Cambridgeshire County Council



# The Grove Primary School

# Complaints Policy



Sept 2021

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# An Introduction to the Complaints Policy

The Governing Body is required by law (section 29 of the Education Act 2002) to establish procedures and publish those procedures for dealing with complaints relating to the school, or to the provision of facilities or services (unless the issue is covered by other legislation – see Appendix 3). **The Local Authority has no statutory authority to investigate our school complaints and complaints must be directed to the school**

## 1. The difference between a concern and a complaint

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

The Governing Body uses the Local Government Ombudsman definition of what is a complaint. A complaint is

*'An expression of dissatisfaction about a service that requires a response.'*

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 follow formal procedures. Schools should have procedures in place to take informal concerns seriously and make every effort to resolve the matter as quickly as possible. However, there will be occasions when complainants want to raise their concerns formally, in those cases, the formal complaints procedure will be followed.

## 2. Who can make a Complaint?

Any person who has a legitimate interest in the school may make a complaint. This will include pupils on roll at the school irrespective of their age, although normally a complaint from a pupil would come through a parent. This includes parents or carers of children no longer at the school and members of the public.

Unless complaints are dealt with under separate statutory procedures (see Appendix 3 pages 22 and 23), we will use this complaints procedure.

Where a person is not able to make a complaint himself or herself, a friend or other family member may do so on their behalf, but that person does not become the complainant. The Governing Body will not accept complaints from legal representatives.

**In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full, unless the school possess clear evidence that the complainant meets our serial and unreasonable complaints criteria.**

If that is the case and the complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond. **We will not mark a complainant as 'serial' before the complainant has completed the procedure.**

We have published a separate Serial and Persistent Complaints Policy and further details are provided on page 21 of this policy.

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

The Governing Body will ensure that any third party providers have their own complaints procedures in place if they are using school premises to offer services.

## 3. Purposes of the Complaints Procedure

The purpose of our Complaints Procedure is to provide a comprehensive, open, transparent, fair and timely vehicle through which:

- something that may have gone wrong can be identified, acknowledged and, where necessary, put right;
- an apology may be made where appropriate;
- the school and its senior management can, where appropriate, learn from the process, making it less likely that a similar complaint will be brought in the future.

A written record will be kept of all complaints along with details of how they were resolved following a formal investigation or progression to a panel hearing.

## 4. Publicising the Complaints Procedure

We will do this by:

- copies of the procedure and the complaints forms are available from the school (clearly this will be easily accessible without a potential complainant being asked the reason why it is being requested);
- including the procedure and complaints forms on the school's web site, ensuring that it is easy to find through a link from the home page.
- If the school is part of a Federation, the policy must be published on **each** school website. Remove this section if the school is not a website

## 5. Adopting the Complaints Procedure

The Governing Body formally adopted this procedure on17th September 2021 and it will be reviewed on at the first meeting in September 2023.

A review might be required earlier in the following circumstances:

- to take account of any changes to legislation or to reflect new local authority or government guidance;
- in the light of any recommendations from the Chair or a Review Panel arising from consideration of a complaint.

We will review the policy every two years.

## 6. Timescales for complaints

We will aim to consider complaints as quickly and as efficiently as possible and any deviation from our published procedure will be recorded and communicated to the complainant.

The Governing Body has accepted the view of the Department for Education that a complainant should normally be expected to lodge their complaint **within 90 calendar days of the event being complained about.** The 90 calendar day limit has been established because investigation is more difficult after a period of time: memories may not be as clear as they would have been earlier, records may not be as readily available and witnesses may no longer be employed at the school. A delay in making a complaint may also disadvantage any person who is the subject of it, making it more challenging for them to defend themselves for the same reasons.

In exceptional circumstances, the Chair of Governors, acting on behalf of the Governing Body, will consider complaints submitted outside this timeframe. In such instances the complainant will need to offer an explanation as to why there has been a delay in making a complaint.

Any decision made in this respect will aim to be lawful, rational, reasonable, fair and proportionate. It is for the school to decide what exceptional circumstances are.

Where a number of complaints are made in one letter of complaint, some of which lie outside the timeframe, the Chair of Governors will determine which complaints can be considered, taking account of their relevance to the substantive complaint or complaints made within the timescale.

If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

Where it is clear that published timescales cannot be met, new time limits will be set and the complainant will be sent details of the new deadline and an explanation for the delay.

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or tribunals, there may be an impact on the school's ability to adhere to timescales, or the procedure may have to be suspended until those investigations are complete.

If a complainant commences legal action in relation to their complaint, the procedure may have to be suspended until those proceedings have concluded.

Timescales for our complaints process are confirmed and summarised in Appendix 1.

# Preliminary stage – dealing with concerns informally

Before the formal processes are invoked every effort should be made to resolve matters informally. This is in line with Department for Education guidance. The Governing Body will ensure parents are made aware of how they can raise a concern through the governors' communication policy. An informal concern can be raised in person, in writing or by telephone. The school will aim to acknowledge an informal concern or complaint within 2 working days and resolve the informal concern or complaint within 10 working days.

Some issues are likely to be best resolved through discussion with a class teacher/form tutor/head of year/other member of staff below the level of a school leader. In some cases, though, a person may feel the need to escalate the matter to the school leader/nominated senior leader.

Initially school staff below the level of Principal/Headteacher will seek to resolve matters through the provision of information and clarification. Where it is clear that there is a significant level of challenge, staff will refer the matter to the Principal/Headteacher/the nominated senior leader as a cause for concern. The Principal/Headteacher/nominated senor leader will then seek to resolve the matter through discussion with those expressing concerns.

Whether attempts to resolve concerns at an informal stage are by telephone conversation or through meetings, school staff will take a note of any agreed action points and summarise these at the end of the conversation. The agreed action points will be circulated promptly to those involved in the discussion if that was agreed at the meeting.

**The formal Complaints Procedure will not normally be accessed unless the Principal/Headteacher/nominated senior leader has first been given the opportunity to discuss the matter with the complainant, either by telephone or, preferably, in person.**

Where the Principal/Headteacher/nominated senior leader is unable to resolve matters through discussion, the parent will be asked if they wish to make a formal complaint to the Principal/Headteacher. This complaint should be made in writing using the formal School Complaints Form at the end of this document and available on the school website or from the school office.

# Part 1 – Making a formal complaint to the Principal/Headteacher

## The procedure

1.1 The procedure for making a formal complaint requires a complainant to complete, and to submit, a Complaint Form and to do so within **90 calendar days** of the issue about which they are complaining. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

1.2 The Principal/Headteacher will record the date the complaint is received and acknowledge receipt of the complaint form in writing within **3 school days** and investigate the matter so that the complainant receives a formal written response within **10 school days**. On occasion, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Principal/Headteacher will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued. The Principal/Headteacher may delegate the complaint to another member of the senior leadership team, but not the decision to be taken.

1.3 If the complaint is against the Principal/Headteacher, the complaint form should be sent directly to the Chair of Governors, c/o the school**.** The procedures set out in Part 2 of this document should then apply.

## Expected Outcomes

1.4 The actions that the school may take to put matters right might involve one or more of the following:

- a review of policy or procedure
- changes to routines;
- action to remedy a health and safety concern;
- restorative work involving a pupil and a member of staff;
- risk assessment to determine the likelihood of similar problems recurring
- an apology or an admission that the situation could have been handled differently or better;
- action towards a member of staff (on the occasions that this is of a disciplinary nature, no further information will be shared, as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers);
- a decision that no action is necessary or justified with a full explanation.

1.5 The Governing Body will not normally award financial compensation unless required to do so by virtue of legislation. The Complaint Form

1.6 A complainant who has first discussed the issue with the Principal/Headteacher may make a complaint and to do so they must use the complaint form. The complainant is asked to be brief and clear about the issue and to state what would, for them, provide a reasonable and acceptable resolution to the complaint. Unless there are exceptional circumstances, the complaint form should be submitted **within 90 calendar days** of the issue causing complaint.

## Arranging Help for the Complainant to Articulate Concerns and Understand Procedure

1.7 The Governing Body is aware of its obligations under the Equality Act 2010 and understands that a complainant may have communication preferences due to disability, learning difficulties or difficulties using English. In such circumstances the complainant will be appropriately supported to make their complaint or alternative arrangements made and alternative methods of contact will be accepted.

If a complainant wishes to seek help in explaining the issue and/or with completing the Complaint Form, then support may be available from one of the following sources:

**From School Staff**. The Governing Body accepts that a member of the school staff may provide support unless the Principal/Headteacher agrees that there is good reason why they should not do so. This support does not extend to support with the basis of the complaint per se, rather it is restricted to advice on how best to present the information.

**From external sources**. A complainant may, if they wish, seek support from any person who is not a member of staff, including legal support or from statutory and charitable organisations. A complainant may nominate a person to issue, and to receive, correspondence on their behalf. The school will request consent from the complainant before disclosing information to a third party.

Whilst the school acknowledges that, on rare occasions, parents may wish to contact solicitors, the school will not accept a complaint from a legal representative. The school will not use legal representation within the complaint resolution process but nor will parents' legal representative be permitted to attend relevant meetings.

If the complainant contacts the Local Authority, then they will be directed to the school complaints procedure on the schools website. The Local Authority has no statutory powers of intervention in school complaints.

# Part 2 – Referring a formal complaint to the Chair of Governors

2.1 Where the complainant considers that the Principal/Headteacher's formal written response does not resolve the complaint, the complainant may ask the Chair of Governors to reconsider the Principal/Headteacher's response. This request must be made within **10 school days** of receiving the Principal/Headteacher's response.

2.2 If the complaint is about the Principal/Headteacher then the complaint form will be submitted direct to the Chair of Governors. Unless the complaint is about the Principal/Headteacher, the Chair of Governors will not consider the complaint unless the Principal/Headteacher has had the opportunity to seek to resolve the matter first.

