



# Rednock School

Quality, Partnership, Success

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Proposed Policy:	General Complaints Procedure & Guidance	Responsibility Of:	Head Teacher
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## General Complaints Procedure

### Introduction

Governing Bodies of all maintained schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to the school and to any community facilities or services that the school provides.

This procedure will be used by the School when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the School.

The school will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, the school's formal procedure will be followed.

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

There are certain complaints which fall outside the remit of the Complaint Procedure and, therefore, this procedure does not cover complaints about the following issues, for which there are specific separate (statutory) regulations:

- Admissions
- Exclusions
- Statutory assessments of Special Educational Needs (SEN)
- Safeguarding matters
- School re-organisation proposals
- Whistleblowing
- Staff grievances
- Staff discipline
- Curriculum
- Collective worship

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

### Aims and Objectives

All complaints will be treated seriously and courteously and given the time they need to be heard. They will be dealt with effectively and with fairness to all parties. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

Our procedure aims to:

- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- keep complainants informed of the progress of the complaints process
- ensure a full and fair investigation by an independent person or panel, where necessary
- respect complainants' desire for confidentiality, wherever reasonably possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue and provide an effective and prompt response
- make sure that any decisions made are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- consider how the complaint can feed into the school improvement evaluation process.

### **Concerns and Complaints**

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 lack of action'.

The School takes informal concerns seriously and confidentially and will aim to resolve all informal concerns at the earliest stage in order to reduce the numbers that develop into formal complaints. The fundamental principle is that concerns will be handled, if at all possible, without the need for formal procedures.

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

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

### **Roles and Responsibilities**

- The complaint will receive a more effective and timely response to their complaint if they:
  - Follow the procedures set out in this policy
  - Co-operate with the school throughout the process and respond to deadline and communication promptly
  - Ask for assistance as needed
  - Treat all those involved with respect
  - Not publish details about the complaint on social media
- The Investigator

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

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Head Teacher or Complaints Committee which includes the facts and potential solutions
- The Complaints Co-Ordinator

The complaints co-ordinator may be:

- The Head Teacher
- The designated complaints governor
- Any other staff member providing administrative support.

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
  - Make sure the process runs smoothly by liaising with staff members, the Head Teacher, Chair of Governors, Clerk and the Local Authority
  - Be aware of issues relating to sharing third party information and any additional support required by the complainants
  - Keep records
- Clerk to the Governing Body

The clerk will:

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

The Committee Chair will:

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

## **Time Scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

The school will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, the school will consider them to have been received on the first school day after the holiday period.

If at any point the school is unable to meet the time scales set out in this policy, the school will:

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

## **Raising a Concern or a Complaint (this may be made in person, by telephone or in writing)**

### **Complaints Procedure**

#### Stage 1: Raising a concern

Concerns can be raised with the School at any time and will often generate an immediate response which will resolve the concern. The School asks that parents make their first contact with the Head of Subject or Community Leader depending on the nature of the concern.

The person receiving the complaint will make a written record of all concerns and complaints and the date on which they were received and ask the complainant what they think might resolve the issue.

The majority of concerns will be satisfactorily resolved at this stage. However, if the complaint cannot be resolved or if the complainant is not satisfied with the response, they may proceed with Stage 2 of this procedure.

If the complaint is against the Head Teacher, the complaint should be made directly to the Clerk to the Governing Body who will refer it immediately to the Chair of the Governing Body to manage under Stage 3 of this procedure.

#### Stage 2: Informal Resolution: Complaint heard by a member of the Senior Leadership Team

A concern / complaint at this stage will be dealt with by the appropriate member of the Senior Leadership Team. The person receiving the complaint will usually acknowledge receipt of the complaint within 3 working days of the complaint being raised under Stage 2 and inform the complainant of the action the School proposes to take to resolve the issue. A meeting may be arranged to discuss the matter further with the complainant.

The aim will be to resolve the matter as quickly as possible. If the person receiving the complaint is unable to resolve the complaint to the complainant's satisfaction within 7 working days, then the complainant can raise a formal complaint under Stage 3 of this procedure.

#### Stage 3: Formal Resolution: Complaint heard by the Head Teacher

The complainant should complete the Complaint Form (Annex 1) and send this together with a covering letter to the Head Teacher, marked Private and Confidential. When completing the form the complainant should include the nature of the complaint, the steps taken up to this point to try and resolve it and the action that the complainant would like to see taken to remedy their concerns.

The Head Teacher will acknowledge receipt of the complaint as soon as reasonably practicable and normally within [5] working days. The Head Teacher will decide, after considering the complaint, the appropriate course of action to take which may include appointing a senior member of staff to carry out further investigation if considered necessary.

The Head Teacher will ensure that appropriate notes are taken of all telephone calls and interviews undertaken during the investigation.

The Head Teacher will keep in mind ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or part, and/or it may be appropriate to offer, for example:

- An apology
- An explanation
- An admission that the situation could have been handled in a more appropriate way
- An assurance that the School will take steps to prevent matters complained of recurring and will take any corrective action if appropriate
- An assurance to review school policies and procedures in light of the complaint and communicate with those affected of any changes made

Once the Head Teacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing and normally within 15 working days of receiving the complaint under Stage 3. The Head Teacher will give reasons for their decision.

Where the complaint concerns the Head Teacher, the Chair of the Governing Body will manage the complaint in accordance with Stage 3 of this procedure. Complaints against the Chair of the Governing Body or any other Governor should be addressed to the Clerk who in turn will ask the Vice Chair to manage the complaint.

If the complainant is dissatisfied with the result at Stage 3 then they may proceed to Stage 4 of this procedure.

#### Stage 4: Panel Meeting: Formal Complaint heard by the Governing Body's Complaints Committee - Appeal Panel

The complainant should write to the Clerk of the Governing Body giving details of the complaint and why they remain dissatisfied within 7 working days of receipt of the response under Stage 3.

The Clerk will appoint a panel of 3 Governors not directly involved in the matters detailed in the complaint to review and consider the complaint. Where the whole governing body is aware of the substance of the complaint, the Clerk will arrange for an independent panel to hear the complaint. The panel will usually meet within 15 working days of receipt of the complaint under Stage 4. The Clerk to the Governing Body will notify the complainant at least 7 working days before the meeting indicating the date, time and place of the meeting, together with the details of the procedure to be used. The procedure the Panel will follow is outlined in Attachment 2. If the Panel deems it necessary, it may require that further particulars of the complaint or any related matters be supplied in advance of the meeting.

The complainant will also have the opportunity to submit written evidence on the complaint prior to the meeting. Copies of such particulars and evidence shall be supplied to all parties normally not later than 5 working days prior to the meeting.

The complainant may be accompanied by a friend / partner if desired. Legal representation will not be appropriate. Any individuals accompanying a complainant will be there in a supportive role only and will be bound by the confidentiality of the proceedings.

After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations.

The Clerk to the Governors will write to the complainant informing them of the panel's decision and the reasons for it, normally within 5 working days of the meeting. The decision of the Panel will be final.

#### Variations to the above Procedures

All references to 'working days' in this policy mean Monday – Friday (excluding weekends).

In the event of a complaint being received during a school holiday period, it will be dealt with as soon as reasonably practicable and normally within the timescales set out throughout this policy. Where there are delays in collecting information, for example, caused by staff absence, complainants will be informed of the reasons why and a likely time frame for a response.

The School will make reasonable adjustments to this procedure due to a complainant's disability or learning support needs i.e. the School will allow alternative methods of contact or communication if needed. Complainants who require adjustments to be made to this procedure are asked to contact the Clerk to the Governing Body.

#### **Learning Lessons**

Any underlying issues raised by complaints will be reviewed by the Head Teacher and Chair of Governors, 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.

#### **Monitoring and Review**

The Governing Body will monitor the effectiveness of the Complaints Procedure, in order to ensure that all complaints are handled properly. The Head Teacher's PA will log all formal complaints received by the School and will record how they were resolved and at what stage. The Governing Body will examine this log on an annual basis and consider the need for any changes to the procedure. Complaints information shared with the Full Governing Body will not name individuals.

## **Record Keeping**

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 and the final outcome. The records will also include copies of letters and emails and notes relating to meetings and phone calls.

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

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

Records of complaints will be kept securely, for as long as necessary and in line with data protection law

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later point.

Where the governing body is aware of the substance of a complaint before the review panel stage, the school will, where reasonably practicable, arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing body, who will not unreasonably withhold consent.

## **Unreasonably Persistent and Vexatious Complaints**

In rare circumstances a complainant might, even after having exhausted the complaints procedure, persist with the complaint. In this instance the School may consider the complaint vexatious.

Complaints become vexatious and unreasonable if the person:

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

The school will take every reasonable step to address the complainant's concerns and give them a clear statement of the school's position and options. The school will maintain its role as an objective arbiter throughout the process including when it meets with individuals. The school will follow the complaints procedure as normal, wherever possible.

If the complainant continues to contact the school in a disruptive way, the school may put communications strategies in place. The school may:

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

## **The Decision to Stop Responding**

The decision to stop responding to a complainant will never be taken lightly. However, the decision to stop responding will be considered by the Head Teacher and/or Chair of Governors when:

1. The School has taken every reasonable step to address the complainant's needs; and
2. The complainant has been given a clear statement of the School's position and their options (if any); and
3. The complainant is contacting the School repeatedly but making substantially the same point each time with the intention to cause disruption or inconvenience.

The decision to stop responding will also be considered if:

1. The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience; or
2. The individual's letters / emails / telephone calls are often or always abusive or aggressive; or
3. The individual makes insulting personal comments about or threats towards staff.

The school will inform the individual that it intends to stop responding. However, the school will also explain that they will consider any new complaints.

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

## **Duplicate Complaints**

If the school has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a spouse, partner, family member or other individual, the school will assess whether there are aspects that were not previously considered or any new information to be taken in to account. If the school is satisfied that there are no new aspects, the school will:

- Tell the new complainant that the school has already investigated and responded to the issue and that the process is complete
- Direct them to the DfE if they are dissatisfied with the school's original handling of the complaint.

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

## **Complaint Campaigns**

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

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

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

## **Anonymous Complaints**

Anonymous complaints will not normally be considered. The Head Teacher or Chair of Governors will consider whether the issue is related to the fear of identification and if so whether this is genuine before deciding whether to pursue the complaint. Any concerns regarding safeguarding will always be managed in accordance with the School's Safeguarding and Child Protection Procedures.

**Attachments**

Appendix 1: Formal Complaints Form

Appendix 2: Flowchart

Appendix 3: Procedure for the Governing Body Complaints Appeal Panel

**Associated Policies**

Child Protection and Safeguarding Policy & Procedures

Admissions Policy

Exclusions Policy

Staff Grievance Procedures

Staff Disciplinary Procedures

SEND Policy



Appendix 1: **FORMAL COMPLAINTS FORM**



In the event of a complaint that you have been unable to resolve informally, please complete and return this form for the attention of the Head Teacher marked Private and Confidential. An acknowledgement of receipt will be sent within 7 working days.

Where the complaint concerns the Head Teacher, the Chair of the Governing Body will manage the complaint in accordance with Stage 3 of this procedure. Complaints against the Chair of the Governing Body or any other Governor should be addressed to the Clerk who in turn will ask the Vice Chair to manage the complaint.

Name:

Relationship with school (e.g. parent of student):

Student's Name (if relevant to your complaint):

Address:

Daytime Telephone Number:

Evening Telephone Number:

Please give concise details of your complaint to allow the matter to be fully investigated:

A large, empty rectangular box with a black border, intended for the complainant to provide details of their complaint.

*You may continue on separate paper or attach additional documents, if you wish*

What action, if any, have you already taken to try to resolve your complaint? Who have you spoken with or written to and what was the outcome?

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

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

Signature: \_\_\_\_\_ Name: \_\_\_\_\_

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

School Use:

Date Form Received

Complaint Referred To:

Received By:

