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COMPLAINTS POLICY

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Introduction

Our school recognises that at times things can and do go wrong and there will be occasions when parents / carers / stakeholders are worried or concerned about issues arising from their child's experiences at Abbey CofE Infant and Nursery School.

The Headteacher, Staff and Governors are committed to taking concerns and complaints seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. All concerns will be dealt with in a sensitive, impartial, and confidential manner and
on the rare occasions when a concern cannot be resolved, we will follow our formal complaints procedure.

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

It is also based on guidance for schools on complaints procedures from the Department of Education (DfE).

Purpose and Scope

The scope of this policy covers most complaints that the school is likely to receive from parents, students, or stakeholders. However, it is not intended to cover aspects for which there are specific statutory requirements such as SEND, curriculum and admissions. This policy will be applied to all complaints apart from the exceptions listed later in this document.

Complaints are expected to be made as soon as possible (within 3 months) after an incident arises, or where a series of associated incidents have occurred, within 3 months of the last of these incidents. If a complaint is received after this time, the school will take no further action, unless there are

exceptional circumstances.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

Our School Complaints Policy will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Involve management that will be impartial and non-adversarial.
- Allow swift handling with established time limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the leadership teams so that services can be improved.
- Not allow for anonymous concerns or complaints to be investigated unless there are exceptional circumstances. The Headteacher will determine whether an anonymous complaint warrants an investigation

Roles, Responsibilities and Expectations of All Parties

- ### Complainant (or person who makes the complaint)

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

- ### Governance Professional / Clerk to the Trust Board

The Governance Professional is the contact point for the Complainant, School Representative, and the Governing Board Review Committee Members, 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
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.
- Provide procedural advice and guidance and acting in accordance with the policies and procedures

- Governing Board Review Committee Chair

The Governing Board Review Committee Chair, who is nominated in advance of the Governing Board Review Committee Meeting will:

- chair the meeting, ensuing that everyone is treated with respect throughout
- make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case
- ensure the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- seek to put the complainant(s), who may not be used to speaking at such a meeting, at ease. This is particularly important if the complainant is a child / young person
- ensure the remit of the committee is explained to all parties
- ensure 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 UK GDPR legislation

  If new issues arise it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- ensure both the complainant and the school representatives are given the opportunity to make their case and seek clarity, either through written material ahead of the meeting or verbally during the meeting
- enable the issues to be addressed and key findings of fact are made, if appropriate
- ensure the Governing Board Review Committee Members are open-minded and act independently

- ensure no member of the Governing Board Review Committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- ensure notes are taken during the meeting and the outcome of the meeting is recorded
- consult with the Governance Professional
- Governing Board Review Committee Members

Governing Board Review Committee Members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No Governing Board Review Committee Member may sit on the panel if they have had 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
- 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
- many complainants will feel nervous and inhibited in a formal setting and 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 a child / young person does not feel intimidated

  The views of the child / young person are given equal consideration to those of adults

  If the child / young person is the complainant, the committee members should ask in advance if any support is needed to help them present their complaint. Where the child's / young person's parent is the complainant, the panel should give the parent the opportunity to say which part 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.
- they are to notify the complainant in writing of the outcome of the Governing Board Review Committee Meeting and the next stage of the process, should they wish to pursue the matter further
- they are to advise the School Representatives of the outcome and of any further action to be taken
- they should arrange for the Governing Board to be notified in general terms of the

complaint and of any further action to be taken

Definitions / Explanations of Terms Used

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

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought." The school will resolve concerns through day-to-day communication as far as possible.

- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action."

Any concern or complaint will be taken seriously, whether formally, or informally, and the appropriate procedure shall be taken.

- A '**grievance'** is an issue raised by a member of staff where they feel the school has not implemented a policy, process, or procedure fairly or properly. Grievances will be dealt with in line with our school's Grievance Policy.

- The definition of "**unreasonable complaints**" is outlined in the 'Managing Serial & Unreasonable Complaints section of this policy.

- For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent, or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
  Any new details provided by a complainant's spouse, partner, grandparent, or child, will be investigated and dealt with in line with the complaint's procedure.

