Complaints Policy

CROWN HILLS
COMMUNITY COLLEGE
A Specialist Sports College



Crown Hills Community College
Gwendolen Road, Leicester LE5 5FT
Tel: 0116 273 6893
office@crownhills.leicester.sch.uk
crownhills.com

Crown Hills Community College
Policy Document

Policy Date:	May 2018	**Version:**		
Next Review:	Sept 2027	Principal: Mr. Farhan Adam	Signature	Date
Ratified by Governing Body:				
		SLT Link: FAD	**Date Reviewed:** Sept 2026	

Contents

Section		Title	Page number
1.		**Legal requirements and scope of the procedure**	2
	1.1	Legal requirements	2
	1.2	Department for Education guidance	2
	1.3	Scope of this procedure and any exceptions	2
2.		**General guidance**	
	2.1	Difference between informal concerns and formal complaints	3
	2.2	Informal resolution of concerns	3
	2.3	Who can make a complaint?	3
	2.4	Outline of the formal complaint procedure	3
	2.5	Timeliness	3
	2.6	Complaints co-ordinator	4
	2.7	Nominated complaints governors	4
	2.8	Governing Body review	4
3.		**Procedure for dealing with informal concerns and formal complaints**	
	3.1	Early resolution of informal concerns	4
	3.2	Receiving the concern	4
	3.3	Resolving informal concerns	5
	3.4	Formal complaints procedure	5
	3.5	The role of the School Complaints Unit	5
4		**Practical guidance notes**	
	4.1	Approach when considering informal concerns	6
	4.2	Approach when receiving the complaint or concern	6
	4.3	Investigating the complaint	7
	4.4	Responding to the complainant	7
	4.5	Recording complaints	8
	4.6	Serial, persistent or unreasonable complaints	8
	4.7	Roles and responsibilities	10
	4.8	Interviewing - best practice tips	12
5.		**Flowcharts**	
	5.1	Is this a concern or complaint?	13
	5.2	Informal concerns procedure	14
	5.3	Where complaints enter the procedure	15
	5.4	Stage 1Headteacher/principal	16
	5.5	Stage 2Chair of governors	17
	5.6	Stage 3Governing body complaints panel	18
	5.7	Serial or persistent complaints	19
6.		**Appendices**	
	Appendix 1	Sample complaint form	20
	Appendix 2	Draft letter for unreasonable complaints	22
	Appendix 3	Section 29 Education Act 2002	23

1. Introduction

1.1 Legal requirement for a complaints procedure

Governing Bodies of all maintained schools are required to have a procedure to deal with general complaints relating to the school and to any community facilities or services that the school provides. (Refer to Appendix 3 for a summary of Section 29 of the Education Act 2002.)

The law also requires this procedure to be publicised. Currently, schools are free to decide how to make the complaints procedure available. However, the next amendment to the School Information Regulations in 2016 will require schools to publish it online.

1.2 Department for Education guidance

In January 2016, the Department for Education produced a Best Practice guide for school complaints for maintained schools and local authorities.

It has previously been agreed with the teacher associations that the local authority would draft a suitable procedure that schools could then adopt if they so wished. This document incorporates that recent guidance and is intended for consideration by schools on an individual basis. While schools are free to adopt the local authority's model policy, it must be tailored to their individual school.

1.3 Scope of this procedure and exceptions

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides except for the items listed in the table below, for which there are separate (statutory) procedures:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• 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. They should be contacted directly.

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 complaint procedure in place.

2. General guidance

2.1 What is 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.
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.

2.2 Informal Resolution of Concerns

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaint procedure should not undermine efforts to resolve concerns informally. Individuals involved need to be clear, however, about the difference between a concern and a complaint.

2.3 Who can make a Complaint?

Any person, including members of the general public, may make a complaint about any provision of 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.

2.4. Outline of the formal Complaint Procedure

The formal complaint procedure 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. The recommended stages of the formal procedure are:

Stage 1: Headteacher/Principal
Stage 2: Chair of Governors
Stage 3: Governing Body Complaints Panel

Regardless of whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

If the complaint has not been resolved by completion of Stage 3, the complainant must be directed to the Secretary of State for Education if they wish to pursue the matter further.

Complainants should obtain the informed consent of all parties before recording conversations or meetings, and that the school reserves the right to refuse permission for a complainant to use a recording that has been obtained covertly in the complaints process.