2.3 If the complaint is about the Chair of Governors, the entire Governing Body or an individual Governor, then the complaint form should be sent to the Clerk to the Governing Body (see section on making a complaint about Governors below).

## The procedure

2.4 If emailing the complaint, the complainant should only use the official email address for the Chair of Governors, available from the school office (or recorded here) and not use their personal email address. In the subject field of the email, the complainant should write, 'Formal Complaint'. If delivering or posting a letter, the complainant must address it to the Chair of Governors at the school address and should write 'Formal Complaint' on the envelope. This will ensure that the complaint is dealt with promptly and enable the school to comply with the timescales set out in the policy.

2.5 The complainant should not share the complaint with other governors. A detailed knowledge of the complaint will preclude governors from serving on a review panel if the complaint is not resolved by the Chair. Governors receiving a complaint in this way should immediately refer it back to the Chair without considering the content.

2.6 The Chair of Governors will acknowledge the complaint form in writing **within 3 school days of receiving it personally** and investigate the matter so that the complainant receives a response within **10 school days**. On rare occasions, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Chair will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued.

2.7 As part of the investigation, the Chair will make early contact with the complainant and either propose a meeting or a substantial telephone call to consider the issues raised. If telephoning, the Chair should determine whether it is necessary to withhold any number that is not the school's telephone number.

2.8 The focus of that conversation should be to:

- Consider any gaps on the complaint form;
- Consider any aspects of the complaint where additional clarification is required;

- Consider the extent to which any evidence is available that has not been mentioned on the complaint form;
- Establish the complainant's view as to witnesses who might need to be interviewed;
- Establish what would provide for the complainant an acceptable resolution to the complaint;
- Establish whether there is any pressing reason for the matter to be investigated more quickly than the published timescale allows for;
- Discuss with the complainant whether there is anything that might help resolve matters outside the complaints procedure, for example, alternative dispute resolution methods.

2.9 Complainants must make sure they do not covertly record any conversations about complaints and they should make sure they obtain informed consent from all parties present before recording conversations or meetings.

2.9 The key elements of the Chair's investigation are likely to include:

- Achievement of a shared understanding with the complainant of the nature of the complaint and of what it is that remains unresolved;
- Establishing what has happened and who was involved;
- Interviews and/or written statements from those adults and children whose information and views, in the opinion of the Chair of Governors, need to be taken into account; although the final decision of whom to interview rests with the Chair, it is expected that the voice of affected children will be appropriately heard and be given sufficient weight;
- Sensitivity and thoroughness when conducting interviews;
- A detailed report that will provide a clear record that will be helpful for any subsequent review;
- A clear analysis of the information and conclusions reached;
- An authoritative outcome that is based on the evidence and does not merely state acceptance of evidence;
- Recommendations to resolve the complaint.
- The conclusions and the reasons for decision making should be communicated in writing to the complainant and any relevant person complained about.

## Expected Outcomes

2.10 The Chair will report in writing on the extent to which s/he considers the complaint is fully, or in part:

- **Substantiated** - i.e. where there is sufficient evidence to uphold the complaint;
- **Malicious** – i.e. where it is proven that the complainant has no case and where, also, there is evidence that the complainant deliberately tried to deceive the school, made the complaint as part of a deliberate attempt to cause distress or otherwise acted with malice;
- **False** – i.e. where there is sufficient evidence to prove that there was not legitimate basis to the complaint, or
- **Unsubstantiated** – i.e. where there is insufficient evidence to reach a conclusion.

2.11 In terms of future actions there are two possible outcomes from a complaint. These are:

- action taken by the school to put matters right. This might include one or more of the following:
  - a review of policy or procedure;
  - changes to routines;
  - action to remedy a health and safety concern;
  - restorative work involving a pupil and a member of staff;
  - risk assessment to determine the likelihood of similar problems recurring;
  - an apology;
  - action towards a member of staff (on the rare occasions that this is of a disciplinary nature, no further information can be shared as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers).
  - a decision with a full explanation, that no action is necessary or justified.

2.12 The Governing Body will not normally award financial compensation unless required to do so by virtue of legislation.

## Role of the Clerk to the Governors

2.13 The Chair of Governors will appoint the Clerk to the Governing Body to:

- act in a 'progress chasing' role to track the complaint and to ensure that timescales set out within the policy are being adhered to wherever possible;
- ensure that the complainant is kept up-to-date, including where timescales have not been met and the reasons why;
- receive any concerns that the complainant might have and advise the Governing Body about the operation of the process;
- inform the Governing Body of any shortcomings in the delivery of its complaints procedure, both during the process and subsequently;
- arrange for the outcome of the investigation to be communicated to all parties (the complainant and where relevant the person complained about) **so they receive it at the same time**. This will be in the form of an email or letter from the Chair of Governors.
- Ensure that a written record of the complaint along with details or whether they were resolved following the formal procedure or progressed to a panel hearing;
- The Clerk will ensure that correspondence statements and records relating to individual complaints are stored confidentially.
- Complaint documentation does not form part of the child's educational record.