- The term '**parent'** has been used throughout this document to include parents, legal guardians, and full-time carers.

- A '**school day'** is defined as a weekday during term time. It does not include weekends, school holidays and bank holidays.

Who Can Make a Complaint?

Our Complaints Policy is not limited to stakeholders, parents or carers of children that are registered at our school. Any person can make a complaint, this includes:

- parents or carers of children currently at the school
- parents or carers of children no longer at the school
- members of the public

- a third party acting on behalf of the complainant. In these cases, written consent will be required from the complainant before any information is disclosed.

Our Complaints Procedure

The school's complaints procedure consists of four stages:

- Informal Stage (School Resolution) - Concerns and complaints raised with the member of staff
- Stage 1 – Concerns and complaints investigated by Headteacher / Investigating Officer
- Stage 2 – Complaints investigated Chair of Governors or Suitably Skilled Governor
- Stage 3 – Governing Board Review Committee

Time Limits

Time limits for each stage of the procedure are set out under each individual stage. Although every effort will be made to comply with the time limits specified it may not always be possible to do so, for example, due to the complexity of the matter raised or due to the unavailability of the complainant to attend a meeting if one is offered.

However, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

Retention of Records

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and any action taken by the school. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the Governing Board Review Committee members.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) Request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Interviewing Witnesses

- When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g., where the possibility of criminal investigation exists, in the presence of their parents / carers

- The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation

- The school understands the importance of ensuring the availability of a friendly and relaxed area which is free from intimidation

- All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them

- 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

- The interviewer will not express opinions in words or attitude, so as to not influence the interviewee

- The interviewee will sign a copy of the transcription of the interview

How to Raise a Concern or Make a Complaint

Most concerns or complaints received will be from parents regarding issues relating to an individual child or children. However, there may be occasions where concerns or complaints are received about the school's management of wider issues.

In nearly all cases, communicating face to face, between the appropriate member of staff and the parent / carer is the most effective way to address concerns or complaints. A good discussion, when all parties are listening to each other and seeking resolutions, will often be the most effective and quickest way of resolving an issue.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. This consent to act on behalf of another must be evidenced to the school before any progress is made towards a resolution.

- Complaints concerning school staff (except the Headteacher) should be marked as "Private and Confidential" and addressed to the Headteacher via the School Office

- Complaints that involve or are about the Headteacher should be marked as "Private and Confidential" and addressed to the Chair of Governors, via the school Office

- Complaints concerning the Chair of Governors, any individual Governor or the whole Governing Board should be marked as "Private and Confidential" and addressed to the Governance Professional via the School Office.

- Complainants should not approach individual governors to raise concerns or complaints. Governors will not act on an individual complaint outside the formal procedure or be involved at the early stages as it may prevent them from considering complaints at stage 3 of the procedure

Some complaints fall outside the school's complaints procedure, for example, staff grievances or staff conduct and / or competency. In these cases, if such an issue is brought to the Headteacher's or Chair of Governor's attention, the school will follow its own internal personnel processes. The complainant will be informed that an issue is to be considered as part of the school's personnel processes but will not be informed of the outcome of any such considerations.

Retaining Documents At The End of the Process

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and school privacy notices. However, this would usually be Date of Birth + 25 years for matters relating to a complaint.

After the retention period has ended, the appropriate person in school will review the records and decide whether to keep them (for example, in the case of any contentious disputes) and file them. This is stated in the Information and Records Management Society's information management toolkit for schools.

Governing boards should consider the physical location of where the papers regarding the complaint will be held (e.g., with other Governing Board documents or on a secure platform) due to the sensitive nature of some complaints.

Recording a Complaint

A written record shall be kept of any complaint made, whether via phone, in person or in writing detailing:

- the main issues raised, the findings and any recommendations.
- whether the complaint was resolved following an informal route, formal route, or panel hearing.
- actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the Complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

We will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Complaint Campaigns

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints which are all based on the same subject and / or from complainants unconnected with the school.

Depending on the subject in question, the school may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where the school becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g., parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Duplicate Complaints

If the school has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to consider.

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

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

If there are new aspects the Complaints Procedure will be followed again.

Parental Responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

The DfE guidance: Understanding and dealing with issues relating to parental responsibility contains specific advice about how to approach issues concerning parental responsibility. The school will adhere to this advice as well as following this policy.

Anonymous Complaints

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

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Recordings of Conversations

Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence in the complaints process.

Use of Social Media

In order for concerns or complaints to be resolved as quickly and fairly as possible, the school strongly discourages parents, carers, and other members of the school community to use social media platforms to publicly discuss concerns or complaints which should more appropriately be dealt with within the school processes for concerns and complaints.

Concerns or complaints will be dealt with confidentially for those involved, and the school expects parents, carers, and members of the school community to also observe confidentiality.

Complaint Form

A Complaint Form is included at the end of this procedure which may be used. If help is required in completing the form, please contact the school office. Alternatively help can be sought from third party organisations such as the Citizens Advice.

Equal Opportunities

In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this complaints procedure, such as providing information in alternative formats, assisting them in raising a formal complaint or holding meetings in accessible locations.

Resolving Complaints

At each stage in the procedure the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An apology
- An explanation
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken, or will be taken, to ensure that it will not happen again and an indication of the timescales within which any changes will be made
- A finding that the complaint requires no further action
- An admission that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An undertaking to review school policies, practices, and procedures in light of the complaint

- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint at any point, they will be asked to do so in writing. If the complaint is not withdrawn in writing, the Headteacher will email the complainant stating that it is understood that the complaint has been withdrawn and that the matter is closed.

Timescales

Complaints should be raised promptly, within 3 months of the incident, or where a series of associated incidents have occurred, within 3 months of the last of these incidents. If a complaint is received after this time, the school will take no further action, unless there are exceptional circumstances.

Exceptional circumstances are where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether to enact the complaints procedure, informing the Chair of Governors of the decision.

Complaints Received Outside of Term Time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

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

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay

Complaints about our Fulfilment of the Early Years Requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainants of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or be emailing: enquiries@ofsted.gov.uk. An online contact form is also available at: https://www.gov.uk/government/organisations/ofsted#org-contacts.

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Complaints Exceptions – Complaints Not Covered by this Policy

Some complaints will be outside the scope of these procedures as there are separate statutory procedures to deal with such issues. These include:

Exceptions	Who to contact
• Admissions to schools • Education, Health & Care Needs Assessment • School re-organisation proposals	Concerns about Admissions, Education Health & Care Needs Assessment, or School re-organisation proposals should be raised with Warwickshire County Council.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled in line with our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the LA Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school*	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions **Complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Staff grievances	Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedures In these cases, complainants will not be informed of the outcome of any investigations, however, they will be notified that the matter is being addressed.
• Staff Conduct and / or Competency Complaints	Complaints about staff will be dealt with under the school's internal personnel procedures, if appropriate. Complainants will not be informed of any outcomes of the complaint or action taken in relation to a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Whistleblowing	The school has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. They may also be able to complain direct to the LA or the Department for Education (see link below), depending on the substance of their complaint. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus

• Complaints about the curriculum	Please contact the Department for Education at: www.education.gov.uk/contactus
• Complaints about collective worship	Complaints about how the school delivers RE and RSE **will** be dealt with using this complaints procedure Any complaints about the content of collective worship should be made to: • the Local Authority • the local Standard Advisory Council on Religious Education • other relevant body e.g., the appropriate Diocese
• Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education including the DACW (Daily Act of Collective Worship). They do not have to explain why. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective workshop will be handled in line with this complaints procedure.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct

Arrangements for handling complaints from parents of children with Special Educational Needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the (class teacher); they will then be referred to the complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Exceptional Circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Students are at risk of harm
- Students are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) Safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Reviewing and Monitoring Arrangements

The Governing / Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Headteacher will record the number and nature of complaints, and review underlying issues as stated above.

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

The complaints procedure will be reviewed every 2 years, considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedure remains with the Governing / Trust Board.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop process and the monitoring and reviewing of complaints will be used to help evaluate the school's performance.