2.5 Timeliness

It is reasonable to 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. If the policy does include a specific cut-off timeframe, ensure that the school will consider exceptions where it is reasonable to do so. Schools must not have blanket policies of refusing to consider any complaints not

lodged within the stated period, as the Department for Education regard this as an unreasonable exercise of a statutory duty.

Complaints need to be considered and resolved as quickly and efficiently as possible. Set realistic time limits for each action within each stage. It is suggested that 10 days should be sufficient to respond to the initial two stages of a complaint, and 15 days should be sufficient to arrange a panel meeting. If further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay.

2.6 Complaints co-ordinator

It is recommended that schools nominate a member of staff to have responsibility for the co-ordination and administration of this procedure. A considerable amount of paperwork can accrue as complaints go through the procedure and having one constant person acting as co-ordinator can be of benefit. This person should be termed the school's 'Complaints Co-ordinator' and should not be someone who might be required to investigate a complaint, although they may be required to undertake tasks associated with gathering factual information at any stage.

2.7 Nominated complaints governors

Schools will need to nominate Governors from their Governing Bodies to form a pool of governors to sit on the Complaints Panel. The Panel should comprise either 3 or 5 governors.

2.8 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 local authority.

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.

It is the governing body which determines how often the complaints procedure is reviewed. However the Department for Education suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance or legislative changes which may be introduced by the Department for Education. Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher.

3. Procedure for dealing with concerns and formal complaints

3.1 Early resolution of early concerns

It is important to note that the requirement to have a complaint procedure need not in any way undermine efforts to resolve concerns informally. It is in everyone's interest that concerns are resolved at the earliest possible stage. Taking informal concerns seriously at this stage will reduce the numbers that develop into formal complaints.

n this respect it would be helpful if staff are able to resolve issues on the spot, including apologising where necessary.

3.2 Receiving concerns

In most cases the class teacher (or individual delivering the service in the case of extended school provision) will receive the first approach and is the appropriate person to receive and resolve initial concerns. If anyone else, including a governor, is approached with a concern they should establish whether the matter has been raised with anyone else and, if not, put the person in immediate contact with the appropriate class teacher/service deliverer. If this is not possible, take details of the concern and inform the person that these will be forwarded to the appropriate class teacher/service deliverer as soon as possible. Governors should not become involved at this stage in case they are required to form a panel at a later stage.

Where a person expresses a reluctance to discuss concerns with a particular class teacher/individual, these views should be respected. In such cases the concern should be referred to the next person in the formal complaint procedure hierarchy with whom the person feels comfortable discussing the concern.

If the concern relates to the Headteacher/Principal it should be referred to the Chair of Governors at Stage 2 of the formal complaint procedure.

3.3 Resolving informal concerns

Once the appropriate class teacher/individual is in possession of the concern, they should attempt to resolve it. At this informal stage of the procedure the emphasis is on the quick resolution of minor concerns.

If it becomes clear that the concern cannot be resolved quickly and that more detailed investigation is necessary, then the matter should be referred to the next level in the formal complaint procedure hierarchy and the person informed that this action has been taken. They should be informed of the name of the person to whom the matter has been referred.

3.4 Formal complaints procedure

Stage 1: Headteacher/Principal

The Headteacher/Principal will consider the complaint objectively and impartially and attempt to find a satisfactory conclusion. The head may delegate the task of collating information to another staff member, but not the decision on the action to be taken.

Stage 2: Chair of Governors

The complainant should write to the Chair of Governors giving details of the complaint, or the matter may be referred to the Chair by the school's Complaints Co-ordinator following consideration at the previous level.

Stage 3: Governing Body Complaints Panel

The complainant should write to the Clerk to the Governing Body giving details of the complaint. The Clerk will convene a Governing Body Complaints Panel.

The Governors' hearing is the last school-based stage of the complaints process, and is not convened merely to "rubber-stamp" previous decisions.

Individual complaints should not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

3.5 The Role of the School Complaints Unit

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

The Secretary of State's powers, in respect of LA maintained schools in England, are delegated to the School Complaints Unit (SCU). The SCU will examine if the complaint policy and any other relevant statutory policies were followed in accordance with the provisions they set out. The SCU also examines policies to determine if they adhere to education legislation.

However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU should not be asked to give a steer in terms of resolving the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

4. Practical guidance notes

4.1 Approach when considering informal concerns

It is desirable that the matter is resolved at this point and discussions should be aimed at achieving this if at all possible. It may be necessary to look into the concern, but a large and/or formal investigation is not envisaged. Take time to investigate if necessary.

Confirm areas of agreement between you and the third party. To create a positive atmosphere, clarify any misunderstanding that may have occurred.

Encourage the person(s) to state what they feel might resolve the matter at this stage. Consider ways in which the concern could be resolved.

Responses at this stage will usually be verbal, but on occasions it may be desirable or advisable to do so in writing. Seek guidance from your line manager if in doubt.

4.2 Approach when receiving the concern/complaint

It is of prime importance at every stage of the procedure that the concern/complaint is received in a sympathetic but neutral manner.

- Avoid making any comment that could be taken as agreeing or disagreeing with the complainant.
- Establish the facts as fully as possible by listening carefully, asking questions to clarify understanding, and keeping accurate notes.
- Confirm with the complainant that your understanding is correct.

Taking matters seriously at every stage will reduce the number of complaints that proceed to the next stage of the procedure.

4.3 Investigating the complaint

An effective complaints procedure will:

- Identify areas of mutual agreement
- Clarify any misunderstandings that may have occurred, as this can create a positive atmosphere in which to discuss any other issues
- Establish who has been involved so far, and what has happened
- Clarify the nature of the complaint and what remains unresolved

Although every complaint will be different, the investigation process should involve the following:

- Contact the complainant, meeting with them if necessary, to clarify information already obtained or to obtain further information. This includes clarifying what the complainant feels would resolve the matter.
- If appropriate, desirable, or necessary, interview those involved in the matter and those complained of, (if applicable).
- Allow those interviewed to be accompanied if they wish. Where a complaint is about a member of staff, the nature and detail of the complaint should be discussed with that person at the earliest opportunity and, where possible, they should be interviewed in advance of other people. *(Remember that this may be the initial stage of a disciplinary procedure)*
- All interviews should be conducted with an open mind and the interviewer should be prepared to persist with questioning.
- Notes should be kept of all interviews and of any telephone calls. Ideally these should be contemporaneous, but if this is not possible, they should be made as soon as possible after the interview/call while details are still fresh in your memory.

4.4 Responding to the complainant

Responses to complaints should always be in writing in order to provide a full record that may be used if the complaint is taken to the next level.

Complaints that are found to be justified

Possible resolutions to a justified complaint may be one or more of the following:

- An apology
- An explanation
- An admission that the matter/situation could have been handled differently or better.

(Note that this is not the same as an admission of negligence and care should be taken to ensure that no such admission is made)

- 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
- It may be sufficient to acknowledge that the complaint is valid in whole or in part

Complaints that are found not to be justified

It may be that no basis is found for the complaint. In these circumstances, a response should be made to this effect and it would be helpful to state the process followed to arrive at this conclusion. In this way the complainant will be able to see that the complaint has received reasonable and appropriate consideration and this in itself may resolve the complaint and stop it developing further.

4.5 Recording Complaints

Schools must ensure that they meet the Public Sector Equality Duty. 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 headteacher 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.

4.6 Serial or Persistent Complaints

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. Sometimes, however, what you say can be hard to accept, even though it is right. When someone contacts you again and again, repeating the same points, or asking you to reconsider your position, you have to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise when you really have done everything you can and stop responding.

It is a poor use of your time and resources to continually reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

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

Is it time to stop responding?

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

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

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

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

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

Sample Policy for Unreasonable Complainants

Crown Hills Community College 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.
Crown Hills Community College 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 Crown Hills Community College 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 Crown Hills Community College.

4.7 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;
- the 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.

4.8 Interviewing Best Practice Tips:

Children/young people

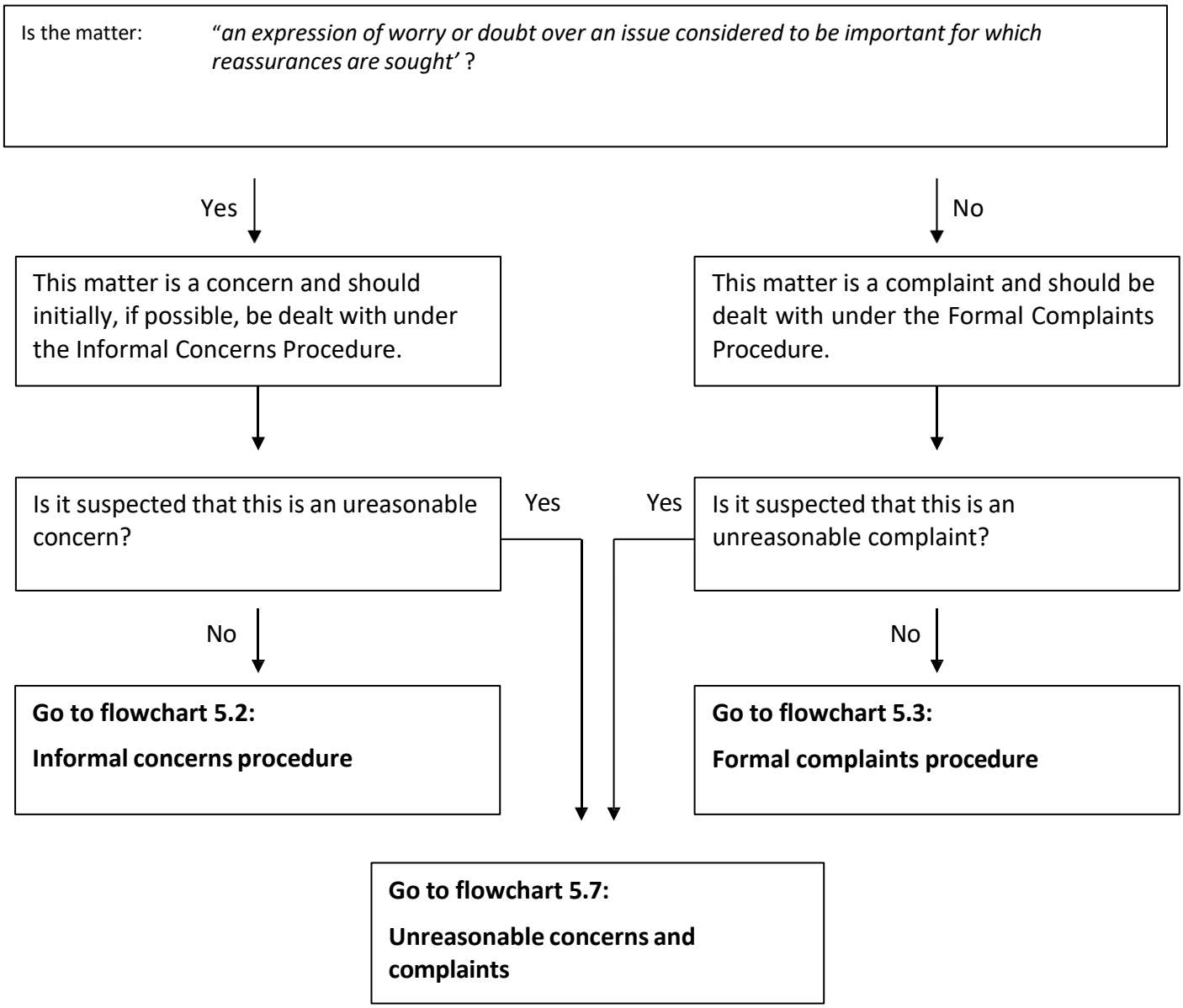
- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case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

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ 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.

Flowchart 5.1: Is the matter a concern or a complaint?



Flowchart 5.2: Informal concerns procedure

Is the class teacher/service deliverer happy to deal with the concern?

Yes

No

Is the person happy to discuss their concern with the class teacher/service deliverer?

No

Go to flowchart 5.3

Formal complaints procedure

Yes

The emphasis at this stage is on the quick resolution of minor concerns and the class teacher/service deliverer should follow the guidelines below to try to resolve the matter:

Receive the concern

Taking informal concerns seriously at this stage will reduce the numbers that develop into formal complaints. Refer to guidance notes "Receiving the concern/complaint" - para. 4.2

Consider the concern

Refer to guidance notes " Considering initial concerns" - para. 4.1

Having considered the concern does the Class Teacher/Service Deliverer still feel able to respond?

Yes

No

Respond to the person immediately

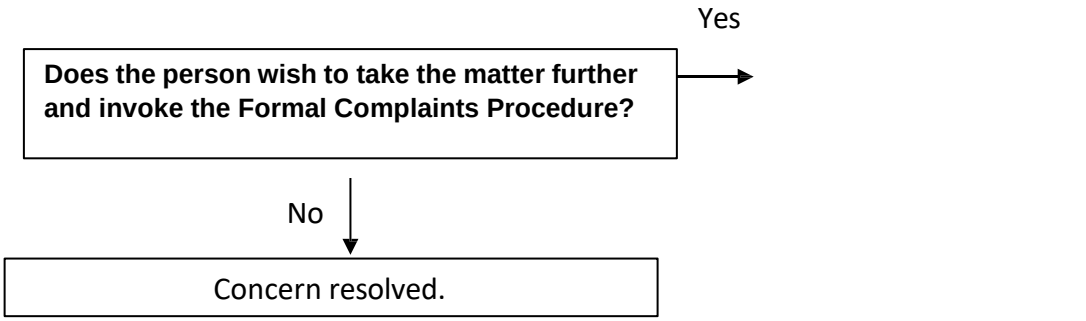
If this is not possible, advise them that they will receive a response within 5 working days.

Refer to Guidance Notes "Responding to the complainant" - para. 4.4

Responses to concerns will normally be verbal but may be in writing if the class teacher/service deliverer feels that this is appropriate. If in doubt seek guidance from your line manager.

Forward any paperwork to the complaints co-ordinator for recording and filing

The matter should be dealt with as a



IMPORTANT

If at any point the concern is considered to be unreasonable

Flowchart 5.3: Formal complaints procedure - where complaints enter the procedure

Is the complaint about the governing body?

Yes → **Action to take:**

The complainant should be advised that if they feel that the governing body has acted unreasonably they may refer the complaint to the Secretary of

No ↓

Is the complaint about the Chair of Governors?

Yes → **Action to take:**

a. The complaint should be referred to the governing body complaints panel via the clerk to the governing body.
b. The complainant should be advised accordingly.

No ↓

Is the complaint about the headteacher/principal or a governor (not the chair of governors)?

Yes → **Action to take:**

a. The complaint should be referred to the chair of governors.
b. The complainant should be advised accordingly.

No ↓

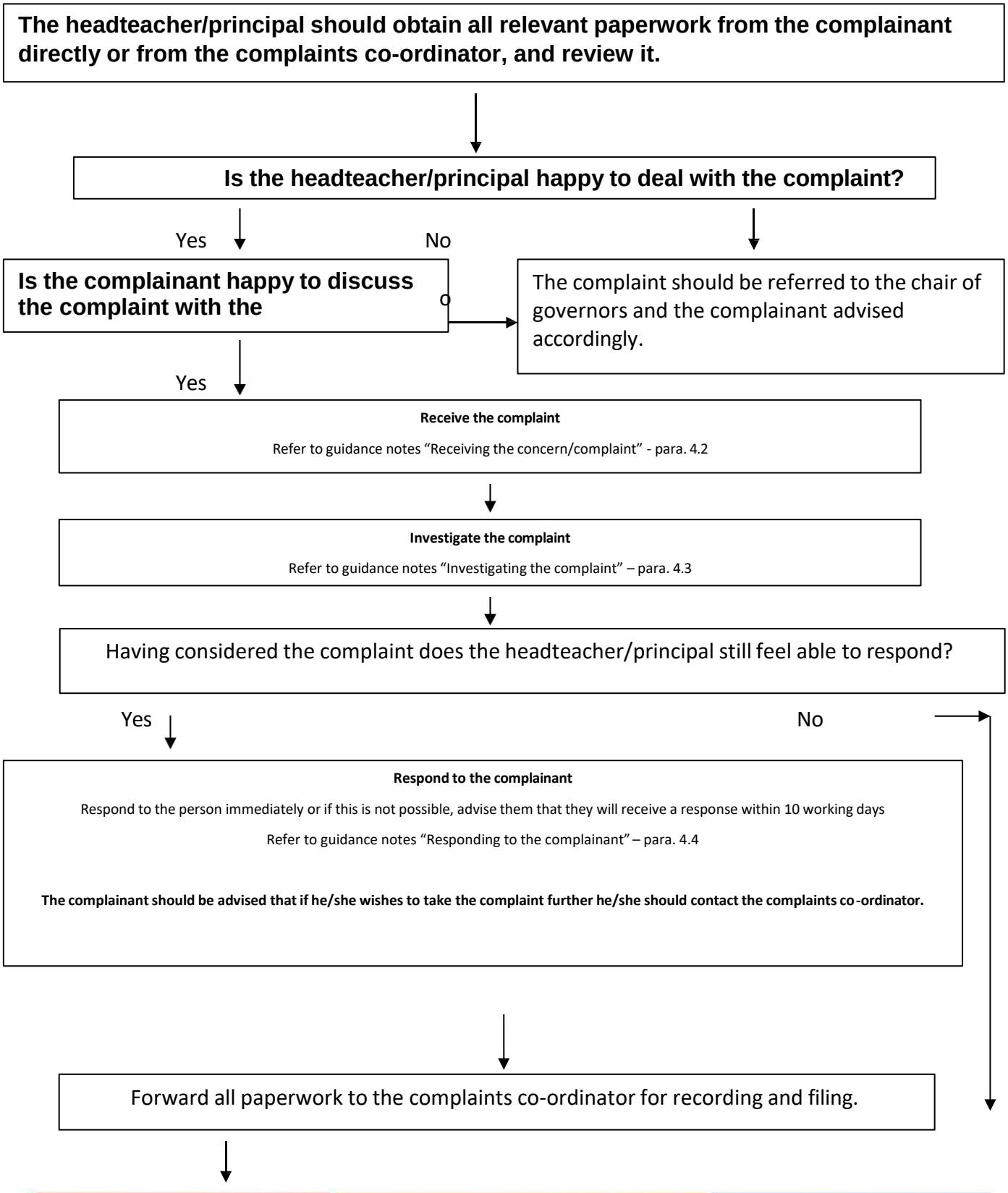
If the complaint is about any other member of staff or school issue

(subject to the exceptions in section 1.3 of this policy)

→ **Action to take:**

a. The complaint should be referred to the headteacher/principal.
b. The complainant should be advised accordingly.

Flowchart 5.4: Formal complaints procedure. Stage 1 – headteacher/principal



Does the complainant wish to take the complaint further?

→ The complaint should be referred to the chair of governors and the complainant informed accordingly.

No ↓

Complaint resolved.

IMPORTANT

If at any point the complaint is considered to be unreasonable

Flowchart 5.5: Formal complaints procedure. Stage 2 – chair of governors

The chair of governors should obtain all previous paperwork from the school's complaints co-ordinator and review it. It should be recognised that the complainant may also be dissatisfied with the way the complaint has been dealt with.

↓

Is the chair of governors happy to deal with the complaint?

Yes ↓ No ↓

Is the complainant happy to discuss the complaint with the Chair of Governors?

o → The complaint should be referred to the governing body complaints panel via the clerk to the governing body and the complainant advised accordingly.

Yes ↓

Receive the complaint

Refer to guidance notes "Receiving the concern/complaint" - para. 4.2

↓

Investigate the complaint

Refer to guidance notes "Investigating the complaint" - para. 4.3

↓

Having considered the complaint does the chair of governors feel able to respond?

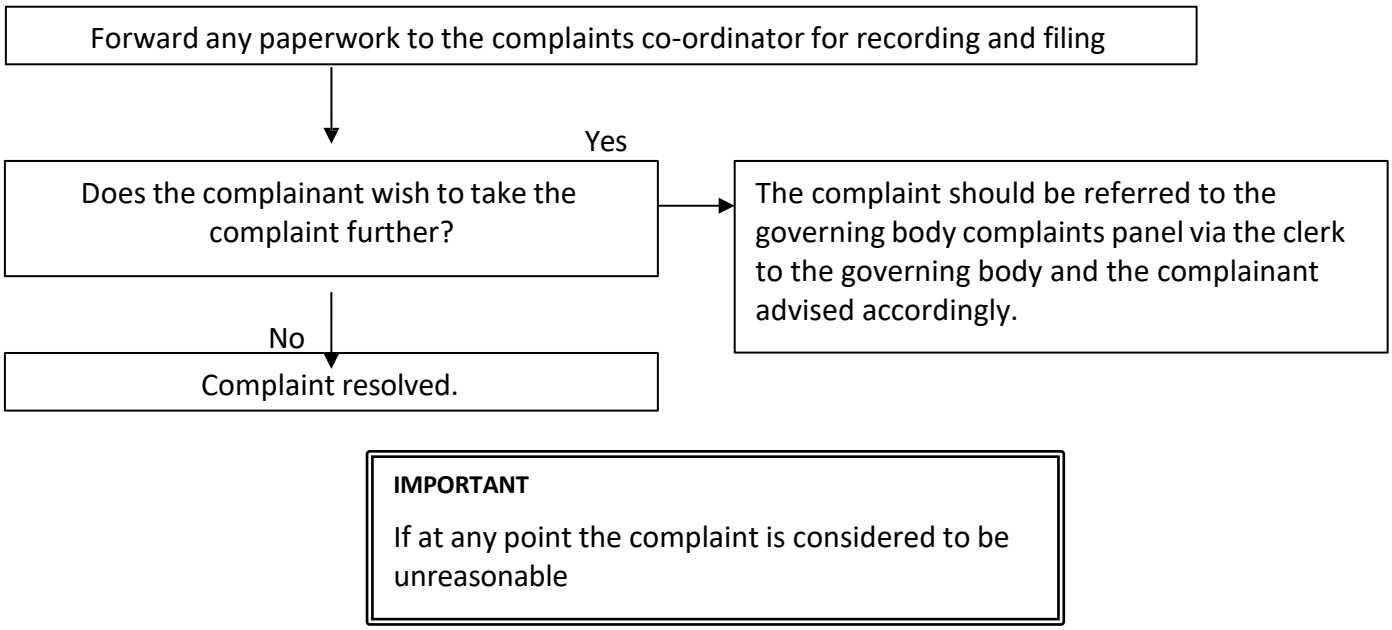
