Complaints Procedure

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1. Legislation and guidance

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

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

2. Definitions and scope

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

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

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

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

3. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

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

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time.

4. Stages of complaint (not complaints against the headteacher or governors)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone, remote meeting or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within five days, and investigate and provide a response within a further fifteen days.

The informal stage will involve a meeting (which may be remote), email or telephone conversation between the complainant and the Headteacher (or nominated member of SLT) / Chair of Governors as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

How to raise a complaint

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

The Headteacher / Chair of Governors (or designated member of the senior leadership team) will communicate via email, a meeting (which can be remote) or telephone call to clarify concerns, and to form a decision. The complainant may be accompanied to any meeting if there is one, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if it believes there is a conflict of interest or that it is not appropriate. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher / Chair of Governors (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within fifteen days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within five days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

Stage 3: submit the complaint to a review panel

This complaint will be presided over by a panel of three governors.

The review panel consists of members of the governing board without direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant should already have outlined why they are escalating their complaint to the review panel when they requested an escalation so the panel can meet to review all relevant documentation in order to make their decision. If the complainant feels that they need to speak to the review panel directly, rather than rely upon their written communications, they must explain this reason to the Clerk.

Therefore, most review panels will be able to meet at their convenience, review the associated information and then be able to make their final decision. The school will inform those involved of the decision in writing within ten days of the meeting.

If it is decided that a face-to-face (or remote) meeting is appropriate, then the complainant will have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school (if they wish to present), will each have an opportunity to set out their argument and the governors will have an opportunity to question them.

Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and the evidence will then be considered. The panel will then put together its findings and recommendations from the case.

Whether the review panel meets alone or holds a face-to-face meeting (remote), they will provide their findings and recommendations to the complainant and to the Headteacher. Minutes will be available upon request.

5. Complaints against the headteacher, a governor or the governing board

Complaints made against the Headteacher should be directed to the chair of governors who will preside over the stage one and stage two sections of the process. Stage three complaints will be heard by a governing board review committee as detailed above.

Where a complaint is against the Chair of Governors or any other member of the governing board, it should be made in writing to the Clerk in the first instance, who after discussion with Dorset LA Governor Services, will make a decision over who will preside over the stages of the complaint.

This may involve a school governor who has no prior knowledge of the complaint to conduct stages one and two or sourcing an independent investigator instead. Stage 3 could be completed by co-opted governors from other schools.

Where a complaint is against the entire governing board, the Headteacher will approach the LA to appoint an investigating officer who will conduct all relevant stages.

6. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

7. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Unreasonably persistent complaints

The complainant will be notified that their complaints are now considered as vexatious and that further complaints will no longer be entertained. Email and phone contact with staff will also be stopped and the complainant will then only be allowed contact with the Headteacher via email.

Complaint campaigns

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

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

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

8. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

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

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

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

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

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

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

9. Learning lessons

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

10. Monitoring arrangements

The Chair of Governors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Chair of Governors will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the school's HR manager.

This policy will be reviewed by the headteacher every three years.

At each review, the policy will be approved by the full governing body.

11. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices