

# **St. Ethelbert's RCP**

## **Complaints Policy**

**Adopted on: 1<sup>st</sup> March 2018**

**Reviewed – October 2020 by the Full Governing Board**

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This policy has been developed by the Bolton Governor Services Team with reference to Department for Education guidance - '*Best Practice Advice for School Complaints Procedures 2016*'. A copy of this guidance may be downloaded from the [www.gov.uk](http://www.gov.uk) website. Schools are free to adapt and personalise this as appropriate.

**The following enclosures have been included for guidance purposes only and are not part of the Complaints Policy. Schools may use these as appropriate.**

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## 1. Complaints Policy Introduction

St. Ethelbert's RCP has a complaints procedure which ensures that they respond to complaints as quickly and effectively as possible. The procedure will set out exactly what will happen with a complaint and how long the process will take.

The procedure will be used to deal with complaints relating to the school and any community facilities or services that the school provides.

The school values all comments about the school and will endeavour to address the complainants concerns or complaints at the earliest stage possible.

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

The formal procedures will need to be invoked when initial attempts to resolve the complaint are unsuccessful and the person raising the complaint remains dissatisfied and wishes the matter to be heard by an impartial committee of the Governing Board.

In the first instance, complainants will be directed to a member of staff who will refer the complaint to the most appropriate person. If the complaint concerns the Head Teacher, the complainant should contact the Chair of Governors in writing via the school. If the complaint is about the Chair of Governors or any individual governor, the complainant should write to the Clerk to the Governors who will convene the complaints committee appointed from the Governing Board, and stage four of this procedure will apply. In this instance, the Vice-Chair of Governors may choose to present the evidence for the school. The Clerk may refer to the Local Authority, Governor Services /Diocese/Board of Trustees for advice and support on any investigation.

When making a complaint, it is important that the complainant identifies their desired outcome, that is what actions they feel might resolve the problem at any stage. Pupils, parents or carers can make a complaint to the school about most aspects of its function.

The same complaint could be made jointly by a number of persons, in this case it is expected that a nominee/representative speak on behalf of all complainants, otherwise, all complaints will be dealt with on an individual basis.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about for example, behaviour of pupils during break-times; health and safety issues of premises and behaviour of staff. These complaints will not fall within the jurisdiction of the Secretary of State or Ofsted, therefore only the Head Teacher and the Governing Board will consider them.

## 2. Complaints not in Scope of this Policy

Complaints not in scope of this procedure due to separate statutory procedures are:

- admissions to schools; statutory assessments of Special Educational Needs;
- school re-organisation proposals;
- matters likely to require a Child Protection Investigation;
- exclusion of children from school
- staff grievance and disciplinary procedure;
- Complaints about service provided by other providers who may use the premises or facilities.

A complaint about any community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third party provider who will have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.

### **3. Governing Board Review**

The Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints will not be shared with the whole Governing Board, except in very general terms, in case a complaints committee is required to be formed. Complaints information shared with the whole Governing Board will not normally name individuals.

If the whole Governing Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The Governing Board may make a formal approach to another school, to ask for help or the LA Governor Services team or the Diocese. Guidance should be sought on the matter before a formal approach is made.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, any underlying issues that are identified will be addressed. The monitoring and review of complaints by the school and the Governing Board is seen as a useful tool in evaluating a school's performance and will be shared with the Senior Management Team in order for services to be improved.

### **4. Timeframes and Timeliness**

Realistic timeframes for all aspects of the process are included within this procedure and should be adhered to at all stages. Where further investigation is required, new timeframes may be considered; however, details of these including an explanation will be provided to the complainant.

Complaints should be made as soon as possible after an incident arises and before three months have lapsed. After three months, the School will consider on an individual basis whether to consider exceptions to this.

### **5. Recording and Co-ordination of Complaints**

Complainants will be requested to submit their complaint in writing by completing the enclosed '*School Complaints Form*'. (Appendix 1) The School is mindful of their obligations under the Equality Act 2010 and requests for alternative methods of communication will be considered where appropriate. Suitable records of such communication will be required.

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. Minutes of the Stage 4 Complaints Committee meeting must be taken.

The School will record the progress of the complaint and the final outcome. The Head Teacher or complaints co-ordinator will be responsible for these records and hold them centrally. Complainants have a right to copies of these records under the Freedom of Information Acts.

Schools may find it useful to have a complaints co-ordinator to ensure the smooth running of the complaints procedure and adequate recording of all stages of the process. This role may be undertaken by the Head Teacher. It is expected that the role would include:

- ensuring that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaints procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Head Teacher (if not undertaking the role), Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues such as sharing third party information and additional support that may be needed by complainants, including interpretation support.

## **6. Investigating and Resolving Complaints**

The Investigator is the person(s) involved in Stages 1 to 3 of the procedure. At each stage, the person investigating the complaint will make sure that they:

- provide a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

## **7. Dealing with Unreasonable or Persistent Complaints**

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

There are occasions when complaints become unreasonable and the school has a policy to deal with such situations. A copy of the *'Policy for Unreasonable Complaints'* is enclosed (appendix 2).

The School will do their best to be helpful to complainants; however, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will take appropriate action. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform the complainant that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

## **8. Complaints Procedure – Stage 1 (informal)**

### **Stage One: Complaint Heard by Staff Member**

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise their complaint with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted will clarify the nature of the complaint and re-assure the complainant that the school wants to hear about it. Once a complaint has been received by a member of staff they will determine whether they are the best person to resolve the complaint. The complaints co-ordinator should be informed of the complaint.

The School respect the views of any complainant and if they express a difficulty in discussing their complaint with a particular member of staff the complaints co-ordinator will refer the complainant to another member of staff.

Where the complaint concerns the Head Teacher, the complaints co-ordinator will refer the complainant to the Chair of Governors.

If the complaint involves any child protection issue, the Head Teacher will inform the relevant Local Authority social care team or Local Authority Designated Officer (LADO).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member.

Once the complaint has been investigated the outcome will be communicated to the complainant and the complaints co-ordinator. The complaint will be responded to within 10 school days either verbally or in writing. The complainant must also be informed of what do next if they remain dissatisfied with the response.

If the complainant remains dissatisfied with the outcome of the investigation into their complaint they should write to the Head Teacher within 10 school days asking for your complaint to be investigated at stage 2.

## **9. Complaints Procedure – Stage 2 (formal)**

### **Stage Two: Complaint Heard by Head Teacher**

Parents and pupils will be advised of their right to make complaints. Complaints should be made either in writing using or by arrangement of an appointment with the Head Teacher. The complainant may choose to use the attached complaints form (see appendix 1). If the complaint is about the Head Teacher the Chair of Governors will deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The person investigating the complaint should be clear what exactly the complaint is and the desired outcome as soon as possible.

The Head Teacher will contact the complainant and provide an opportunity for the complainant to discuss their complaints and find solutions. This could be by phone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will be made available where necessary. The Head Teacher should have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant. If it is necessary to interview pupils as part of the investigation, this will be done in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents.

Written notes will be kept of all communications with regard to the complaint and its investigation.

The complaint will be investigated and written response will be provided within 10 school days, unless the complaint is complicated and to allow for a full investigation to be carried out an extension of 10 school days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to the complainant.

The complainant must be informed of the right to progress the complaint to stage 3 if they remain dissatisfied.

## **10. Complaints Procedure – Stage 3 (formal)**

### **Stage Three: Complaint Heard by Chair of Governors**

Where a complainant remains dissatisfied with the outcome of a complaint at stage two they should write to the Chair of Governors within 10 school days of receipt of the decision of the stage two investigation. The Chair of Governors will first ensure that the complaint has been dealt with at stage two, and the complaint is covered by the school's complaints procedure not other procedures e.g. personnel or child protection. If not the matter will be referred back to the Head Teacher and the Chair of Governors will write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying the complainant is not satisfied with the outcome of a stage two investigation, the Chair of Governors will write acknowledging that the complaint has been received. At this point the Chair of Governors will reinvestigate the complaint or/and offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used such as The Bolton Information and Advisory Service for SEND, Bully Free-zone or a professional mediation service.

The complainant must be informed of the right to progress the complaint to stage 4 if they remain dissatisfied.

## **11. Complaints Procedure – Stage 4 (formal)**

### **Stage Four: Complaint Heard by Governing Board's Complaints Committee**

Where a complainant remains dissatisfied with the outcome of a complaint at stage three they should write further to the Chair of Governors within 10 school days of receipt of the decision of the

stage three investigation. The Chair of Governors will write acknowledging that the complaint has been received and confirm that the matter will progress to be heard by the Governing Board's Complaints Committee. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents will be given, which should be at least 5 school days before the hearing.

A clerk will be appointed who will convene the complaints committee appointed from the Governing Board. The committee will comprise of 3 or 5 governors who have no previous involvement with the complaint, of which one will assume the role of chair for the committee, who will have delegated powers to hear complaints at this stage. The complaint should never be heard by the entire Governing Board. If the whole Governing Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The Governing Board may make a formal approach to another school, to ask for help or the LA Governor Services team or the Diocese. Guidance should be sought on the matter before a formal approach is made.

### **Procedure for the Governing Board Complaints Committee Hearing**

The School at this point will determine the appropriate person to represent at the meeting. This would usually be the Head Teacher or Chair of Governors. In the event of a complaint about the Head Teacher, this would be the Chair of Governors.

The Head Teacher and Chair of Governors will also be invited to submit a written report for the committee; this may be a copy of the stage two and three response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The complaints committee will set a timetable for the hearing and should notify the complainant of this. The hearing should be heard within 20 school days of receiving the letter following stage three.

It is strongly recommended that the complaints hearing meeting be professionally clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- welcome the parties as they arrive to the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

The Clerk will write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted will be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors will ensure that minutes are taken at the complaints committee meeting.

The committee should be open-minded and independent. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their complaint has been taken seriously.

The decision of the committee must be final as they have been delegated authority by the Governing Board to hear and make decisions about the complaint.



The hearing will be held in private. Any witnesses (other than the complainant and the Head Teacher) will only attend for the part of the hearing in which they give evidence. Good practice would be that at no point will the Head Teacher or the complainant be left with the complaints committee without the other being present.

The committee should remember that the complainants may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the committee. It is recommended that the chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting will allow for

- The complainant to explain their complaint and the Head Teacher to explain the school's response
- Witnesses to be brought by the complainant or the Head Teacher
- The Head Teacher and the complainant to ask questions of each other and any witnesses
- The committee to ask questions of the complainant, Head Teacher and any witnesses
- The complainant and the Head Teacher to summarise their position

The chair of the committee should thank the complainant and Head Teacher for their attendance and request they leave the meeting while the committee consider their decision.

The Committee Members can then decide to:

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

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant and the Head Teacher within 5 school days of the meeting.

The school will retain a copy of all correspondence and records of meetings in line with current retention guidelines.

## **12. The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds

that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996. Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

If the complainant remains dissatisfied with the outcome of their complaints, they can refer the matter or seek further advice from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

**The School Complaints Unit (SCU)**  
**Department for Education**  
**2<sup>nd</sup> Floor, Piccadilly Gate**  
**Manchester**  
**M1 2WD**

**[School Name]**

**School Complaints Form**

Please complete and return to \_\_\_\_\_ (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken

**Surname:** \_\_\_\_\_ **First Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_ **Postcode:** \_\_\_\_\_

**Home Tel:** \_\_\_\_\_ **Work Tel:** \_\_\_\_\_

**Mobile:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Pupil's Name (if relevant):** \_\_\_\_\_

**Your relationship to pupil (if relevant):** \_\_\_\_\_

**1. Please give details of your complaint: (continue on a separate sheet if necessary)**

Continued Overleaf...

**2. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)**

**3. What actions do you feel might resolve the problem at this stage?**

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

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

After completion please email this form to: [school email]

or Fax to: [school fax number]

or Post to: [school address]

**OFFICIAL USE**

Date Acknowledgement Sent: \_\_\_\_\_

Acknowledgement Sent by who: \_\_\_\_\_

Complaint Referred to: \_\_\_\_\_

Date: \_\_\_\_\_

**[School Name]****Policy for Unreasonable Complaints**

[School Name] is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the 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 or threatening.

[School Name] defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;

- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**Adopted on:** \_\_\_\_\_

**For Review on:** \_\_\_\_\_

## **Investigating Complaints – Interviewing Best Practice**

### **Guidance for Schools**

#### **Children and Young People**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

#### **Staff / Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Head Teacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Taken from the Department for Education's *'Best Practice Advice for School Complaints Procedures 2016'* – *Departmental advice for maintained schools, maintained nursery schools and local authorities.*





## **Serial and Persistent Complaints – Guidance for Schools**

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

### **Is it time to stop responding?**

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.
- The case is stronger if the school agrees with one or more of these statements:
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

*Taken from the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016' – Departmental advice for maintained schools, maintained nursery schools and local authorities.*

**[School Name]**

## **School Complaints Procedure**

### **Summary Guidance for Parents**

**[Name of School]** have a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. (a copy of the full policy can be obtained from the School)

This procedure is to deal with complaints relating to the school and any community facilities or services that the school provides. We value all comments about our school and we will endeavour to address your concerns or complaints at the earliest stage possible to prevent escalation to the formal stage and a protracted complaint that can be distressing for all involved.

When making a complaint it is important you identify your desired outcome, that is what actions you feel might resolve the problem at any stage. If the complaint concerns the Head Teacher or individual governors you should contact the Chair of Governors directly in writing.

#### **Stage One: Complaint Heard by Staff Member**

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve your concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Once the complaint has been investigated the outcome will be communicated to you. Your complaint will be responded to within 10 working days either verbally or in writing. If you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Head Teacher within 10 days asking for your complaint to be investigated at stage 2.

#### **Stage Two: Complaint Heard by Head Teacher**

When a complaint is received at stage 2 it will be acknowledged within 5 school days. The Head Teacher will contact you to provide an opportunity to discuss your concerns and find possible solutions. This could be by phone or in a meeting. You may bring a friend, family member or advocate to any meeting if you wish.

The complaint will be investigated and a written response will be provided within 10 school days, unless the complaint is complicated and to allow for a full investigation to be carried out, an extension of 10 days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to you. You have the right to take the complaint to stage 3 if you remain dissatisfied.

#### **Stage Three: Complaint Heard by the Chair of Governors**

You should write to the Chair of Governors within 10 school days of receipt of the decision of the stage two investigation. Upon receipt of your letter the Chair of Governors will write acknowledging receipt of your complaint. At this point the Chair of Governors will investigate the complaint or/and offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used such as The Bolton Information and Advisory Service for SEND, Bully Free-zone or a professional mediation service.

The Chair will write to you to advise you of the outcome of their investigations. If you remain dissatisfied with this outcome, you have the right to take the complaint to stage 4, Governing Board Complaints Committee.

### Stage Four: Complaint Heard by Governing Board's Complaints Committee

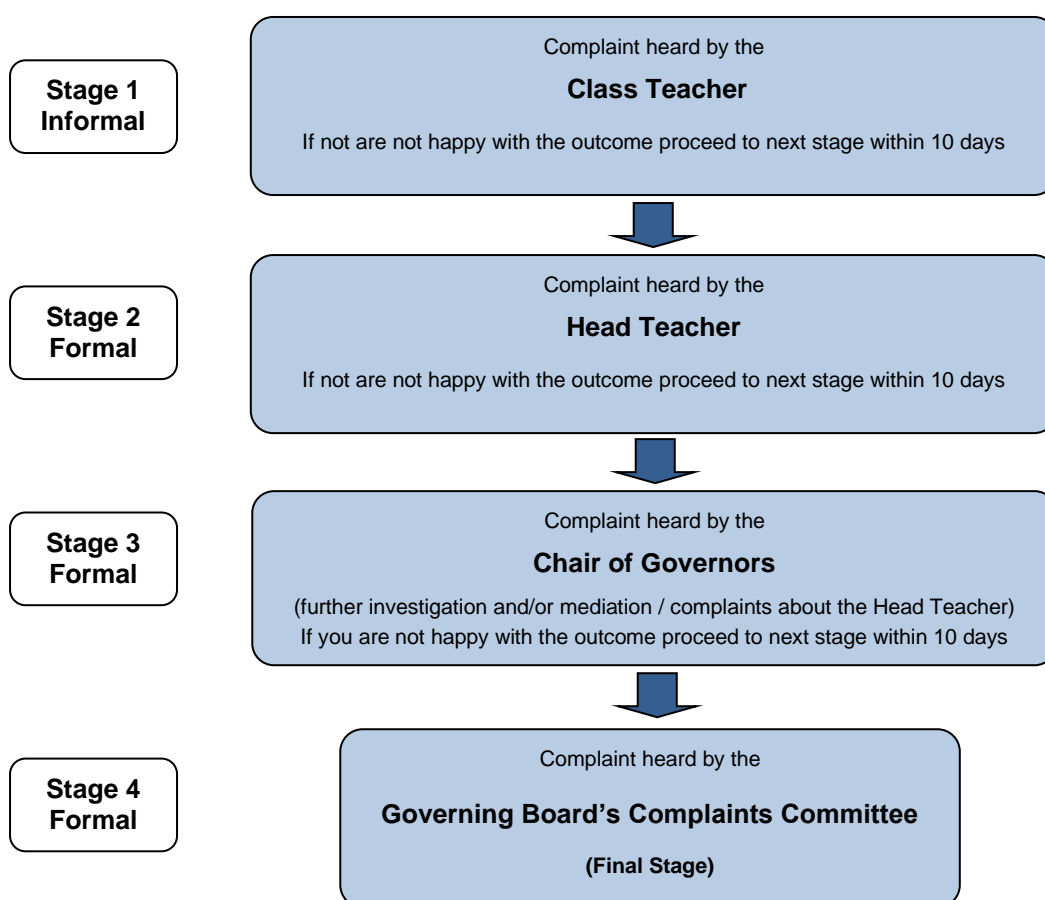
You should write to the Chair of Governors within 10 school days of receipt of the decision of the stage three investigation/mediation. Upon receipt of your letter the Chair of Governors will write acknowledging receipt of your wish to progress the complaint. You have the right to submit any further documents or information relevant to your complaint and the deadline for submission of these documents will be at least 5 days before the hearing.

The Clerk to the Committee will arrange for the Complaints Committee to be convened which will comprise of 3 or 5 governors who have no previous involvement with the complaint. The review hearing should be heard within 20 school days of receipt of your letter.

The Clerk to the Committee will write to inform you of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted will be circulated to all parties. You may bring a friend, family member or advocate to the meeting if you wish.

At the end of the meeting, the committee will decide whether to dismiss the complaint in whole or in part, to uphold the complaint in whole or in part, decide on the appropriate action to be taken to resolve the complaint and recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur. A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to you and the Head Teacher within 5 school days. The decision of the Committee is final.

The following diagram details the stages you should follow in the event of a complaint:



**[School Name]**

## **School Complaints Procedure**

### **Summary Guidance for Governors – Formal Stage 4**

[Name of School] have a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. (a copy of the full policy can be obtained from the School)

If the Head Teacher/Chair of Governors is unable to resolve the matter at Stage Two or Three, the complaint can be referred to a Complaints Committee appointed by Governing Board. The aim of the hearing is to establish any areas of agreement and identify actions that can be taken to resolve the complaint. The Governing Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing appeals would normally be part of the school's complaints procedure. The committee can be drawn from the nominated members and may consist of three or five governors. The committee may choose its own chair.

#### **The Remit of the Complaints Committee**

The committee has delegated powers to:

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

There are several points which any governor sitting on a complaints committee needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is 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. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee Chair will ensure that the proceedings are as welcoming as possible.

The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

### **Role of the Chair of the Complaints Committee**

The Chair of the Committee has a key role, ensuring that:

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Checklist for a Complaints Committee Hearing**

The committee needs to take the following points into account:

- The committee needs to take the following points into account:
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The Chair explains that both parties will hear from the committee within a set time scale.

### **Notification of the Committee's Decision**

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response; this is usually will be within 5 days of the date of the hearing. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed. This could be the Secretary of State, Ofsted, The Diocese or Welfare Trust.