2.14 The letter from the Chair of Governors represents the conclusion of the Chair's consideration of the complaint. Neither the Chair nor any member of staff should respond to the complainant after this point. The Clerk should thereafter handle all correspondence. The complainant will be advised in the outcome letter that the matter is closed except for the possibility of a review by a governors' panel (see Part 3).

## Complaint about governors

2.15 If the complaint is against the chair of governors or an individual governor, the complaint should be addressed to the Clerk to the Governing Body, via the school office, who will arrange for the complaint to be heard by the Vice Chair or another member of the governing body and then a committee of members of the governing body if it progresses to the next stage.

2.16 If the complaint is against the entire Governing Body or complaints involving both the Chair and Vice Chair, it should be sent to the Clerk, who will determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete the investigation and co-opted governors from other schools to hear any complaint that may progress to the next stage.

# Part 3 – Referring a formal complaint to a Governors' Panel

## The procedure

3.1 Where the complainant considers that the Chair of Governors' written response does not resolve the complaint, the complainant may ask the Clerk to convene a Panel of Governors who have had no prior involvement with the complaint (or the issues which led to the complaint) to review the Chair's response. The complainant must complete, and submit to the Clerk, a Review Request Form (available to download from the school website or from the school office). S/he should do this within **10 school days** of the date of issue of the letter giving the decision on the complaint. This form is structured in a way that helps ensure that the reasons for requesting a review can be readily understood, and that contact information is recorded and available to those who might need it.

3.2 If emailing, the complainant should take care to ensure that s/he has the official email address for the Clerk and that s/he uses this and it can be obtained from the school office. In the subject field of the email, the complainant should write, 'Complaint Review Request'. If delivering or posting a letter, the complainant must address it to the Clerk at the school address and write 'Complaint Review Request' on the envelope'. The Clerk should record the date the request for review is received and acknowledge the request for review within 3 school days.

3.3 If the complainant requires assistance in articulating the need for a review then support may be provided by those identified as able to offer help in part 2 of the guidance (page 8 above). Again, it is not for those supporting the complainant to comment on the merits or otherwise of review, but rather to help the complainant articulate their position to the Governors' Panel through the Review Request Form.

3.4 The governors' panel will only consider requests for review outside the 10 school working days timeframe in exceptional circumstances. These might include:

- the reasons for a review not being known to the complainant within 10 school working days;
- the complainant needing to delay making their request for review because they needed the time to collect evidence that could not have been gathered during the first 10 school working days;
- the complainant not having been able to request a review within 10 school working days because of being abroad or being incapacitated.

3.5 The review will be based on the information supplied in the Review Request Form. And will usually consider the following:

- the complainant's view that not all aspects of the complaint have been addressed;
- the complainant's view that not all available evidence has been considered;
- the complainant's view that not all relevant witnesses have been interviewed;
- the complainant's view that the decision has not been adequately justified in the Chair's decision letter;
- the complainant's view that the decision has not been adequately explained.

The review will not review any new complaints at this stage. New complaints must be dealt with from stage 1 of the procedure.

3.6 The review process cannot be used to consider cases where the complaint was not dealt with in accordance with published time-scales. That would require a fresh complaint to be made.

3.7Whilst normally the governor's panel will consider the review on the basis of written representations only, the governors will consider a face-to- face review if this is requested by the complainant. In this event a suggested agenda for the review meeting is set out at Appendix 5.

If the complainant is invited to attend the meeting, they may bring someone along to provide support but not represent them. Neither party should have legal representation. Representatives from the media will not be permitted to attend.

The Clerk will confirm and notify the complainant of the date, time and venue of the meeting.

Any written material relating to the complaint, will be circulated to all parties at least five school days before the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The meeting will be held in private.

## Composition of Review Panel

3.8 The Clerk will convene a Review Panel comprising 3 or 5 members who have had no prior involvement with the complaint or the causes of the complaint. Members of the Review Panel will elect a chair from among themselves and they will use a simple majority vote to do so. If there are fewer than 3 school Governors available the clerk will source any suitably skilled and independent Governors from another school's Governing Body.

3.9 An LA adviser may be invited to the meeting, at the discretion of the governors, to give procedural advice only.

## Convening the Review Meeting

3.10 The Clerk will liaise with all the Review Panel members to propose, and to agree, a date, time and venue for the review. This is most likely to be at the school but the Clerk should ensure that the meeting will be in an appropriate environment i.e.

- there will be a sufficient number of tables and chairs and that these will be suitable for use by adults;
- *where governors have agreed a face-to-face review the size of the room will be conducive to constructive discussion;*
- the meeting will not be disturbed;
- the confidentiality of proceedings can be protected.

