



# Complaints Policy

Date written: November 2017  
Review date: November 2020

## **Policy and Procedure for responding to non-curricular complaints**

### **Status**

Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised.

The Board of Governors adopted this policy at a meeting held on November 14th 2017. It is based on the model policy published by Worcestershire County Council.

**There are other specific complaints procedures available for certain specialist areas (as listed below). If the complaint relates to any of the following, the appropriate procedure should be followed AS THEY ARE NOT COVERED UNDER THIS POLICY:**

### **Exceptions**

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
  
- Exclusion of children from school
  
- Whistleblowing
  
- Staff grievances and disciplinary procedures

### **Who to contact**

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education. These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- Complaints about services provided by other providers who may use school premises or facilities.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

**A. General Principles.** This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than 25 school days after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

**The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction.** If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

We are aware that some complainants may have communication preferences due to a disability or learning difficulty and we will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, we may use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- We are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

**B. Possible resolutions.** Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

**C. Later Stages.** Where concerns are not resolved at an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

**D. Unresolved Complaints.** Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

### **E. School Policy for Unreasonably Persistent, Harassing or Abusive Complainants**

Parents or Carers pursuing complaints or other issues should not treat staff and others in a way that is unacceptable. Whilst the school recognises that some complaints may relate to serious and distressing incidents, threatening or harassing behaviour towards any members of the school community is not acceptable.

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.

Where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong, the 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*
- *pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language); or*
- *making complaints in public or via a social networking site such as Facebook; or*
- *refusing to attend appointments to discuss the complaint.*

#### **Harassment and Abuse**

*The school regards 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.*

(Ref MP02 School Complaints Procedures for Maintained Schools in England)

## **E 1. Actions to Guard the School from Unreasonably Persistent, Harassing or Abusive Complainants**

The school will take action to protect staff from unreasonably persistent, harassing or abusive complaints and this may include initiating legal proceedings against the perpetrator(s).

The Headteacher will pass any case of unreasonably persistent, harassing or abusive complaint to the Governors along with any correspondence and a diary of relevant events. At this point the case ceases to be in the hands of the Headteacher and passes to the Governors. The Headteacher may then inform the complainant of this action.

Following a recommendation by the Governors the Chair of Governors will write to the complainant outlining the school's policy on unreasonably persistent, harassing or abusive complaints and state the school's option to initiate legal proceedings if necessary.

### **School Complaints Stages in Detail**

This school will monitor and record Parents/Carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice .

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, for example, a Key Stage Co-ordinator or Deputy Head, or the Headteacher in a small school, rather than a more junior teacher. The first stage, therefore, could if appropriate be dealt with informally by one of a number of possible people.

#### **Stage 1 (Informal)**

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the Parent/Carer should discuss this with him/her at this stage first.

***It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure, and refer the complainant to the appropriate person. This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage. (Refer Code of Conduct for Governors of Sutton Park Community Primary School)***

The concern will be noted (including the outcome) and copied to the Headteacher (or appropriate person in charge of records). Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the Parent/Carer, the Parent/Carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the Parent/Carer can then directly contact the Chair of Governors about Stage 2.

If the issue is not resolved at this stage a formal complaint form will be provided within 3 school days of learning of the dissatisfaction.

## **Stage 2 (Formal) Dealt with by Headteacher**

A formal complaint form will be acknowledged within 3 school days of receipt of the formal complaint form.

If the complaint concerns the Headteacher, the Chair of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage.

This stage can be initiated if/when dissatisfaction with the outcome of Stage One is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within 5 school days, together with the formal complaint form (Annex C).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, Parents/Carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged within 10 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant about what will need to be done.

The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation

should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to Parents/Carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the Parents/Carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher within the 60 day time limit. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors. [In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated].

### **Stage 3 (Formal) Dealt with by Governors' Panel**

On receipt of the information from the Headteacher, the Chair of Governors will verify that the Parent/Carer has properly exhausted all Stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting.

The Clerk may be the Clerk to the Board of Governors, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair.

The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within 5 school days.

This letter will inform the Parent/Carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the Parent/Carer will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the Parent/Carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, Parents/Carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel needs to ensure that the Parent/Carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the Parent/Carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should write to The Department for Education.

Model School Complaints Procedure/Policy Flowchart

Stage 1  
(informal)



**Complaint heard by staff member**  
(if appropriate)

- Ensure Headteacher is informed of outcome

Issue resolved

Issue not resolved: formal complaint form provided within 3 school days of learning of dissatisfaction

Stage 2  
(formal)



**Complaint heard by Headteacher**

- Acknowledge receipt of formal complaint form (within 3 school days)
- Write to complainant with outcome of investigation (within 10 school days of original acknowledgement)

Issue resolved

Issue not resolved: information sent on.

Stage 3  
(formal)



**Governors' Complaints Panel Meeting**

- Acknowledge receipt of complaint (within 5 school days)
- Invite complainant to meeting (within 15 school days)
- Issue letter confirming panel decision (within 5 school days)

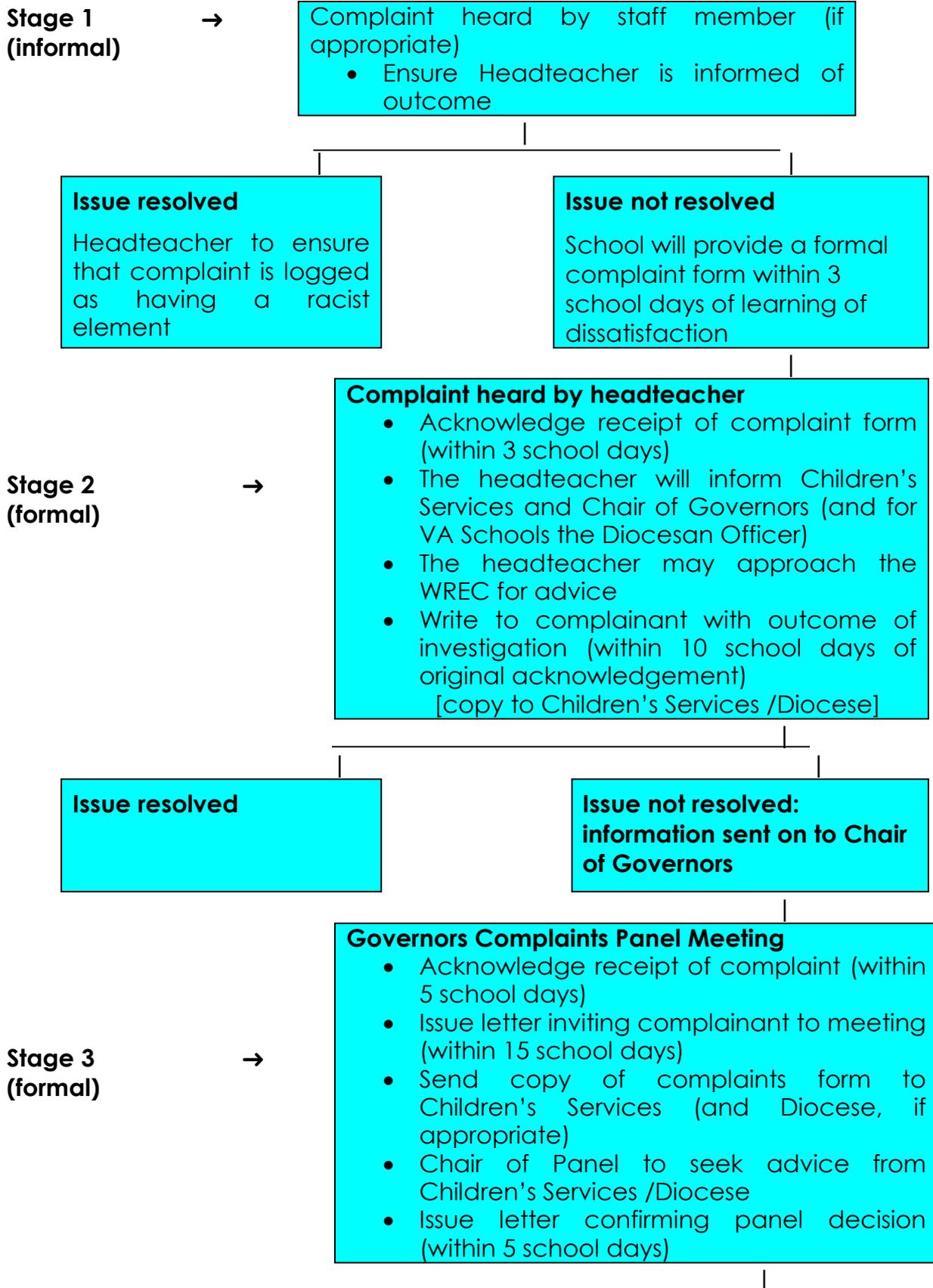
Issue resolved

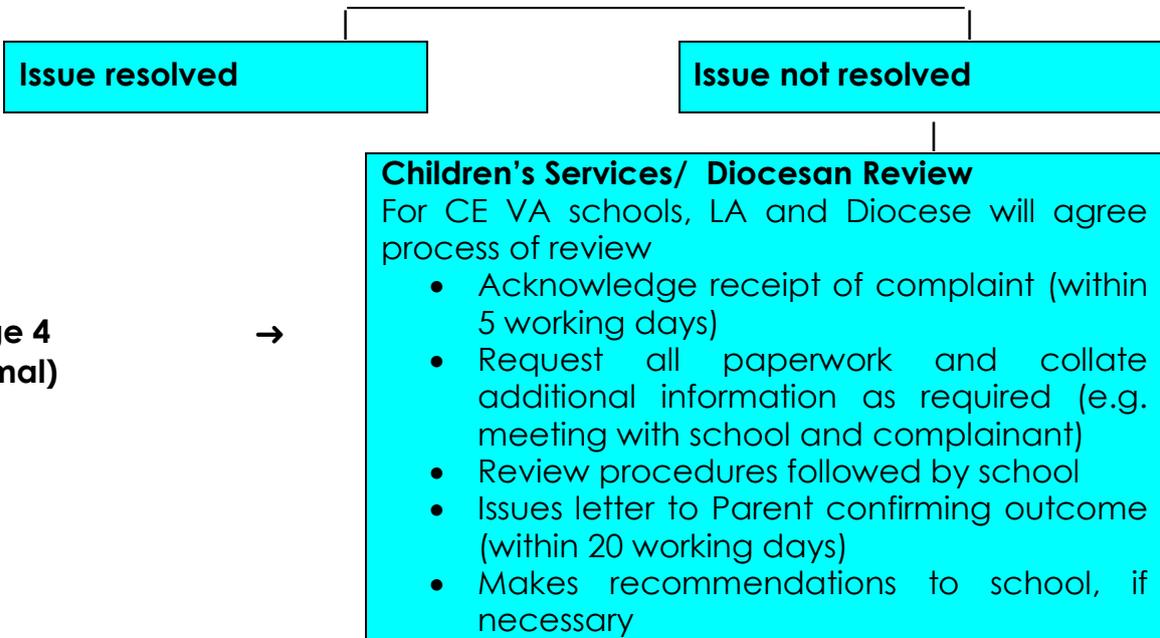
Issue not resolved

Contact The Secretary of State for Education

Model School Complaints Procedure/Policy Flowchart – Race

Summary of Dealing with Complaints





**Stage 4  
(formal)**



**MODEL PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT**

It is important that the members of the Governor Panel are impartial and independent, and are seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that Parents/Carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. Parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

**THE HEARING**

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

**Option One**

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance. This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

**Option Two**

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

**Option Three**

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

**Option Four**

With the agreement of all parties, to hold a meeting with both sides present, to follow an agenda on the lines of the following Model: (witnesses are only required to attend for the part of the hearing in which they give their evidence).

## Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher and Panel members may ask questions.
- 3) Headteacher invited to explain the school's actions and call witnesses if desired.
- 4) Complainant and Panel members may ask questions.
- 5) Complainant is invited to sum up the complaint.
- 6) Headteacher is invited to sum up the school's actions and response to the complaint.
- 7) The parties leave together, and the Panel considers its decision.

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a Parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two (the Headteacher usually, but the Chair of Governors if the complaint related to the Headteacher) S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the Parent/Carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the Parent/Carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the Parent/Carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

## The Remit of the Complaints Appeal Panel

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint (see possible resolutions on below)
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the Parent/Carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the Parent's/Carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

### **Possible resolutions.** (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Board of Governors.
- The appropriate action to be taken by the school, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the Parent/Carer, Headteacher and Chair of Governors within 5 school days.

## ANNEX C

**Complaint Form** to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt .  
The Procedure, at Stage 2, explains what action will be taken after receipt.

<p>Your name:</p> <p>Pupil's name:</p> <p>Your relationship to the pupil:</p> <p>Address:</p> <p>Postcode:</p> <p>Day time telephone number:</p> <p>Evening telephone number:</p> <p>Please give details of your complaint.</p> <p>What action, if any, have you already taken to try and resolve your complaint. (Whom did you speak to, when, and what was the response)?</p> <p>The form continues overleaf.....</p>
<p>What actions do you feel might resolve the problem?</p>

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date: