

Complaints about Maintained Schools

Guidance and Model Procedure

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Part A - Guidance

Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained 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, including children's centres. The procedure can be publicised by including a summary in the school's prospectus, displaying posters or leaflets, or publishing the procedure on the school's website. A one-page guide is included in Part B, which schools can copy and give out to parents and pupils.

In January 2016, the Department for Education issued the Guidance document **Best Practice Advice for School Complaints Procedures 2016** for all LA maintained schools and maintained nursery schools. This replaces previous Guidance. All maintained schools should ensure that their complaints procedure reflects the DfE Guidance. This document is intended to support the DfE Guidance and provide additional resources to schools to assist in resolving complaints. The governing body should review the policy and procedure regularly to ensure that it is being operated effectively. An example procedure is included in Part B.

Schools are free to adopt the LA recommended procedure as long it is personalised to the individual school. Schools may draw up a procedure, which is not based on LA guidance. In this case the school should be mindful of the language used in the complaints procedure (it is recommended that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do).

Where a policy states that a school '*should*' do something, which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance. It can be useful for the Head Teacher to provide a termly report to the governors detailing any complaints received and the outcome. This information should not include personal details of parents, children or staff.

Should anyone contact the Local Authority regarding a school complaint, they will be provided with impartial advice and information on the procedure and be encouraged to contact the school directly. The Complaints Officer will also endeavour to inform the Head Teacher of any enquiries to enable them to make an early intervention and address any concerns. The Local Authority will also provide advice, support and training to Head Teachers and governors in the operation of their complaints procedures. In exceptional circumstances, where the school, the complainant and the local authority agree that the intervention of the local authority would be beneficial in resolving the complaint this can be arranged.

It is recommended that the Governing Body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

General Principles

The difference between a concern and a complaint

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

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. Taking informal concerns seriously will reduce the numbers that develop into formal complaints. Even when dealing informally with initial concerns, it is advisable to make a note of the date, the nature of the concern and any action taken. This can be helpful if further concerns arise in the future.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

What can be complained about?

A complaint can be made about most aspects of the school's function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. safeguarding or personnel. If the concern involves an allegation that a child has or may have been harmed by a member of staff, the Head Teacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Head Teacher, the complaint should be referred to the Chair of Governors. A complaint about the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
- Understand that the DfE does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);
- Ensure that, if the policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Best Practice Tips

Schools should ensure the complaints procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- allows swift handling with established time-limits for action and keeping people informed of the progress;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved

Dealing with Complaints – Initial concerns

Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).

Dealing with Complaints – Formal procedures

The formal procedures will need to 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. In most cases any complaint should be referred to the Head Teacher. In some schools, the Head Teacher may wish to delegate responsibility for co-ordinating complaints to another member of staff. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any

misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaints may be withdrawn at any time. A record should be kept of the request to withdraw the complaint. The Head Teacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact.

A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

Schools should record the progress of the complaint and the final outcome. The Head Teacher or complaints co-ordinator should be responsible for these records and hold them centrally.

Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews

Interviewing

Children / young people

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

Staff / Witnesses

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

Resolving Complaints

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Stages

Schools are free to choose how many stages their procedure will include – two or three formal school-based stages are likely to be sufficient for most schools. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Head Teacher after a meeting with the complainant. Sefton recommends that schools use Stage 1 in relation to informal concerns and Stage 2 as the start of formal procedures.

- Stage one: complaint heard by staff member (not the subject of the complaint);
- Stage two: complaint heard by Head Teacher;
- Stage three: complaint heard by Governing Body's complaints appeal panel.

The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.

The Governing Body may nominate a number of members with delegated powers to hear complaints and set out its terms of reference. This may include

- Drawing up and reviewing procedures
- Hearing individual appeals
- Making recommendations on policy as a result of complaints

Governing Body Review

Complaints should not be shared with the whole Governing Body, except in very general terms, in case an appeal panel needs to be organised.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.

The panel can be drawn from the nominated members and may consist of 3 or 5 people. The panel may choose their own chair. In considering the make-up of the panel governors need to try and ensure that it is a cross-section of the categories of governor (but not include staff governors) and sensitive to the issues of race, gender and religious affiliation. Governors sitting on the panel should be aware of the complaints procedure.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors.

The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The Governing Body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

- School Admissions
- Exclusions
- Statutory assessment of Special Educational Needs and Disabilities
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Allegations that a member of staff has acted in a way that has or could have harmed a child (LADO)
- Whistleblowing
- Staff grievance or disciplinary proceedings

Anonymous Complaints

Anonymous complaints should be recorded and referred to the Head Teacher who should consider the details. If there is sufficient information contained in the complaint it should be investigated in the same way as other complaints. The school is not expected to respond to the complainant (if they have provided any contact details) but may wish to acknowledge receipt of the complaint.

If there is insufficient information to support an investigation, the complaint should be recorded and closed.

Unreasonable Complaints

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in a small minority of cases people pursue their complaints in a way which is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. The nature or frequency of their contacts may hinder the school's consideration of their (or other people's) complaints. These actions can occur either while their complaint is being investigated, or once the school has concluded the complaint investigation.