The Role of the Local Authority (LA)

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Head Teacher, Chair of Governors, or Governance Professional as appropriate

Availability and Publishing our Policy

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the DFE and ESFA.

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COMPLAINTS PROCEDURE

Introduction

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaint Procedure.

Our school takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible and provide any reassurances that may be necessary. However, there are occasions when complainants would like to raise their concerns formally. In these cases, school will attempt to resolve the issue internally, through the stages outlined within this complaint procedure.

Our school aims to foster and maintain positive relationships with parents and carers through a timely response to all concerns.

Our school governors want to ensure that potential complainants feel able to raise concerns with members of staff without 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 who deals with the initial contact will:

- clarify the nature of the concern and reassure the complainant that we want to hear about it
- resolve the concern immediately if the member of staff can do so
- record the enquiry and any agreements made and notify the Headteacher

If the Complainant has difficulty discussing a concern with a particular member of staff, we will respect their views and, in these cases, the Headteacher will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer the concern to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

If the member of staff cannot resolve the concern, they will:

- make a clear note of the name, contact address and telephone number together with details of the nature of the concern and the outcome the complainant is looking for
- refer the concern to the Headteacher, or more appropriate person

The staff member dealing with the concern will ensure that the Complainant is kept informed of any action taken. The emphasis at this stage is on resolving the issue quickly and informally for the benefit of pupil, parents / carers, and staff.

We understand however, that there are occasions when people would like to raise their concerns formally and, in this case, we will attempt to resolve the issue internally, through the stages outlined within our Complaints Procedure.

Informal Stage (School Resolution)

This stage does not apply to complaints against the Headteacher, a Governor, or the Governing Board.

The intention of the school is to create and maintain a safe, happy, and healthy learning environment and the staff and governors seek to establish a spirit of cooperation with parents, carers, and other interested parties to ensure that a positive school community ethos is established to achieve and maintain this.

It is in everyone's interest to resolve concerns at the earliest stage and the school's experience is that many issues can be resolved by proactive and timely discussion between the appropriate people. The school will take informal concerns seriously and will make every effort to resolve the matter quickly and effectively. It may be the case that the provision or clarification of information will resolve the issue.

To assist this the concern or complaint should be made either in person, in writing (including email), or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. This consent to act on behalf of another must be evidenced to the school before any progress is made towards a resolution.

- It is recommended that the complainant makes an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted

- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away

- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem

- To prevent any later challenges or disagreements over what was said, it is good practice for the teacher to make brief written notes of meetings and telephone calls and a copy of any written response should be added to the record. These notes are kept securely on the school's ICT system.

- They may need to talk to others before they can respond. The Complainant should be given a timescale for a response; no more than 5 school days.

If the person with the concern has difficulty discussing it with a particular member of staff, we will respect their views. In these cases, the Headteacher will decide on who should deal with the concern.

Similarly, if the member of staff feels that they are not the best person to be dealing with it, they will refer it to the Headteacher for a decision on who should deal with the concern.

If the issue remains unresolved, the next step is to discuss it informally with a more senior member of staff.

The member of staff dealing with a concern will make a written record of the issues raised, the action taken and, at the conclusion of their investigation, will provide an informal written response within 5 school days of the date of the complaint. All documentation relating to the informal complaint will be retained in a central record.

Most concerns will be satisfactorily dealt with in this way. However, if the complainant is not happy with the informal approach, then a formal complaint must be made to the Head Teacher *(unless they are about the Head Teacher)* via the school office, giving the reasons for the continued concern.

If the concern or complaint is not resolved informally and before it is escalated to a formal complaint the next step *could be* to offer mediation.

Sometimes during the handling of a complaint, communication between the complainant and the school can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school (or the complainant) may suggest mediation if communication becomes a problem.

The school may use someone independent from the school to investigate a complex issue or to facilitate a mediation meeting although many Chairs of Governors and other governors already have the skills to conduct a mediation process between the School Representative and Complainant.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial, and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships.

If mediation is not an option and the complainant considers that the School Resolution has not delivered a satisfactory conclusion, they should submit a request in writing to the Headteacher outlining the reasons for a formal investigation.