Yes ↓ No

Respond to the complainant

Respond to the person immediately, or if this is not possible, advise them that they will receive a response within 10 working days

Refer to guidance notes "Responding to the complainant" - para. 4.4

The complainant should be informed that if he/she wishes to take the complaint further he/she should contact the complaints co-ordinator.



Flowchart 5.6: Formal complaints procedure. Stage 3 – Governing body complaints panel

The clerk to the governors should obtain all previous paperwork from the complaints co-ordinator and review it to ensure that it is appropriate for the complaint to be dealt with at this level of the procedure. It should be recognised that the complainant may also be dissatisfied with the way the complaint has been dealt with.

Is the clerk to the governors satisfied that this is the correct level of the procedure for the complaint to be dealt with?

Yes

The clerk to the governors should arrange a meeting of the governing body complaints panel.

No

The clerk to the governors should ascertain the stage of the formal complaints procedure where the complaint should be dealt with and advise the complainant accordingly.

Governing body complaints panel

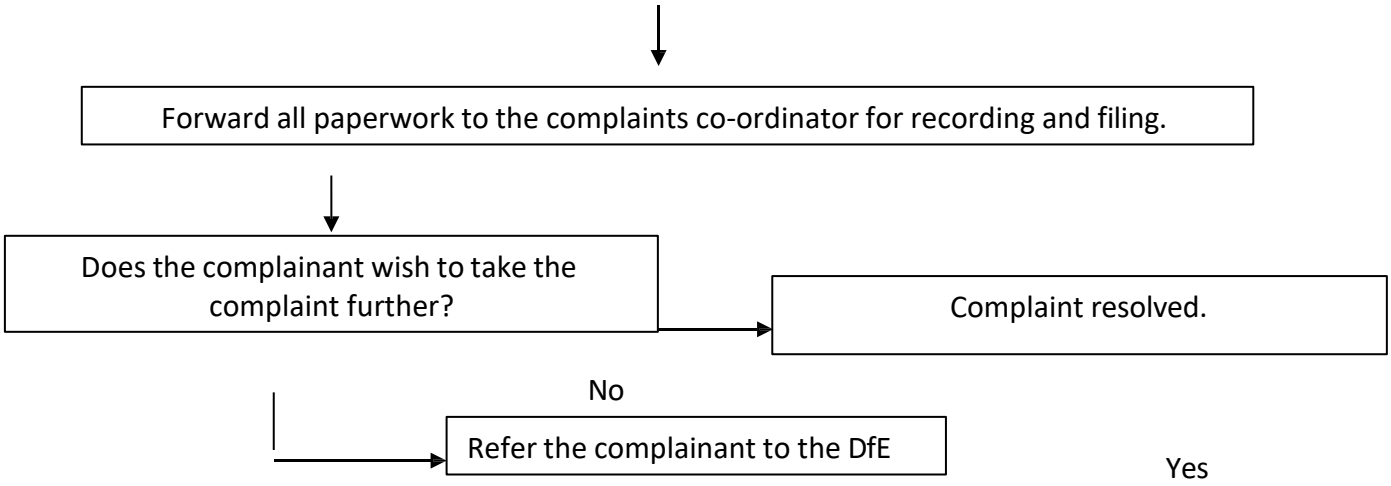
The panel meeting should normally take place within 15 working days of the clerk to the governors being contacted. See the roles and responsibilities of panel members in section 4.7

