal with such complaints in one or more of the following ways, for example;

- a. Try to resolve matters before invoking this policy by drawing up a signed "agreement" with the complainant (and if appropriate involving the relevant {officer, practitioner etc} in a two-way agreement) which sets the code of behaviour for the parties involved if the school is to continue processing the complaint. If these terms were contravened, consideration would then be given to implementing other action.
- b. To require contact to take place with a named officer.
- c. To restrict telephone calls to specified days and times.
- d. Decline contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that one form of contact is maintained. Similarly, indirect contact may be agreed via a third party.
- e. Notify the complainant in writing that the school has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should also be notified that the correspondence is at an end and that further communication about the same matters will be acknowledged but not answered.

Temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice, guidance from local education authority, the DfE or other relevant agencies.

When a complainant is unreasonably persistent about a complaint (and the complaint has been properly exhausted) the Head Teacher will report their concerns to the chair of governors. If the chair of governors is in agreement that the persistence and behaviour of the individual is unreasonable then the Head Teacher and chair of governors shall jointly write to the individual setting out why they have come to this conclusion and what action the school will be taking and the duration thereof.

Where a complainant continues to behave in an unacceptable fashion the chair of governors may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. Any further contacts from the complainant in writing will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged.

Complainants who behave in an unacceptable way

The School recognises that parents and carers who feel dissatisfied may feel angry about their treatment. However the school, the Board of Governors and the council has a duty of care towards the safety and welfare of its staff.

If a member of staff feels threatened by a complainant they will report those fears to the head teacher (or in the case of the Head Teacher to the chair of governors). The head teacher or chair of governors will complete an incident report form and as part of the action arising from his/her investigation may consider:

- Writing to the perpetrator requiring a guarantee of no repetition of the behaviour and, if necessary, setting out the conditions and restrictions for further contact with staff;
- Temporarily banning the parent or carer from the school site;
- Whether to report the matter to the police.

Repeated calls or threatening contact may be deemed to be harassment which may be reported to the police if felt necessary by the head teacher.

Review

The Board of Governors reviewed and agreed these procedures in February 2016. They will be reviewed at least once in the coming three years, or sooner if necessary. This latest review took place in 2024.

Annex 1: Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Head Teacher and Board of Governors are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community. The aim of Annex 1 is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include actions, which are:

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious
- an insistence on
- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- an insistence on
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language); or
- making complaints in public; or
- refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complainants/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

Physical or verbal aggression

The Board of Governors will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

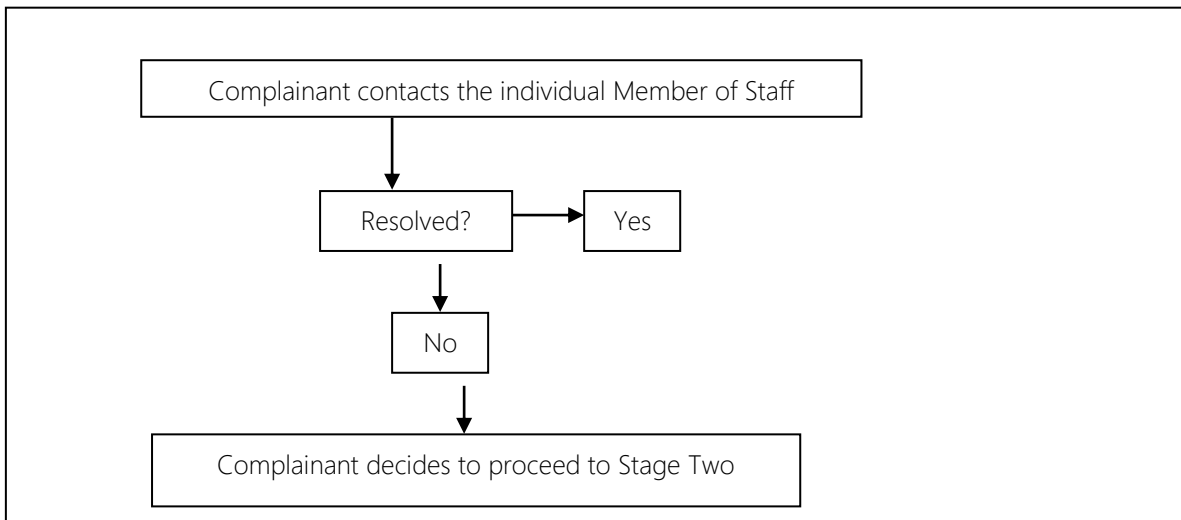
Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complainants/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Annex 2: School Complaint Form (Stage Two) attached