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Stage 1 – Review by Headteacher

This stage does not apply to complaints against the Headteacher, a Governor or the Governing Board.

The Headteacher may delegate the investigation to another member of the school's senior leadership team (Investigating Officer)

Formal complaints can be made either in person, in writing using the school's complaint form, by email, or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. This consent to act on behalf of another must be evidenced to the school before any progress is made towards a resolution.

A Complaint Form is included at the end of this document which may be used. If help is required in completing the form, please contact the school office. Alternatively, help can be sought from third party organisations such as Citizens Advice.

The complainant should set out clearly the nature of their complaint, any unresolved issues, including relevant dates and full names of persons involved, and clarify what action they believe would resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action. Any documentation should be attached to the complaint.

The complaint will be acknowledged in writing within 5 school days of date of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit. It will also specify who has been appointed as the Investigator (person appointed by the Headteacher for this purpose).

The Investigator will be a senior member of staff who has no prior involvement with the complaint.

The Headteacher or Investigator will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved
- Meet or contact the Complainant if they need further information
- Clarify how the Complainant may feel things could be put right (if this has not been set out in their letter or included on the Complaints form)
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish
- Conduct any interviews with an open mind
- Keep notes of any interview for the record

The complainant will be offered the opportunity to meet with the Investigator and to be accompanied by a friend or relative not acting in a legal capacity to speak on their behalf or help them make their case. The complainant should inform the school of the identity of their companion in advance of the meeting.

The Investigator will interview relevant witnesses and take statements from those involved. These will be dated and signed.

If the complaint involves a pupil, they should also be interviewed, normally with a parent/carer present. In some cases, however, this may not be possible and a member of staff with whom the pupil feels comfortable will attend the interview.

To prevent any later challenge or disagreement over what was said, the Investigator will keep brief notes of meetings and telephone conversations and a copy of any written response. These notes will be kept securely.

Outcomes to a complaint may include:

- An apology
- An explanation
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken, or will be taken, to ensure that it will not happen again and an indication of the timescales within which any changes will be made
- A finding that the complaint requires no further action
- An admission that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An undertaking to review school policies, practices, and procedures in light of the complaint
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

Once all facts are established, within a maximum of 15 school days (excluding those that fall in the school holiday) a written response confirming the outcome of the investigation will be sent to the complainant.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions which the school will take to resolve the complaint.

The letter will inform the complainant if they are dissatisfied with the outcome of the investigation, and they wish to escalate their complaint to Stage 2 (the next stage of the procedure) they should inform the Governance Professional within 10 school days of the date of the formal written response setting out the outcome of the Stage 1 investigation.

If a written response is received after the 10 school days as requested, the Headteacher will make the decision as to whether to allow the complaint to be escalated to Stage 2.

Where a complaint is received during a school holiday or within 20 days from the start of the Christmas, Easter, or summer holidays, the Headteacher will endeavour to expedite the investigation wherever possible.

Where a time limit cannot be complied with, the school will write to the complainant within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

Stage 2 – Investigation by Chair of Governors / Suitably Skilled Governor

Complaints at this stage are in one of three categories:

1. The complainant is not satisfied with the outcome at Stage 1 - Review by Headteacher / Investigator
2. The complainant has made a complaint about the Headteacher, or a member of the Governing Board, this may include the Chair or Vice-Chair
3. The complaint is:
    - Jointly about the Chair and Vice Chair *or*
    - the majority of the Governing Board *or*
    - the entire Governing Board

To escalate the complaint, the complainant will be asked to contact the Governance Professional either in person, in writing using the school's complaint form, by email, or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. This consent to act on behalf of another must be evidenced by the Governance Professional before any progress is made towards a resolution.

The complainant should set out clearly the nature of their complaint, any unresolved issues, including relevant dates and full names of persons involved, clarify how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what action they feel would resolve the issue. Any documentation should be attached to the complaint.

The complaint will be acknowledged in writing within 5 school days of date of receipt.