Respond to all parties within 5 working days of the panel meeting.

Having heard the evidence the panel may:

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

The clerk to the governors, in conjunction with the chair of the panel, should notify in writing, all parties of the



Flowchart 5.7: Unreasonable concerns and complaints

- See section 4.6 for definitions as to what may constitute an unreasonable complaint

If it is suspected that a concern/complaint may be unreasonable , it should be referred to the chair of governors.

The chair of governors should undertake the following procedure to ascertain if the concern/complaint is unreasonable:

a. Obtain all the paperwork relating to the concern/complaint from the complaints co-ordinator.
b. Review the concern/complaint, carrying out an investigation if in doubt.
c. Decide if the concern/complaint is vexatious.

Even if the complainant has a history of making vexatious complaints and it is not intended that an investigation be carried out or a response sent, it is still important to read the concern/complaint as it may still be raising valid and important issues that may need addressing.

Does the chair of governors feel that this is an unreasonable concern/complaint?

Yes

No

Has the complainant previously been informed in writing that their concern/complaint is considered to be unreasonable?

No

Yes

No further action required

Is the matter a concern or a

Complaint

Go to Flowchart 5.2

Go to Flowchart 5.3

The chair of governors should write to the complainant informing them that the school will not enter into any further correspondence regarding:

- Concerns/complaints which clearly do not have any substance, or
- Persistent concerns/complaints about matters that have previously been investigated but found not to be justified

In this letter the complainant should be advised that if they feel that the Governing Body has acted unreasonably they have the right to complain to the Secretary of State for Education.

See Appendix 2 for an example letter that may be sent to an unreasonable complainant.

Complaint Form **Appendix 1**

Example of a possible school complaints form.

Please complete and return to the complaints co-ordinator at the school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:
(If applicable)

Your relationship to the pupil:
(If applicable)

Address:

Postcode:
Daytime telephone number:
Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint?
To whom did you speak and what was the response?

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

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

For Official use only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 2

Please ask for:

Our Ref:
Your Ref:

Date:
Name of Addressee
Address

Dear

Subject: *Concern/Complaint regarding……

I write with regard to your above *concern/complaint.
(If concerns/complaints clearly do not have any substance)

> Having considered this matter, it is not felt that there is any substance to your *concern/complaint and it will not be investigated further.

(If persistent concerns/complaints are raised about a matter that has previously been investigated but found not to be justified.)

The school has previously investigated this matter and no justification was found for your concern/complaint. We have now carefully reviewed this investigation and it is still felt that your concern/complaint is not justified.

(Standard paragraphs following either of the above)

We would like to stress that [*enter school name here*] is committed to working with parents and other members of the public to improve the services it provides. To this end justified concerns and complaints are welcomed and seen as a valuable source of information for improvement.

However, investigating unfounded concerns and complaints takes a considerable amount of time and impacts on the services we provide to the community as a whole.

Therefore, no further correspondence will be entered into with regard to this matter or other concerns and complaints that clearly do not have any substance.

Should you feel that the Governing Body has acted unreasonably in this matter, please be advised that you may complain to:
The Secretary of State for Education
School Complaints Unit,
Department for Education, Piccadilly Gate,
2nd Floor, Store Street,
Manchester
M1 2WD.

Yours sincerely

Name
Chair of Governors
School
Appendix 3

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school [including a maintained nursery school] shall –

[a] establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

[b] publicise the procedures so established.

[2] In establishing or publicising procedures under subsection [1], the governing body shall have regard to any guidance given from time to time [in relation to England] by the Secretary of State.