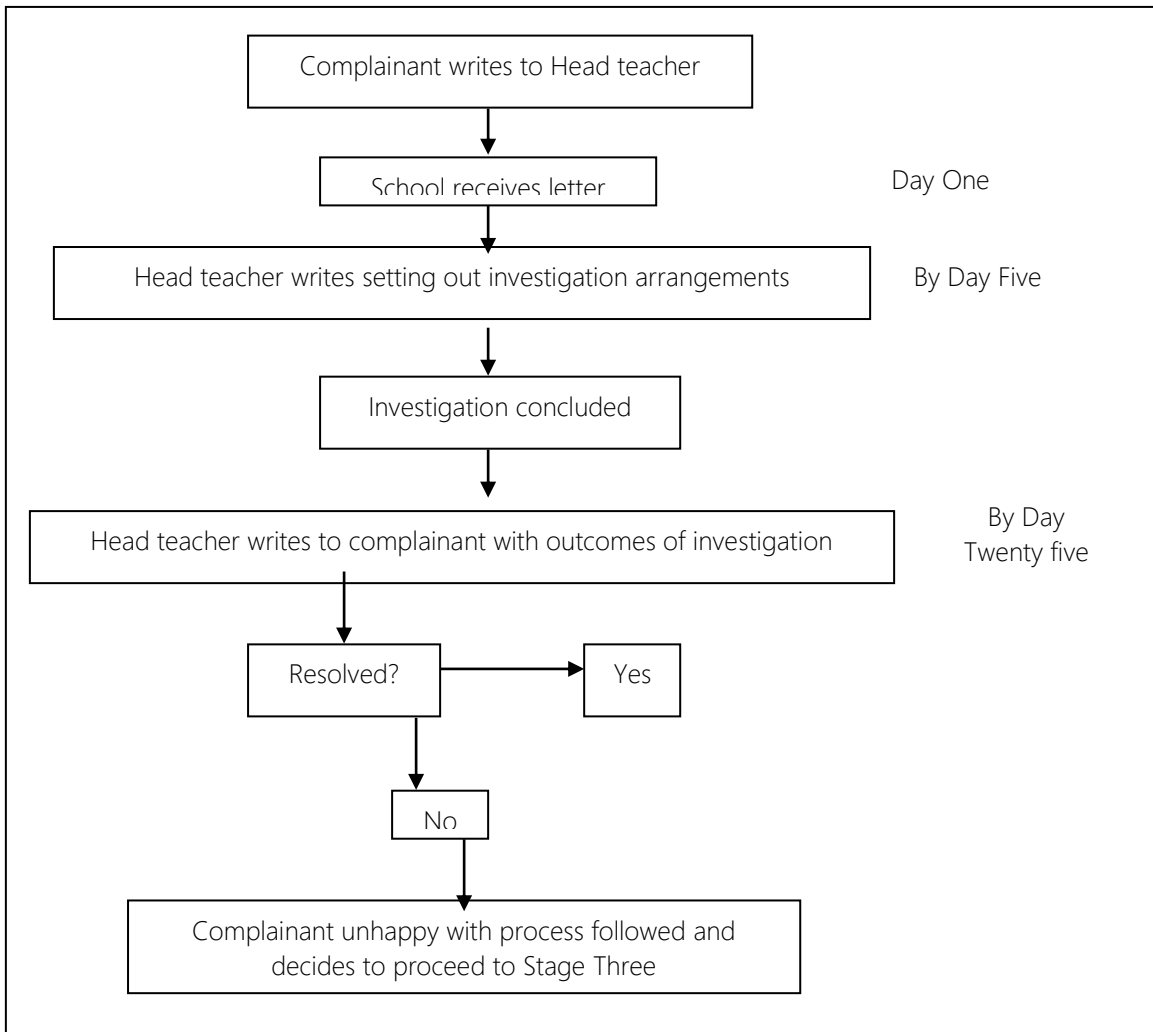
Annex 3: School Complaint Review Request Form (Stage Three) attached

Complaints Procedures - Flowchart

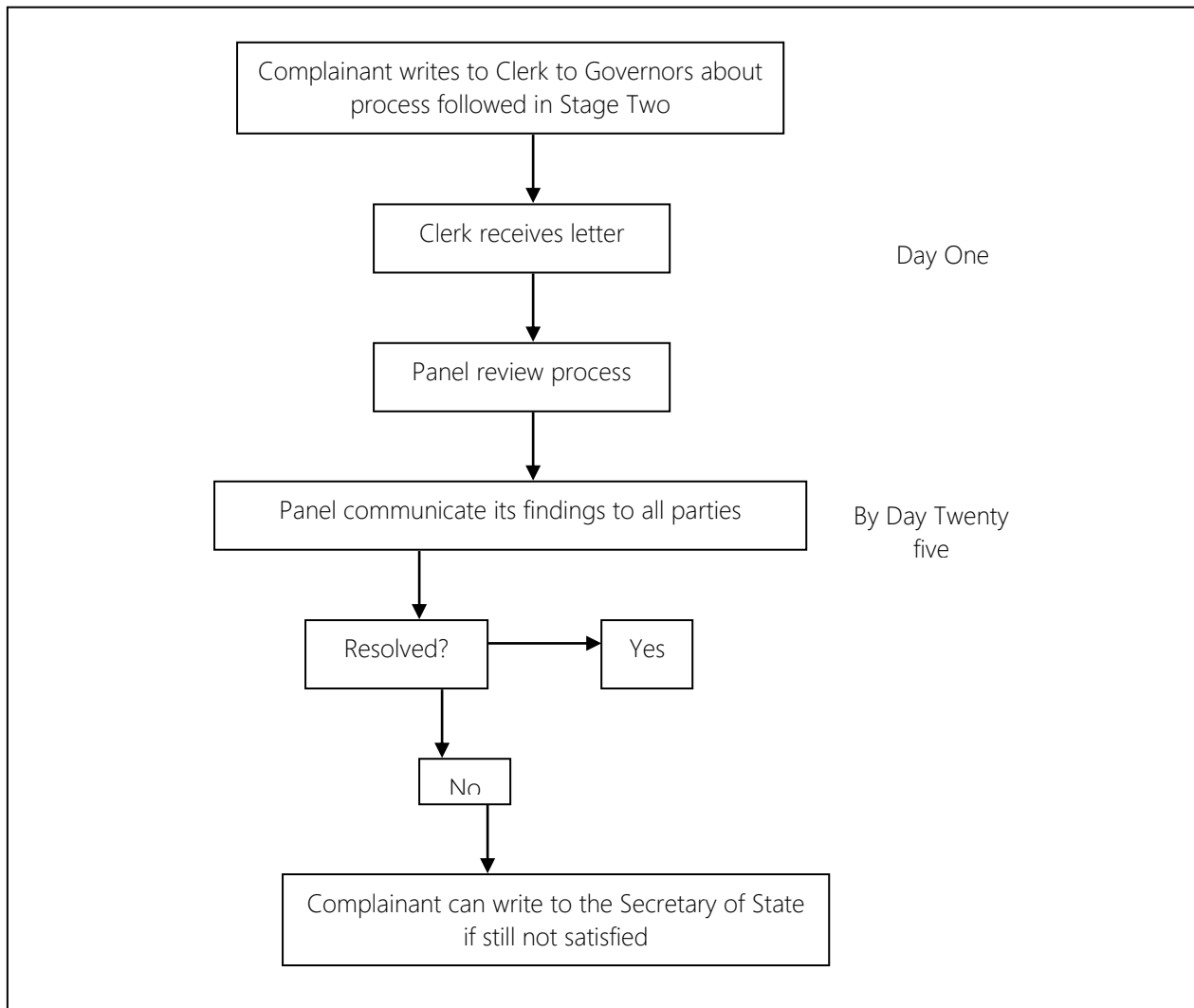
Stage One Informal Stage



Stage Two Formal Stage



**Stage Three
Governors Review Panel (stage three)**



Note: - If the complaint is about the actions of the Head Teacher then the Chair of Governors carries out the Head Teacher's role indicated above (section 5).