Stage 2 - Complaints against the Headteacher, a Governor, or the Governing Board

Any **concern or complaint made against the Headteacher, a Governor or the Governing Board** should be directed to the Governance Professional.

If the **concern or complaint is about the Headteacher or one member of the Governing Board (including the Chair or Vice-chair)**, a suitably skilled and impartial governor will carry out an investigation as outlined in the Informal (School Resolutions) Stage of the Complaints Procedure.

A full written response confirming the outcome of the investigation will be made to the complainant within 15 school days {excluding those that fall in the school holiday) of the written complaint being received.

The letter will set out the individual matters raised by the complainant, the findings made by the governor and the conclusion reached.

The letter will inform the complainant if they are dissatisfied with the outcome of the investigation, and they wish to escalate to the next stage of the procedure, they should inform the Governance Professional within 10 school days of the date of the formal written response setting out the outcome of this Stage 2 investigation.

If the **concern or complaint is about the Chair and Vice-Chair, the entire Governing Board, or the majority of the Governing Board** an independent investigator will carry out the steps as mentioned previously.

An Independent Investigator may be appointed by the Governing Board, the Local Authority, or the Diocese. A full written response confirming the outcome of the investigation will be made to the complainant within 15 school days {excluding those that fall in the school holiday) of the written complaint being received.

The letter will set out the individual matters raised by the complainant, the findings made by the Investigator and the conclusion reached.

The letter will inform the complainant if they are dissatisfied with the outcome of the investigation, and they wish to escalate to the next stage of the procedure, they should inform the Governance Professional within 10 school days of the date of the formal written response setting out the outcome of this Stage 2 investigation.

Where a time limit cannot be complied with, the school will write to the complainant within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

If a **written complaint is sent directly to or received by any member of the Governing Board** it should be forwarded to school to enable the correct process to be followed.

Stage 3 – Governing Board Review Committee

This is the **Final Stage of** the **Complaints Procedure**.

If the complainant is dissatisfied with the outcome of the complaint under Stage 2 of the Complaints Policy and wishes to take the matter, further, they can escalate the complaint to Stage 3 – a Governing Board Review Committee Meeting.

The complainant may write to the Governance Professional within 10 school days of receiving the letter confirming the outcome of Stage 2 and requesting a Governing Board Review Committee Meeting. Any requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will record the date the complaint is received and write to the complainant within 5 school days of receipt to acknowledge receipt of their request for a Governing Board Review Committee Meeting.

The acknowledgement letter will confirm the date that the formal request to review the decision was received, the action to be taken and the specified time limit. It will also include the names of the Governing Board Review Committee members. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent Committee - complainants should provide evidence to support their request. Whilst the final decision regarding such a request rest with the Governing Board Review Committee it should be granted where the appearance of bias is enough to taint any decision reached.

The Governing Board Review Committee will consist of at least 3 Governing Board Members who were not directly involved in any matters detailed in the complaint, and with no prior involvement or knowledge of the complaint.

To appoint a governor from another school onto an independent complaints appeal panel, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. *However*, as our school a Joint Hearings Panel agreement in place with other schools these governors may be appointed onto the Governing Board Review Committee.

Prior to the meeting, the Governing Board Review Committee Members will decide amongst themselves who will act as Chair of the Governing Board Review Committee Meeting.

Alternatively, an entirely independent Governing Board Review Committee may be convened to hear the complaint at this stage of the procedure.

The Governance Professional will write to the complainant to inform them of the date of the Governing Board Review Committee meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request.

If this is not possible, the Governance Professional will write to the complainant and the school representative within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply

The Governing Board Review Committee members will decide whether to deal with the complaint by inviting parties to a Governing Board Review Committee Meeting or through written representation, but in making their decision they will be sensitive to the Complainant's needs.

In some circumstances, it may be possible and appropriate for the Chair of the Governing Board Review Committee to resolve the issue with the Complainant without the need for a Governing Board Review Meeting.