3.11 The Governing Body is mindful of the challenges that volunteer governors can encounter in finding time to prepare for a review and in finding a date and time when all members are available. The Governing Body has decided that it is more preferable to allow sufficient time for the process than it is to set a deadline that may be all too easy to miss. The Governing Body therefore has decided that a Review Panel should meet within, what the Governing Body considers to be, **the**

**reasonable time frame of 20 school working days**, starting from the day when the request for a review was received, or the next school day if that was not a school day. If there are exceptional reasons why there is slippage to the timescales laid down, the clerk will explain the reasons for this to the complainant in writing.

## Further Written Representations to the Review Panel

3.12 Prior to the meeting of the Written Review Panel, the Clerk will seek any further written representations from the complainant concerning the reasons why the matter should be reviewed. The complainant will have 5 school working days to provide this information. The Clerk will supply this information to the Chair of Governors who will have 5 school days to submit any comments to the Panel. The Panel should have 5 clear school working days to consider all the information in advance of the meeting. The information to be sent by the Clerk to the Review Panel should comprise the following:

- The original completed complaints form;
- The response to the complaint from the Headteacher and/or the Chair of Governors;
- The completed Review Request Form;
- Any additional written representations from the Chair of Governors or the complainant

## The Review Panel meeting

3.13 The Review Panel meeting will normally be clerked by the Clerk to the Governing Body. Where this is not possible the Chair of Governors will ensure that an alternative suitable person is responsible for the clerking function. The meeting will be held in private.

3.14 At the start of the meeting the Panel will elect a chair who will be responsible for the conduct of the meeting and for liaising with the Clerk subsequently to ensure that all parties receive timely notification of the outcome within 5 school working days of the date of the review meeting.

3.15 The panel will consider objectively the complaint, the Headteacher's and/or Chair's response, the reasons set out in the Review Request Form, and any further written representations from the Chair or complainant. It will then decide whether the response to the complainant has been fair and reasonable in the circumstances. The Review Panel must take care to ensure that it does not favour one side or the other for any reasons other than those arrived at through an objective assessment of all the evidence.

## Conclusions and Recommendations

3.16 The Review Panel must come to a conclusion as to whether the request for a review was justified in identifying alleged shortcomings in the investigation of the complaint by the Chair of Governors. The committee can uphold the complaint in whole or in part, or dismiss the complaint in whole or in part. Because the review is not an appeal, the Review Panel cannot reverse the earlier decision of the Chair of Governors. But it can make any recommendations that it sees fit that can be taken to resolve the complaint. Such recommendations might include:

- an apology;
- a re-consideration of an earlier decision;
- informing improvements within the school;
- improving the effectiveness of the complaints procedure;

- a review of a policy or a procedure or a recommendation to change the school's systems or policies or procedures, or
- a fully explained decision that no further action is necessary or justified.

## Communicating the Outcome

3.17 The matter should remain confidential. The Clerk will promptly communicate the outcome, and set out the reasons for it, in a letter to the complainant, the outline of which will have been formulated by the Review Panel in the meeting. The final version will be agreed and signed by the Chair of the Panel. **It is essential that the review decision letter is sent to the complainant and where relevant the person complained about and the Chair at the same time**. This will be in the form of an email or letter. Whilst the letter should avoid unnecessary detail, there should be sufficient information to demonstrate that the review was considered in full, provide an explanation of the decisions taken and include details or any actions or recommendations that will be taken to resolve the complaint.

3.18 A written record will be kept of the complaint. Correspondence, statements and records relating to the complaint will be filed confidentially. The actions taken as a result of the complaint will be recorded (regardless of whether they are upheld).

3.19 The issue of the review decision letter concludes the school complaints process and the school will not enter into any further correspondence with the complainant.

**The information in paragraph 3.20 about redress beyond the school must be included in the panel response letter.**

3.20 Beyond the school complaints process, any person may complain to the Secretary of State for Education that the governing body of a maintained school has acted either unlawfully or unreasonably. They may do this by writing to the address shown below.

**School Complaints Unit**
**Department for Education**
**Piccadilly Gate**
**Store Street**
**MANCHESTER**
**M1 2WD**

**Telephone 037000002288**

3.21 The Department for Education is unlikely to re-investigate the substance of the complaint or overturn any decisions made. Their interest is likely to be restricted to whether due process has been followed correctly and that education legislation and statutory policies connected with the complaint have been adhered to and that the school has not acted unlawfully or unreasonably.

More information is available at www.education.gov.uk/contactus

Anyone can raise a complaint about a maintained school or a member of staff to the DFE, but the DFE advises complainants that local procedures should be concluded before submitting their complaint to them.

The exceptions to this include when:

- children are at risk of harm;
- children are missing education;
- a complainant is being prevented from having their complaint progress through the published complaints procedure;
- the DFE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

## APPENDIX 1

# Complaint procedure (summary)

## INFORMAL STAGE (up to 10 school working days in total)

School staff seek to resolve the complaint informally through discussion with the complainant. A complaint will not normally be considered unless the complainant has first raised the matter informally with the relevant school leader.