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

- The school has taken every reasonable step to address the complainant's needs
- the complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters / emails / telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

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

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party (advocate) to act on their behalf.

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

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, advice and assistance may be sought from the Local Authority. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response. Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The

Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy

- layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. The welfare of the child/young person is paramount

Part B – Model Procedures

Marshside Primary School Complaints Procedure

STAGE ONE

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

The first member of staff contacted should clarify the nature of the concern and reassure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Head Teacher. [In some schools, the Head Teacher may wish to delegate responsibility for co-ordinating complaints to another member of staff].

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head teacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

If the member of staff can't resolve the concern, they will make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff will then refer the complaint to the Head Teacher, or designated Deputy. The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. safeguarding or personnel.

If the concern involves an allegation that a child has been harmed by a member of staff, the Head Teacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Head Teacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of pupils, parents and staff.

The complainant should receive a response as soon as possible, and within a maximum of 10 school days. At this stage the response may be given verbally or in writing.

Where the first approach is made to a governor, the governor should refer the complainant to the appropriate person and advise them about the complaints procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at an early stage in case they are needed to sit on a panel at a later stage.

STAGE TWO

Complaints should be made to the Head Teacher. If the complaint is about the Head Teacher the Chair of Governors will deal with the matter using this procedure. If the complainant is made verbally a written record of the complaint must be made and checked with the complainant. The Head may delegate the task of collating information to another staff member but not the decision on the action to be taken.

The school would expect a complaint to be made as soon as possible following the issue that has given rise to the complaint. This will normally be within 12 months. If a complaint is made after 12 months, the Head Teacher will give consideration to whether it is still possible to carry out an effective investigation.

The complaint must be acknowledged within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 10 school days. If this date cannot be met, the complainant must be contacted and given a reason for the delay and a revised target date.

The Head Teacher may wish to contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It must be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere. Pupils should be told what the interview is about and that they can have someone with them.

It is important that the Head Teacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he may delegate responsibility for investigating the complaint to another member of the management team, the Chair of Governors or a Head Teacher from another school.

The Head Teacher (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head Teacher must provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint. The complainant must be provided with details of how to contact the Governing Body if they are not satisfied with the response.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation.

STAGE THREE

A request for Review by the Governing Body should be addressed to the Clerk of the Governing Body. If the request is made verbally, the Clerk will make a written record and check this with the complainant. A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual governor must be passed to the Chair of Governors within 3 school days.

If Stage 2 was investigated by the Chair of Governors the request will be passed to the Vice-Chair.

In the case of a written complaint received directly by the governing body, the Chair of Governors should ensure that

- The complaint has first been dealt with at Stage Two
- The complaint is covered by the school's complaints procedure not other procedures e.g. personnel or safeguarding

If the governors cannot hear the matter, it should be referred back to the Head Teacher and the Clerk to the Governors should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation the Clerk to the Governors will send a written acknowledgement within 3 school days. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given. This should be at least 5 days before the hearing.

The Head Teacher must also be invited to submit a written report for the committee. This may be a copy of the stage two response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The Clerk to the Governors will convene the complaints committee elected from the governing body. The committee will comprise 3 or 5 governors who have had no previous involvement with the complaint. The complaint must not be heard by the entire governing body as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complaints committee will set a timetable for the hearing and notify the complainant of this. The hearing will normally take place within 20 school days of receiving the request. If this cannot be met then the reasons must be clearly recorded and the complainant informed.

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

The Governors' review hearing is the last school-based stage of the complaints process. The panel must be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

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

The committee should remember that the complainants may not be used to formal meetings and may feel inhibited in addressing the committee. It is recommended that the Chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel should explain to the complainant and the Head Teacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Head Teacher should then leave.

The committee should then consider the complaint and all the evidence presented. The panel can

- 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 prevent similar difficulties on the future.

A written response detailing the decisions, recommendations and the basis on which these have been made must be sent to the complainant within 15 school days. The Complainant must be notified of their right to refer their concerns to the Secretary of State for Education if they are dissatisfied with the way their complaint has been dealt with. A copy should be provided to the Head Teacher.

The school should retain a copy of all correspondence and records of meetings.

Marshside Primary School

Unreasonable Complaints Policy

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

Marshside Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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

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

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact [School] causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Information for Parents

STAGE ONE

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher or Head of Year. If this is not possible, or the teacher is unable to resolve your concerns, you should contact the Head Teacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve

- Mediation and conciliation
- Explaining policies or decisions
- Helping the pupil to express their views to another person
- Review of educational provision
- Review of support services
- Making changes to the way things are done

Most complaints will be dealt with in this way.

STAGE TWO

If you are not satisfied with the outcome of the informal enquiries, you may wish to make a formal complaint. This should be done in writing to the Head Teacher.

If the complaint is about the Head Teacher, you should write to the Chair of Governors of the school.

The school and its governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete you should receive a written response from the school. This will normally be within 10 school days.

STAGE THREE

If you are not satisfied with the outcome of the investigation and wish to take the complaint further you can refer the matter to the complaints committee of Governing Body. This can be done by writing to the Clerk to the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

Referral to Secretary of State for Education

If all other attempts to resolve the complaint have been unsuccessful you may refer your complaint to the Secretary of State for Education.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to your child.

Part C - Resources

Complaints Panel Checklist

- The Hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, outline their desired outcome and be followed by their witnesses
- The Head Teacher may question the complainant and the witnesses after each has spoken
- The Head Teacher is then invited to explain the school's actions, their views on the desired outcomes and be followed by the school's witnesses
- The complainant may question both the Head Teacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head Teacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the panel within 15 school days
- Both parties leave together while the panel decide on the issues
- Panel write to the complainant with their findings and their right to contact the Secretary of State and send a copy to the Head Teacher

School Complaints

Sample Letters

Any letters sent should be as personal as possible. The following examples give guidance on the key information to include.

Stage 2 Acknowledgement (to be sent within 3 school days)

Dear.....

Thank you for your letter / email dated (date). I am sorry to hear that you are not happy with (summary of issues).

Please find enclosed a summary of the school's complaints procedure.

I confirm that I will investigate the issues you have raised at stage 2 of the complaint procedure and aim to respond to you within 10 school days.

As part of this investigation, I would like to offer you the opportunity to meet with me to discuss your concerns. You can bring someone with you for support if you wish. Please contact the school office if you would like to arrange this.

Yours etc

Stage 2 response

Dear

I am writing in response to the complaint you made to me on (date).

- **Begin with a statement of what you have received and when.**
- **State what you have done in investigating the complaint.**
- **Outline the nature of the concerns you are responding to. Acknowledge and accept the feelings of the complainant, whether or not you uphold the complaint itself.**
- **Detail the information you have collected regarding each point. Be as thorough as possible, explaining what decisions were made, when and why.**
- **Be clear about which aspects of the complaint you uphold, and those you reject giving reasons and evidence.**
- **Explain what action has been taken regarding each of the points upheld.**
- **Advise the complainant of their rights if they are not satisfied with your response.**

If you would like to discuss any on the information in this letter, please do not hesitate to contact me. If you are dissatisfied with this response and wish to take your complaint further please contact (name and address) who will ensure that the matters are referred to the Complaints Committee of the Governing Body.

Yours etc

Complaints Committee Acknowledgement (to be sent within 3 school days)

Dear.....

Thank you for your letter / email dated (date). I am sorry to hear that you are not happy with the response you have received to your complaint. I confirm that the matter has been passed to the Complaints Committee of the Governing Body.

Please contact to advise of any dates / times within the next 4 weeks when you would be unavailable.

OR

..... Will contact you to agree a suitable date / time for the meeting.

Yours etc

Complaints Committee - Confirming arrangements

Dear

The Complaints Committee of (name of school) has been convened to consider your complaint on (date and time) at (venue).

The committee members who will be in attendance are

(Names of governors)

You are invited to attend and can bring someone with you for support if you wish.

If you would like to provide any further written evidence please provide this to (name) by (date). To ensure transparency, you and the Head Teacher will be given a copy of all documents being considered by the committee.

If you would like to bring any witnesses please advise (name and contact details)

(Author of stage 2/3 response) will also be in attendance and may call witnesses.

You, the person you bring with you for support and (Author of stage 2 response) will be in attendance for the full meeting. Witnesses will only attend to give their information and views and will then leave.

If you have any questions about the meeting please do not hesitate to contact me

Yours etc

Complaints Committee response

Dear

Thank you for attending the meeting with the Complaints Committee on (date). The committee has considered all the information provided and have drawn the following conclusions.

- **Begin with a statement of what has been considered**
- **Outline a brief summary of the complaint**
- **Outline your findings**
- **Explain what action has been, or will be taken**
- **Advise the complainant of their rights if they are not satisfied with your response**

I hope that you are re-assured that the complaints committee have taken your complaint seriously and have taken reasonable steps to address your concerns for the benefit of all pupils at the school.

If you are not satisfied with the outcome you can refer your complaint to the Secretary of State for Education at

Department for Education
Public Communications Unit,
2nd Floor, Piccadilly Gate
Store Street,
Manchester M1 2WD

Yours etc

Useful Contacts

Sefton Council **0845 140 0845**
Children's Complaints Officer

7th Floor, Merton House, Stanley Road, Bootle, L20 3JA **0151 934 3628**

childrenscomplaints@sefton.gov.uk

Sefton Advocacy **01704 500500**

1st Floor, Gordon House, 3-5 Leicester Street, Southport PR9 0ER

Citizen's Advice Bureau

24 Wright Street SOUTHPORT Merseyside PR9 0TL **01704 531456**

Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF **0151 922 1114**

Ofsted **08456 40 40 45**

www.ofsted.gov.uk

Department for Education

www.education.gov.uk

Public Communications Unit,

2nd Floor, Piccadilly Gate

Store Street,

Manchester M1 2WD

Coram Children's Legal Centre **08088 020 008**

www.childrenslegalcentre.com