The Complainant must be given reasonable notice of the date of the Governing Board Review Committee Meeting; however, if they reject the offer of three proposed dates without good reason, the Governance Professional will decide when to hold the meeting. It may then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the Governing Board Review Committee Meeting, they may bring someone along to provide support. This can be a friend, relative or colleague but they will not play any part in the proceedings unless invited to do so by the Chair. There may be occasions when legal representation is appropriate, such as if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

If attendance of any pupil is required at the Governing Board Review Committee Meeting, parental permission will be sought if they are under the age of 18 years. A pupil has the right to be accompanied and extra care will be taken to consider the vulnerability of children where they are present.

Representatives from the media are not permitted to attend.

Once the Governing Board Review Committee Meeting has been arranged, the Governance Professional will write to the complainant to confirm the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible. The Governance Professional will also request copies of any further written material to be submitted to the Committee members.

A copy of the letter should be sent to the school representatives and the Governing Board Review Committee members.

Any written material that the Complainant and School representatives wish to submit in relation to their complaint must be sent to the Governance Professional at least 10 school days before the Governing Board Review Meeting.

The Governing Board Review Committee Members reserve the right not to consider any written material presented by either the complainant or the school less than 10 working school days prior to the Governing Board Review Meeting or at the meeting itself.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Governing Board Review Committee Members will not normally accept, as evidence, any recordings of conversations that were obtained covertly and without the informed consent of all parties concerned.

The Committee Members will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints will be dealt with from Stage 1 of the procedure.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in the notes.

If the Complainant(s) or School representatives wish to call witnesses, the names of these potential witnesses must be given to the Governance Professional at least 10 school days before the meeting. The Governing Board Review Committee Members will consider the appropriateness of any witnesses requested.

The Governing Board Review Committee Members are under no obligation to hear oral evidence from witnesses but may do so and /or may take written material into account.

The Complainant(s) and School representatives are responsible for ensuring that any witnesses are aware of the time / date / location of the meeting.

The Complainant can be accompanied by a suitable companion, this may be a friend, relative, advocate or interpreter. The name of any companion attending must be advised to the Governance Professional 10 school days before the meeting.

The Governing Board Review Committee Meeting is not a form of legal proceedings. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and / or legal representation.

The decision of the Governing Board Review Committee is final and will be communicated in writing to the complainant and school representatives within 10 school days. The recommendations and findings will be made available for inspection on the school premises by the Headteacher.

If it is not possible to meet this timeline, then the Chair of the Governing Board Review Committee will contact both parties to discuss a mutually convenient date.

The Governing Board Review Committee members will consider the complaint and all the evidence presented. They can make the following decisions:

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

The Governance Professional will record the proceedings in the form of minutes. The typed minutes are a summary of the procedure followed and the discussions taking place at the meeting but will not include the deliberations of the panel. Notwithstanding this, full and comprehensive notes of the decision taken by the Governing Board Review Committee should be taken. The minutes are the property of the Governing Board Review Committee, and the final approved version can be made available upon request, with release subject to Data Protection rules.

The Governing Board Review Committee will ensure that their findings and recommendations are sent by electronic mail or otherwise given to the complainant.

Where relevant, the person complained about will receive an approved summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under Data Protection legislation.

The Governing Board Review Committee will also ensure the findings and recommendations will be available for inspection on the school premises by the Headteacher (and / or proprietor)

A written record will be kept of all complaints, and the stage they were resolved or whether they proceeded to a Governing Board Review Committee Meeting, together with the actions been taken, regardless of the decision.

All correspondence, documents and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps: Referring Complaints to the DfE

There is no further right of appeal in respect of the decision of the Governing Board Review Committee with regard to the complaint other than to the Department for Education (DfE) on the grounds that the Governing Board Review Committee has not followed the complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law.

The DfE will not normally reinvestigate the substance of complaints, or overturn any decisions made by the school or Governing Board Review Committee. They will consider whether the school or Governing Board Review Committee has adhered to education legislation and any statutory policies connected with the complaint.

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For further information regarding complaining about a school, see the following webpage: https://www.gov.uk/complain-about-school

Policy reviewed: 12/09/2026

Next Steps: Referring Complaints to the ESFA

There is no further right of appeal in respect of the decision of the Governing Board Review Committee with regard to the complaint other than to the Education and Skills Funding Agency (ESFA) on the grounds that that the Governing Board Review Committee has not followed the complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law.

