

2016

Complaints Policy



GROVE
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Overview

1. Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil.

The law also requires the procedure to be publicised.

2. The majority of schools already have a complaints procedure in place, generally based on Local Authority (LA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. There are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. 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.

3. The guidance contained within this document is based on the 2011 Education Act and Dfe 2016 advice and has been adapted to reflect current practice within Shropshire.

Note: a guidance document for parents on making complaints does not satisfy the legislative requirement for schools to have a procedure to deal with all complaints. A separate and distinct policy must be in place.

1. Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints not in Scope);
2. We recommend 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;
3. Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* contains specific advice about how to properly approach issues concerning parental responsibility

4. If schools draw up their own procedure it is recommended that local teacher associations and the LA be involved. The procedure to be used by The Grove School is at Annex B.

When schools draw up their procedure they should be mindful of the language used and be clear when explaining what a school may or should do against what they will or must do in order to better manage complainant expectations.

Note: A legal distinction exists between the words 'should'/'may' and 'must'/'will'. If the policy uses the words 'must' or 'will', then the school is required to carry out the action referred to in the policy. Failure to do so could result in the department declaring the school to be in breach of their policy in the event the complaint is escalated to the Secretary of State.

If the policy uses the words 'should' or 'may', this allows for the possibility that the action may not occur which the complainant may not understand or accept. 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).

The complaints procedure should set out the steps to follow in the event that the headteacher or member of the governing body is the subject of the complaint.

As a matter of best practice, the department prefers schools to state what they 'will' do.

Part 1: General Principles of Complaints

Dealing with Complaints — Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints

The difference between a concern and a complaint

5. 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*'.

Note: 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. 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?

6. 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.

7. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff/SLT were able to resolve issues on the spot, including apologising where necessary. If a governor is approached they should not get involved in the complaint but should refer the complainant to the Headteacher.

Dealing with Complaints — Formal Procedures

8. 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.

9. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In most schools this will be the Headteacher.

Framework of Principles

10. An effective Complaints Procedure will:

1. encourage resolution of problems by **informal** means wherever possible;
2. be easily **accessible** and simple to understand and use;
3. be **impartial**;
4. be **non-adversarial**;
5. allow swift handling with established **time-limits** for action and keeping people informed of the progress;
6. ensure a **full** and **fair** investigation by an independent person where necessary;
7. respect people's desire for **confidentiality**;
8. address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
9. provide information to the school's senior management team so that services can be improved.

Investigating Complaints

11. It is suggested that at each stage, the person investigating the complaint (normally the Headteacher), makes sure that they:

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

Resolving Complaints

12. 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:

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

13. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

14. 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 not in scope of the procedure

15. 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.

Exceptions

Who to contact

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Admissions to schools 2. Statutory assessments of Special Educational Needs (SEN) 3. School re-organisation proposals 4. Matters likely to require a Child Protection Investigation | <p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p> |
| <ol style="list-style-type: none"> 5. Exclusion of children from school | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .</p> |

- | | |
|---|--|
| 6. 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. The Department for Education is also a prescribed body for Whistleblowing in education. |
| 7. 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. |
| 8. 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 direct. |

Serial and Persistent Complainants

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

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

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.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified,*

inappropriate or improper use of a formal procedure. An exemption therefore exists in [Section 14\(1\) of the Freedom of Information Act 2000](#). However, this exemption can only be applied to requests themselves, and not the individuals who submit them. More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Note: 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.

Further information on dealing with serial or persistent complaints is included in Annex C.

Time-Limits

17. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. Excessive time limits, such as **6 weeks** to arrange a panel hearing are not considered to be reasonable or acceptable. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline with an explanation of the reason for the delay.

18. Certain stages within the complaints process have specified timescales, others do not as they are very much driven by the complainant, for example between stages 2 and 3. However a letter of complaint requiring the committee to meet (stage 4) should be acknowledged within a **ten day** period. The meeting should then, wherever possible, take place within **three weeks** (excluding school holidays) of the acknowledgement letter.

Note: It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, schools must ensure that, if they have a general cut-off policy, that they are willing to 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 as this would be an unreasonable exercise of a statutory duty. **Three months** is generally considered to be an acceptable time frame in which to lodge a complaint.

Part 2: The Complaints Procedure

The Stages of Complaints

19. An efficient school complaints procedure will have well-defined stages. 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 Headteacher after a meeting with the complainant. Both of these examples could be included.

20. Four school-based stages are likely to be sufficient for most schools:

Stage 1 (informal): complaint heard by SLT member (though not the subject of the complaint);

Stage 2 (formal): complaint heard by Headteacher;

Stage 3 (formal): complaint heard by Chair of Governors

Stage 4 (formal): complaint heard by GB's complaints panel.

21. Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LA, Diocese Body (DB) or other external agency provides an independent appeal or review.

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

22. A legislatively compliant procedure will specify how a complaint will be dealt with if it concerns the conduct of the Headteacher or a governor, including the Chair of Governors. An effective procedure will also explain what will happen where a Headteacher or governor has been involved in the issue previously. Complaints against the Headteacher are usually first dealt with by the Chair of Governors (Stage 3). Complaints against the Chair of Governors or any individual governor may be made by writing to the Clerk to the Governing Body.

Grove School Complaints procedure can be found at Annex B.

Note: A legislatively deficient or poor complaints procedure would:

1. have no definitive timescales;
2. have no set stages;
3. use ambiguous wording;
4. restrict access to the next stages of the complaints policy;
5. lump separate complaints together;
6. limit complainants to parents and carers of pupils at the school;
7. include no advice as to how to complain about the Headteacher or a governor;
8. include no advice for complainants on how to request an independent panel to hear their complaint.

Part 3 — Managing and Recording Complaints

Recording Complaints

23. It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing however a complaint which has reached stage 2 must be in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

24. The Headteacher or complaints co-ordinator would be responsible for the records and hold them centrally.

Governing Body Review

25. In accordance with the suggested terms of reference for the complaints committee, the GB should monitor the level and nature of complaints and review the outcomes on a regular basis (at least annually) to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB should not name individuals.

26. Where circumstances arise that the whole GB 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.

27. Complainants also have the right to request that an independent panel is constituted to hear their complaint, if they believe that there is likely to be bias or partiality. Schools should consider the request but ultimately, the decision is for the GB to determine.

28. 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 GB can be a useful tool in evaluating a school's performance.

Note: The frequency with which the school complaints procedure must be reviewed is determined by the GB. The GB may also delegate responsibility to a committee of the governing body, an individual governor or the Headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a breach of policy. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

Publicising the Procedure

29. There is a legal requirement for the Complaints Procedures to be publicised. It is for the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

Further information

Useful Resources and External Organisations

- [National Governors Association](#)
- [Information Commissioner's Office](#)

Other Relevant Departmental Advice and Statutory Guidance

- [Section 29 of the Education Act 2002](#)
- [Governors Handbook](#)
- [Understanding and Dealing with Issues Relating to Parental Responsibility](#)

Other Departmental Resources

- [How to complain about a school](#) - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools

***Source adaptation: Dfe Best Practice Advice for School Complaints Procedures 2016
Departmental advice for maintained schools, maintained nursery schools and local
authorities
January 2016***

Annex A

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school (including 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 failing 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 sub-section (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

‘maintained school’ means community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

‘maintained nursery school’ means a nursery school which is maintained by a local authority and is not a special school.

Grove School Complaints Procedure

The Stages of the Complaint

Stage 1 (informal): complaint heard by a member of staff/SLT (Senior Leadership Team)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be made aware of the procedures and will know what to do when they receive a complaint.

The school will respect the views of a complainant who indicates that s/he would have difficulty discussing a complaint with a particular member of staff/SLT. In these cases, the complaints "co-ordinator" can refer the complainant to another SLT/staff member. Where the complaint concerns the Headteacher, the complaints "co-ordinator" will refer the complainant to the Chair of Governors.

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

Where the first approach is made to a governor, the next step will be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages if they are liable to sit on any complaints/disciplinary panel.

Stage 2 (formal): Complaint heard by Headteacher

The Headteachers influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another SLT staff member but not the decision on the action to be taken.

Stage 3: Complaint Heard by Chair of Governors

If the complainant is not satisfied with the manner in which the process has been followed and the complaint has not been resolved, they may request that their complaint be considered by the chair of the governors. The chair of governors may investigate the complaint as originally formally reported, and convey the outcome to the complainant.