The complainant should submit a formal complaint within **90 calendar days** of the cause for complaint. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

## FORMAL PROCEDURE – Stage 1* (up to 10 school working days in total)

Written complaint to the Principal/Headteacher

- Received by Principal/Headteacher;
- Acknowledgement – 3 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Principal/Headteacher – 10 school days from receipt).

*If the complaint is about the Principal/Headteacher then the complaint will be directed to the Chair of Governors and considered as a Stage 2 complaint.

## FORMAL PROCEDURE – Stage 2 (up to 10 school working days in total)

Complaint to the Chair of Governors requesting review of the

Principal's/Headteacher's decision or a complaint about the Principal/Headteacher

- Received by Chair of Governors (within 10 school days of the Principal's/Headteacher's response);
- Acknowledgement – 3 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Chair of Governors or Clerk) – 10 school days from receipt.

## FORMAL PROCEDURE – Stage 3 (up to 20 school days total)

Request for review of Chair's Decision – Governors' Complaint Panel

- Received by Clerk to the Governors (within 10 school days of the Chair of Governor's response);
- Acknowledgement – 3 school days;
- Meeting;
- Formal written response (from the Clerk) – 20 school days from receipt of request.

The conclusion of Stage 3 brings to an end the governors' role in considering the complaint. Complainants who remain dissatisfied may wish to contact the Department for Education.

## APPENDIX 2

# Frequently Asked Questions

**What if a formal complaint is made about a governor or the chair?** The complaint should be passed through to the clerk who will arrange for an investigation. There is opportunity for the complainant to refer the matter to a Review Panel where the complainant is dissatisfied with the investigation response.

**What if the complainant seeks support from a governor or governors?** Governors must not involve themselves in matters that are likely to lead to formal complaint. Where a complainant raises their complaint with a governor who is not the Chair (or the Vice-Chair if the complaint is about the Chair), that governor must decline to discuss it and direct the complainant to the Chair, Vice Chair or the Clerk. A governor receiving written material about a complaint must forward it to the Chair, Vice-Chair or Clerk without comment.

**What if the complainant wants to make a complaint on behalf of other people's children?** The Governing Body will not accept complaints about other people's children since to do so may well compromise the position of the parents/carers of those children who may have a different view of the matter complained of.

**What if the complainant makes reference to the complaint on social media?** The Chair of Governors should contact the complainant to advise him/her that the complaint is a confidential matter and neither those investigating the issues, nor those who may be investigated would use social media in this way. Comments published on social media may be prejudicial to the fair investigation of the issues under consideration, and the Governing Body may decline to progress a complaint while unhelpful comments remain on social media.

**What if the complainant contacts the Press while the complaint is being investigated?** Similarly, the Chair of Governors should contact the complainant to remind him/her of the

confidential nature of the process and the potential prejudice to fair investigation that can result from media involvement.

**What if the complainant contacts their MP?** The school will not conclude the complaints procedure just because a complainant contacts their MP. MPs are normally conversant with school complaint policies and will usually point the complainant in that direction. Where the MP contacts the school they will be advised of the relevant process and, if the complainant wishes, of the outcome of the complaint at the end of the process.

**What if the parent or school asks for the support of the Local Authority?** The Local Authority has no formal or statutory role in responding to complaints which must be directed to the school. The Local Authority may be involved in a complaint only in the following ways:

- In providing impartial procedural advice to Headteachers, Governors and complainants, as necessary, including attendance at Review Panel Meetings when requested by the school;
- Assisting in a mediation role where **both** parties agree that this offers a possible way forward as an alternative to more formal procedures;
- In investigating a complaint on behalf of the Governing Body where there is a need for an independent investigator, either in response to a governor view that it is necessary in a particular case to demonstrate the impartiality of the process, or because the subject matter is sufficiently complex or technical to require a higher level of experience or expertise. The governing body will consider requesting an independent review if the complainant provides sufficient evidence that there would be bias in the proceedings if the review was carried out by a governor.

**What if the complainant refers the complaint to Ofsted?** Ofsted does not investigate individual complaints, though will record the complaint for information for the lead inspector when the school is next inspected. If there is a safeguarding component to the complaint then Ofsted will usually refer the matter to the Local Authority where it will be reviewed by a Leadership Adviser and/or the Local Authority Designated Officer (LADO), as appropriate.

**How should records be kept through the complaints process?** There are a number of aspects to this:

- The complainant may wish to take an **audio recording** of meetings, including a recording of the Review Meeting where governors have agreed to a face-to-face review. It should be made clear to complainants that audio recordings are not permitted without the prior consent of everyone who is present. Audio recordings change the character of a meeting and usually increase tension between the parties. Participants in meetings should be aware that modern technology facilitates concealed recording.
- The clerk should **record any action points**, and **decisions**, and **the reasons for them,** should be recorded in a brief and self-explanatory way. These records should be accessible to the complainant if requested. There is no reason why the complainant should not make notes during the meeting if s/he wishes.
- Correspondence, statements and records relating to individual complaints will be kept confidential. No one should share a complaint beyond those who have a role in handling it. In particular, any disciplinary action that might follow the investigation of a complaint is a matter of employment law for employees and of conduct for governors and volunteers. Subsequent action will not be revealed to the complainant. Individuals have certain rights under the Data Protection Act to see their personal data, including records about them.