The ESFA will not normally reinvestigate the substance of complaints, or overturn any decisions made by the school or Governing Board Review Committee. They will consider whether the school or Governing Board Review Committee has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

For further information regarding complaining about an academy, see the following webpage: https://www.gov.uk/complain-about-school

HABITUAL (*PERSISTENT*) OR VEXATIOUS (*UNREASONABLE*) COMPLAINTS

Habitual and/or vexatious complainants can be a problem for staff and governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Where a complainant tries to raise an issue which has already been dealt with through the school's complaints procedure, and everything that could be reasonably done in response to the complaint has been done, the school will not reinvestigate the complaint except in exceptional circumstances, such as if new evidence has come to light.

Each case will be viewed individually and decided on its merit. However, a complainant (and / or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- Refuse to co-operate with the school's relevant procedures.
- Change the basis of the complaint as the complaint progresses by raising further concerns or questions.
- Are unwilling to accept the final decision and seek an unrealistic outcome.
- Refuse to accept documented evidence of action taken or denies receiving information in spite of correspondence specifically answering their questions.

- Have meetings or telephone conversations recorded and circulated to others without the prior knowledge and consent of all parties involved.
- While addressing a complaint, have an excessive number of contacts with the school, placing unreasonable demands on staff time. A contact may be in person, or by telephone, letter, or email.
- Seek to pursue a complaint where the concerns identified are not within the remit of the Governing Board to investigate.
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insisting on responses to complaints of enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.
- Harass or are personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in terms of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.

Dealing with Habitual (*Persistent*) or Vexatious (*Unreasonable*) Complaints

In cases of persistent or unreasonable complaints, or harassment, the Headteacher and Chair of Governors will determine what action to take. It may be decided to deal with complainants in one or more of the following ways:

- Inform the complainant that their behaviour is now considered to be unreasonable or unacceptable and request a changed approach.
- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained.
- To restrict contact to liaison through a designated member of staff.
- Notify the complainant in writing that the Governing Board has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose.
- Inform the complainant that any form of contact in relation to their complaint, or similar issues to their complaint, will be acknowledged but not answered.
- Withdraw Implied Permission which allows the complainant to enter the school site, without prior written consent either using the school's policy for Dealing with Unacceptable Behaviour on School Premises, and / or seeking legal advice to ensure the appropriate procedures are used.

When a complainant has been determined as habitual or vexatious, that status will be regularly reviewed and, where appropriate, withdrawn at a later date. This action may be appropriate when the complainant demonstrates a more reasonable approach or submits a further complaint which will be dealt with as a new complaint.

A panel of 3 governors should review a decision to categorise a complainant as habitual or vexatious every six months and decide if that category can be amended or withdrawn. The complainant will be given notice of this decision immediately.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Governance Professional who will hold and maintain a central, secure register of such decisions.

STANDARD OF FLUENCY COMPLAINTS

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the process outlined in the policy.

For the purpose of this policy, a "**legitimate complaint**" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner, or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific retraining
- Assessment
- Redeployment
- Dismissal

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Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the Recording a Complaint section of this policy.

Complaint Form

Before you make a formal complaint and to help ensure that you have completed the informal procedure, it is recommended that you ask the following questions:

- Have I communicated my concern or worry to the Class Teacher?
- Have I followed the guidance provided to me?
- Have I allowed a sufficient period of time for actions and improvements to be implemented?
- Am I dissatisfied with the action taken, or the way I have been treated?
- Is my concern unresolved?

If you answer yes to these questions, then you may wish to make a formal complaint.

Please complete and return the Complaint Form to (Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Day time telephone number: Evening telephone number: Email address:
Key points of your complaint – Please summarise the key issues for you
Timeline – please *summarise* the sequence of events – in date / time order

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Your desired outcome(s) – What are you hoping to achieve? What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? *Please give clear references and indications of documents, records, policies, and any other documents that will help us to understand your point of view and your complaint*
Signature: Date:
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

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