



## COMPLAINTS POLICY

<b>Policy Number:</b>	SP12	<b>Created by:</b>	The Key (model policy amended Oct 22)
<b>Reviewed by:</b>	SBM	<b>Responsibility:</b>	FGB
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This policy is available in large print. Please contact the school office who will be happy to arrange this for you.

### 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

### 2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

### **3. Definitions and scope**

#### **3.1 Definitions**

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

#### **3.2 Scope**

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### **4. Roles and responsibilities**

#### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

#### **4.2 The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

#### **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- The headteacher
- A governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and the local authority
- Be aware of issues relating to:
  - Sharing third party information
  - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
  - Keep records

#### **4.4 Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

#### **4.5 Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

### **5. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

#### **5.1 Time scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **6. Stages of complaint (not complaints against the headteacher or governors)**

#### **6.1 Stage 1: informal**

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may wish to approach your child's class teacher first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

The chair of governors reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the governing body's involvement at that point.

If your complaint is about the headteacher you should contact the chair of governors via the school.

If your complaint is about the chair of governors or a member of the governing body you should contact the clerk to the governing body via the school.

When a concern has been received, you may receive either a telephone call from the member of staff or headteacher or you may be invited to attend a meeting with a member of staff or the headteacher to discuss your concerns.

If invited to a meeting, you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the headteacher. It is preferable for you to make your formal complaint in writing, but complaints can be made in person or by telephone.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

## **6.2 Stage 2: formal**

### **Complaint heard by the headteacher**

If you feel that your concern has not been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint to the headteacher. It is preferable for you to make your formal complaint in writing and we provide a proforma for you to complete as shown at the end of this policy (a copy of which can be obtained from the school office) but complaints can be made in person or by telephone.

The headteacher will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the headteacher will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The headteacher may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint. The headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

The headteacher will respond to you in writing within **20 school days** of receiving your complaint outlining their full response to your concern, and any action that has or will be taken. If the headteacher has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the headteacher's response.

If your complaint is about a member of staff, the headteacher will talk to that employee and invoke the relevant procedure if required. It will not be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.

### **Complaint heard by the Chair of Governors**

If, having spoken to the headteacher, you are dissatisfied with the outcome of your complaint, you should write to the chair of governors within **10 school days**<sup>1</sup>, explaining your concern and the steps that have resulted in you taking this course of action.

The chair of governors will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the chair of governors will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The chair of governors may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

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<sup>1</sup> Exceptions to this time frame may be considered on a case by case basis

The chair of governors will explain that the governing body has a strategic role, and is responsible for the school's strategic framework and the headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The headteacher is solely responsible for making day to day decisions.

This stage offers an opportunity for achieving conciliation between all parties and discussions between the chair of governors and the headteacher will be key to resolving the complaint and agreeing a way forward. The chair of governors will decide what powers are available to governors in respect of the particular complaint. In reaching this decision, the chair of governors will determine to what extent the issues relate to responsibilities that:

- a) are delegated to the headteacher by the governing body; or
- b) fall within the governing body's remit only; or
- c) are within the headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the governing body, the chair of governors may look at the whole issue afresh. If the matter relates to the headteacher's conduct, the chair of governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services. For matters that are the headteacher's responsibility, the chair of governors is empowered only to look at whether the headteacher's decision or action was reasonable in the light of the information available at the time.

The chair of governors will keep a record of all interactions with you and any decisions made in reference to your complaint.

If the chair of governors has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the chair of governor's response.

### **6.3 Stage 3: submit the complaint to the review panel**

If you are dissatisfied with the outcome of your complaint, you should write to the clerk to governors within **10 school days**<sup>2</sup> of the outcome of stage 2, explaining your concern and the steps that have resulted in you taking this course of action.

The clerk to governors will acknowledge receipt of your request within **5 school days**. The complaints panel will usually be convened within **20 school days** of receiving the request for your complaint to be heard by the governing body's complaints panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the complaints panel will be to:

- a) ensure the complaint has been properly handled by the headteacher (and chair of governors)
- b) ensure that a sufficient comprehensive investigation was carried out
- c) ensure that the correct procedure / policies were followed.

The panel will also review whether the headteacher (and chair of governors) acted reasonably.

The clerk to governors will arrange and facilitate the meeting of the complaints panel. You are entitled to an independent panel to hear your complaint and the complaints panel will consist of three governors who have no former knowledge or involvement in the matter being considered. The chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy. The clerk to governors will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days** in advance.

The clerk to governors will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The headteacher (and chair of governors) will also be requested to supply copies of their responses to the previous stages of the procedure, and any further paperwork they consider the panel will require to consider the

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<sup>2</sup> Exceptions to this time frame may be considered on a case by case basis

complaint fully. Copies of all paperwork will be distributed to all parties by the clerk to governors at least **3 school days** in advance of the meeting.

You are welcome to bring a friend or partner for support to the meeting and the chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda. The headteacher (and chair of governors if attending) is also invited to bring a representative or member of staff for support.

No previously undisclosed evidence relating to the complaint should be introduced during the meeting.

The clerk will inform you (and the headteacher and / or chair of governors) in writing of the panel's decision within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcome. The panel may suggest you meet with the headteacher and / or chair of governors again to agree a way forward.

The letter may set out recommendations which will be made to the governing body.

The panel's decision is the final stage in the complaints procedure.

If you feel the school has acted unreasonably or has not followed the correct procedures in relation to your complaint, you may write to the Secretary of State using the following contact details: Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD or you may use the online [form](#).

## **7. Complaints against the headteacher, a governor or the governing board**

### **7.1 Stage 1: informal**

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance. If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority and will carry out the steps at stage 3 (set out in section 6 above).

## **8. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>. We will include this information in the outcome letter to complainants.

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

#### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **9.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **9.3 Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **10. Record keeping**

The school will record the progress of all formal complaints, including information about actions taken, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule

### **11. Learning lessons**

The governing body will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **12. Monitoring arrangements**

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the School Business Manager. This policy will be reviewed by the governing body at least every 2 years.

### **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Privacy notices