- A written record will be kept of all complaints made about the school, along with details of whether they resolved following a formal procedure, or progression to a panel hearing.
- The school will record the actions it takes as a result of complaints (regardless of whether they are upheld.

**What if the Chair of Governors considers the complaint to be vexatious?** These would be cases where the complainant persists unreasonably with complaints, or who deliberately seeks to make life difficult for school leaders/governors, rather than genuinely trying to resolve the complaint. The school should refer to the **Managing Serial and Unreasonable Complaints Policy**. This is a difficult area, particularly where harassment might be disguised as complaint, and it is recommended that the Chair discuss this with the LA's Leadership Adviser before taking an action.

**What if the school receives duplicate complaints?** If a duplicate complaint is received at the end of the complaints procedure from a spouse, a partner, a child or a grandparent for example and the complaint is on the same subject, the new complainant will be informed that the complaint and the local school process is concluded. If any new aspects are introduced, these will be investigated.

**What if the school perceives there is a complaint campaigns?** If the school becomes the focus of a complaint campaign and receives large volumes of complaints based on the same subject or from complainants unconnected with the school, the school will either send a template response to all complainants or publish a single response on the school website that is signposted in writing to all complainants involved.

## Serial and unreasonable complaints

The school is committed to dealing with all complaints and requests for information fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive and threatening.

If, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied and attempts to reopen the same issue, they will be informed that the procedure has been completed and that the matter is now closed. Correspondence about a complaint will not be viewed as 'serial' or 'persistent' until the complaint process has concluded, unless our published serial complaint criteria applies.

The school will never take the decision to stop responding lightly and will only do so in the following circumstances:

- Every reasonable step has been taken to address the complaint;
- The complainant has been given a clear statement of the school's position and aims;
- The complainant contacts us repeatedly, making substantially the same points each time;
- The complainant's emails, letters or telephone calls are often or always abusive or aggressive;
- They make insulting personal comments about or threats towards staff;
- The school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

The school will not stop responding just because the complainant is difficult to deal with or asks complex questions. The school will act reasonably and consider any new complaint and we recognise that anybody has the right to raise a new complaint at any time.

### Communication Strategy

In exceptional circumstances the school reserves the right to implement a tailored communication strategy if an individual's behaviour is causing a significant level of disruption. For example we can:

- restrict the individual to a single point of contact via an email address;
- limit the number of times they can make contact.

Regardless of any communication strategy, the school will provide parents and carers with the information they are entitled to under The Education (Pupil Information) Regulations 2005.

### Barring from school premises

In additional exceptional circumstances the Headteacher may make the decision to bar an individual from entering school premises. In such circumstances advice from the Local Authority will be taken before implementing a ban.

## APPENDIX 3

# Issues outside of the scope of the complaints policy

| Issue | Who to contact | Legislation, policy/procedure<br>(references are generic and may not match the title of the school's own documents) |
|---|---|---|
| Complaint about an admission to school | Chair/Clerk in Foundation and Voluntary Aided schools<br><br>Local Authority in community and voluntary controlled schools | Admissions and Admissions Appeal Procedure<br>For information, view the Local Authority website |
| School re-organisation proposals | Local Authority or Diocese | |
| Complaint about a Pupil Exclusion | Clerk to the Governing Body if the exclusion is over 5 days | Rights to make representations to the Governors' Discipline Committee about a fixed period exclusion vary according to the length of the exclusion. There is a right of appeal to governors if the pupil is |

| | | |
|---|---|---|
| | Local Authority Inclusion Officer or relevant member of the Specialist Teaching Service | permanently excluded with a further right of review by an Independent Panel. |
| Allegation that a child has been harmed | Principal/Headteacher or Chair if the complaint relates to the Principal/Headteacher<br>Local Authority Leadership Adviser.<br>Local Authority Designated Officer (LADO) | DFE procedures – 'Keeping Children Safe in Education' |
| Special Educational Needs, content of or failure to maintain an Education, Health and Care Plan | Principal/Headteacher<br>Local Authority<br>The Local Authority Statutory Assessment and Resources Team | Local Authority procedures, with appeals made to the Special Educational Needs and Disability Tribunal. |
| Services provided by an external contractor | Service Manager | Service provider's procedure |
| Staff capability<br>(competence)<br>Staff conduct<br>Staff grievances | Headteacher, or Chair of Governors if the complaint relates to the Headteacher | Staff Capability Procedure<br>Staff Disciplinary Procedure. Complainants will not be told the details of any disciplinary action taken against staff, but will be informed that the matter is being addressed<br>Staff Grievance Procedure |
| Whistleblowing | Designated staff | School Whistleblowing Procedure |

## APPENDIX 4

# Sample acknowledgement letter from Principal/Head/Chair of Governors

*ISSUED ON SCHOOL HEADED PAPER*

[DATE/HEADER etc.]

I am writing to acknowledge receipt of your complaint dated [INSERT DATE] that was received on [INSERT DATE]. I will be investigating this complaint and will write to let you know the outcome. You should expect me to have issued my response to you by [INSERT DATE THAT IS 10 SCHOOL DAYS FROM DATE OF RECEIPT].

As a first step, I will be making contact to arrange a meeting with you to:

- check my understanding of what the complaint is about;
- check whether anything in the Complaint Form can be withdrawn;
- check whether anything might be added to what is written in the Complaint Form;
- check whether any evidence is available that was not referred to in the Complaint Form;
- establish what would be an acceptable outcome for you;
- discuss whether there is anything that might help resolve matters without recourse to the Complaints Procedure, for example, through mediation.

Wherever possible, I am committed to ensuring the timescales within the Governing Body's Complaints Procedure are adhered to. The person responsible for the administration of the complaint is……..who is clerk to the governors. His/her role is to ensure that the timescales are being followed and to update you on the progress of your complaint.

This is a confidential matter and I want to reassure you that I will not be discussing this with anyone other than you and those I need to see as part of the investigation. Please could I ask you likewise to keep this matter confidential, so the investigation is not prejudiced in any way (for example through the use of social media)? If the complaint requires more time to consider than the standard 10 school days laid out in the policy, I will let you know, indicating when you can expect to hear from me.

Yours sincerely

[INSERT NAME]

**Headteacher/Principal/ Chair of Governors**

## APPENDIX 5

## Sample agenda for face-to-face meeting between complainants and governors' review panel at stage 3 (if adopted by the governing body)

Remove this Appendix if the face to face option is not adopted.

| | |
|---|---|
| Meeting of Panel to consider any written representations<br>(Parent and Investigating Governor join the meeting) | Panel, Clerk, LA Adviser |
| Introductions – Chair of Panel | Panel, Clerk, LA Adviser, Investigating Governor, Parent |
| Introduction to the Stage 2 report by the Investigating Governor | Panel, Clerk, LA Adviser, Investigating Governor, Parent |
| Questions to Investigating Governor about the Stage 2 report<br>▪ Panel<br>▪ Parent | Panel, Clerk, LA Adviser, Investigating Governor Parent |
| Parental Representations | Panel, Clerk, LA Adviser, Investigating Governor Parent |
| Questions to the Parent<br>▪ Panel<br>▪ Investigating Governor | Panel, Clerk, LA Adviser, Investigating Governor Parent |
| Closing remarks by the Investigating Governor | Panel, Clerk, LA Adviser, Investigating Governor Parent |
| Closing remarks by the Parent<br>(Parent and Investigating Governor leave to allow the governors to make decisions) | Panel, Clerk, LA Adviser, Investigating Governor Parent |
| Panel's conclusions and recommendations | Panel, Clerk, LA Adviser |

# APPENDIX 6

**The DFE have published the following helpful advice about the roles and responsibilities of all involved.**

https://www.gov.uk/government/publications/school-complaints-procedures

**Roles and Responsibilities**

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and appropriate interviewing of the complainant to establish what has happened and who has been involved;
- interviewing staff and children/young people (or reviewing records of staff interviews with children) and other people relevant to the complaint;
- consideration of appropriate written records and other relevant information;
- analysing information;
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:

  sharing third party information;

  additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;

- keep careful records.

### Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, 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);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- make a written record of the proceedings;
- circulate the minutes of the meeting;
- notify all parties involved of the committee's decision.

### Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- If the complainant is invited to the meeting, that it is conducted in an informal manner, is not adversarial, and that, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the committee is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- minutes of the meeting are taken;
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;

  No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;

It is recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

Omit the section below if the face to face option is not adopted.

- many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting;
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated;
- The committee should respect the views of the child/young person and give them equal consideration to those of adults;
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend;
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

# School name… Complaint form

## Section A – Your Details

| | |
|---|---|
| Title – Mr/Mrs/Ms/Other | |
| Surname | |
| Forename | |
| Home Tel No | |
| Mobile Tel No | |
| Email Address | |
| Address and Postcode | |

How would you prefer us to contact you?

## Section B

Please give details of your complaint, including whether you have spoken to anybody at the school about it (please use a continuation sheet if necessary)

What would constitute a satisfactory resolution of your complaint?

# School name… Complaint review request form

## Section A – Your Details

| | |
|---|---|
| Title – Mr/Mrs/Ms/Other | |
| Surname | |
| Forename | |
| Home Tel No | |
| Mobile Tel No | |
| Email Address | |
| Address and Postcode | |

How would you prefer us to contact you?

## Section B

Please give reasons why you consider the response to your complaint from the Chair of Governors should be reviewed.

Please use a continuation sheet if required

What would constitute a satisfactory outcome by way of resolution of your complaint?

If at the end of the process you are not satisfied with the handling of your complaint and are seeking redress beyond the school you can contact the DFE. See Page 17 of our complaints policy for more details.