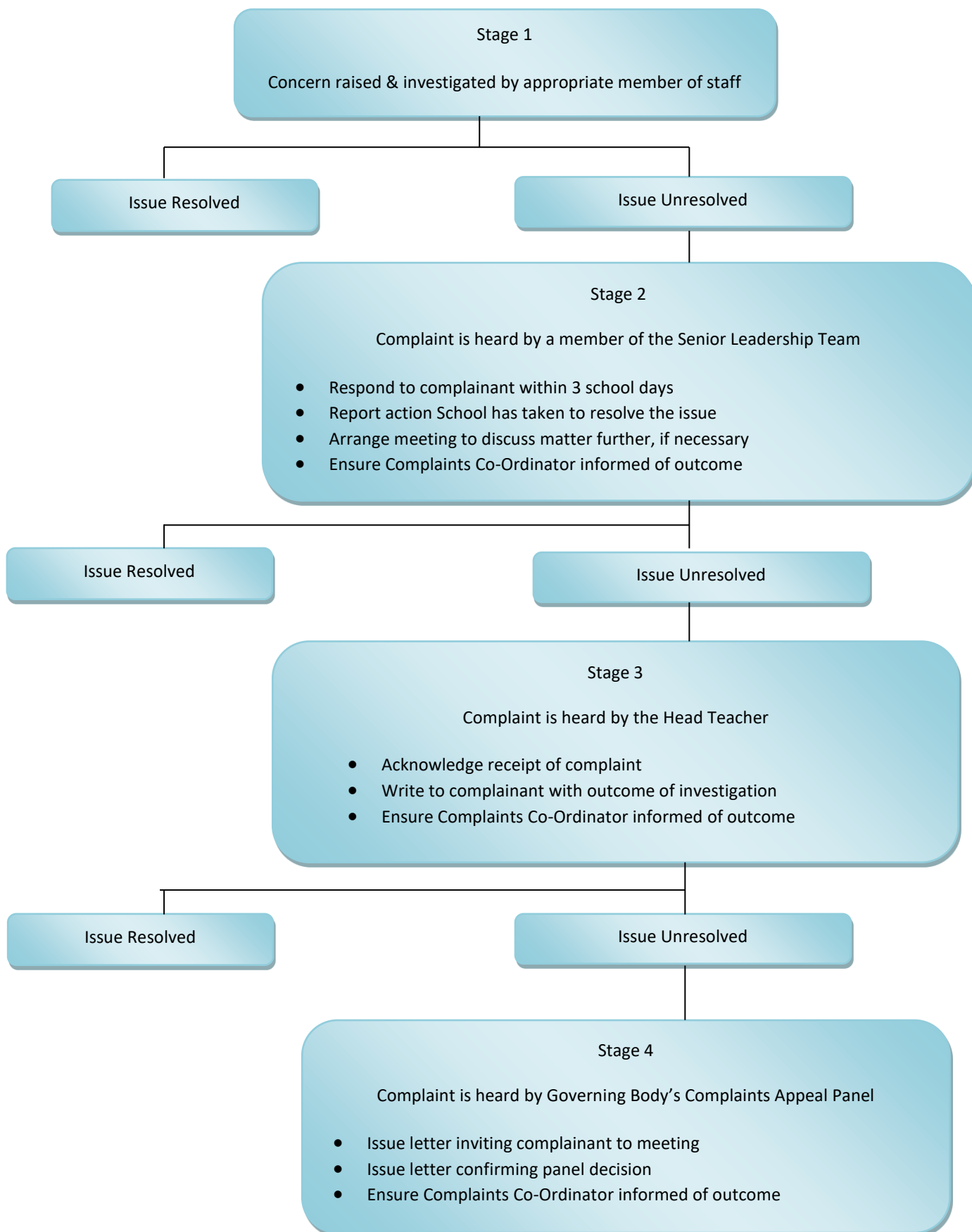
Date Acknowledgment Sent:

Acknowledgement Sent By:

Date of Written Response:

### SCHOOL COMPLAINTS PROCEDURE

#### Summary of Dealing with Complaints



### Appendix 3: **GOVERNING BODY COMPLAINTS COMMITTEE APPEAL PANEL**

The Appeal Panel will consist of three Governors with no prior involvement in the complaint. The Panel will be conversant with the Complaints Procedure. The Panel will elect a Chairperson. All Panels will be clerked by the Clerk to the Governing Body. The Complainant and the School will be given the opportunity to state their case and seek clarity.

The remit of the Panel is to review and consider all documentation and information\* they consider relevant to the complaint and decide whether 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;
- Make any recommendations, for example, to the School's policies, practices or procedures.

#### **General Guidance for Panels**

The appeal hearing is independent and impartial and any governor who has had prior involvement in the complaint or in the circumstances surrounding it cannot be part of the Panel. In deciding the make-up of the panel, governors need to try and ensure that it is a fair representation to address the complaint in a sensitive way considering any issues of race, gender, disability 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 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 panel 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 panel 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, who should normally be accompanied by a parent or guardian or other adult of their choice. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel 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.

#### **The Role of the Clerk**

The Clerk will

1. 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
2. Collate any written material and send it to the parties in advance of the meeting so that all written material is seen by everyone in attendance
3. Meet and welcome the parties as they arrive at the hearing
4. Ensure the meeting is conducted in an informal manner and that all the issues are addressed
5. Record the proceedings with the minutes being shared with the complainant
6. Notify all parties of the panel's decision

*\*The option for both the Complainant and the Head Teacher to call any witnesses to provide evidence as part of the panel meeting will be at the sole discretion of the Panel.*