Stage 4: Complaint Heard by the Governing Body Complaints Committee

If the complainant feels that their complaint still hasn't been resolved, and there is need to review the process they should write to the chair of the governors' complaints committee giving details of the complaint. The chair would acknowledge receipt of the letter within a **10 day** period and will ask the clerk to convene a GB complaints committee meeting. This meeting should, wherever possible, take place within **three weeks** (excluding school holidays) of dispatch of the acknowledgement letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant the reason for the delay.

The governors' complaints committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. However, the committee will not deal with any new issues or concerns introduced at this stage, either verbally or in writing, by the complainant.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff/school following a serious complaint.

The governing body will appoint a committee consisting of three members (with reserves) with delegated powers to hear complaints at this stage in the complaint process, and set out in terms of reference.

Including:

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

The committee will choose its own chair.

It will not be appropriate to appoint anyone who works at the school to sit on this committee.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union representative, etc) should they so chose.

The Remit of the Complaints Committee

The committee can:

- 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, procedures or policies to ensure that problems of a similar nature do not recur.

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

a) It is important that the committee is independent and impartial and that it is seen to be so. No governor may be a member of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b) The aim of the meeting, (which will to be held in private) will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the committee 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.

c) An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial

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

e) The governors sitting on the committee will be aware of the complaints procedure

f) The committee will meet on an annual basis to review the complaints procedure.

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 Role of the Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

It is important that any complaints committee meeting which is considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the meeting, 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 meeting;
- meet and welcome the parties as they arrive at the meeting;
- record the proceedings;
- notify all parties of the committee's decision.
- share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.
- liaise with the complaints co-ordinator.

Note: It is not unknown for complainants to raise additional complaints because they do not agree with the official record of the panel meeting.

It is important that the clerk does not influence in any way the decision taken by the committee and must be seen to be impartial at all times.

The Role of the Chair of the Governing Body

The chair of the governing body shall:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange a meeting of the complaints committee.

The Role of the Chair of the Committee

The chair of the committee has a key role, ensuring that:

Introductions are made;

- the meeting is minuted
- the remit of the committee is explained to the parties (including what happens after the meeting) and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- the meeting is effectively conducted;
- key findings of fact are made;
- parents 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 meeting is conducted in an informal manner with each party treat the other with respect and courtesy;
- the committee is open minded and acting independently;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by all parties;
- 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

Panelists 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.

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.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, with the committee's response; within **seven days** of the meeting.

The letter needs to explain that the complainant can contact the Secretary of State for Education at the Department for Education if they wish to pursue the matter.

What will the Department for Education do?

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

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

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

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

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

Checklist for Complaints Committee Meeting

The panel needs to take the following points into account:

- The meeting is as informal as possible.
- Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues
- The chair explains that both parties will hear from the panel as soon as possible but in any event within a **seven day** period.

Annex C

Dealing with Serial or Persistent Complaints

Introduction

Schools should do their best to be helpful to people who contact them with a complaint or concern. 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.

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.

The decision to stop responding

The decision to stop responding to a complainant should never be taken lightly. You need 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 you agree with one or more of these statements:

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

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

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

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

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

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

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

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

Once you have decided that it is right to stop responding, you will need to let the complainant know. Ideally, you should send them a hard copy letter but an email will suffice.

Policy for Unreasonable Complainants

The Grove 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.

The Grove 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 **The Grove School** causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Barring from the School Premises

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

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

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

Specimen Letter to Complainant

Dear [Mr/Mrs/Ms Name]

In response to your complaint against [name of school/teacher], I must inform you that we will no longer be responding to letters, emails or telephone calls from you on this particular subject.

Since the school's complaint procedure has been completed, you have contacted us several times outlining your case and asked us to re-consider your complaint. We have explained that we are unable to do so and directed you to contact the School Complaints Unit at the Department for Education. There is now nothing more we can say or do to help you with this issue.

I hope you will understand that this decision has not been taken lightly. If you write to us on any other subject, we will reply as usual.

Yours sincerely

Annex D

Complaint Form

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Mobile number

Email address

Please give details of your complaint

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to 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.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Annex E

Summary for Dealing with Complaints

Stage 1 – Complaint heard by SLT/staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by **Headteacher**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – **Governor’s complaints panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

Signed:

Date:

Review: