



Complaints Procedure and Policy Guidance

Communicating love; Inspiring our
Community to Flourish

2019

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Introduction

This document follows guidance as set out in Best Practice Advice for School Complaints Procedures. *(January 2016; DfE)* Further guidance around issues of parental conflict can be found on the DfE website [Dealing with issues relating to parental responsibility](#). *(January 2016; DfE)*

Section 1 - establishes the key **roles and responsibilities** in dealing with complaints about schools.

Section 2 – Principles: Dealing with complaints about schools sets out key principles and practice in dealing with concerns or complaints from parents, guardians, carers or other legal representatives of children, and with complaints from the wider community.

Section 3 – St Gabriel’s CofE Academy school complaints procedure sets out a model procedure covering all the stages, from informal, pre-complaint discussions to final review by the Secretary of State for Education.

Section 4 - Further guidance, including best practice around complaint handling and dealing with different types of complaint.

At every stage it is essential to clarify:

1. Specifically what is the complaint?
2. What would the complainant consider a good outcome for the issue?

Section 1 – Roles and Responsibilities

- 1.1 Every well governed and well managed school will from time to time have to deal with complaints from parents, school neighbours and others. Teachers and governors will know that most parental concerns and complaints are resolved informally by school staff. Relatively few complaints lead to a formal process, but where they do, the governing board must ensure that proper procedures are in place, are publicised, understood and followed.
- 1.2 All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. to deal with complaints relating to the school and to any community facilities or services that the school provides.

Key responsibilities

- 1.3 The **Head teacher** is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct concerns or complaints to the Head teacher in most circumstances.
- 1.4 The **Houlton CofE Multi Academy Trust**, through its members and Directors (sitting in role as Governors) have overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given our school site is a place of service provision, it is important that the Trust ensures that any third-party providers offering community facilities or services through the school premises have their own complaints procedure in place.
- 1.5 There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an

objective approach in the interest of the whole school community, i.e. parents as well as staff.

- 1.6 **Parent and Staff Governors** in particular should not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the Head teacher and the governing board.
- 1.7 Since the implementation of section 45 of the Education Act 2011, on 1 August 2012, the Local Authority (**LA**) no longer has any power or duty to intervene in school complaints.
- 1.8 Parents and other complainants will be advised that if they contact the LA, they will be referred back to the school and all details will be recorded and passed on to the Head teacher or Chair of governors.
- 1.9 St Gabriel's CofE Academy can make paid use of Governor Services to provide advice, guidance and support to Governors as well as any other service, legal advice or Clerk to governors advice when dealing with complaints at any stage.

Who can complain?

1.10 This procedure applies to complaints made by:

- ✓ parents of pupils currently or recently (within three months) at the school;
- ✓ people who either have 'parental responsibility' for a pupil or who care for them, but are not the pupil's parents;
- ✓ pupils aged 18 years or over; and
- ✓ third parties concerned about action (or lack of action) taken by schools.

Types of complaints covered by the school complaints procedure

1.11 The following is a *good practice guide* that will apply to most general complaints received by St Gabriel's. The complaint could be about the way the school is run or about the way a school policy has been implemented. Most will be about decisions that affect pupils at the school.

Types of complaints NOT covered by the school complaints procedure

1.12 It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal for example child abuse, staff discipline, special needs assessments, school admissions or exclusions (Appendix 4 lists the types of statutory processes and separate procedures that apply).

What is the difference between a complaint and a formal disciplinary procedure?

1.13 A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

1.14 General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case, advice should be sought from the school's HR provider or legal team.

1.15 If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Head teacher or designated senior member of staff or, in the case of a complaint against the

Head teacher, the chair of governors or designated governor, to determine if it is a disciplinary or capability matter.

- 1.16 If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. 'The matter has been referred to the appropriate procedure.'

Section 2 – Principles: Dealing with Complaints

Complaints Policy

- 2.1 Our **complaints policy** is a summary of the approach the school takes to handling concerns and complaints. This should not be confused with a set of **Complaints Procedures**, which describes the steps to be taken when handling complaints. A **policy statement** will be published on our website and annually reviewed.

Complaints Procedures

- 2.3 The complaints **procedures** should:
- ✓ be well publicised and easily accessible – on St Gabriel's website
 - ✓ be simple to understand and use
 - ✓ encourage the resolution of problems by informal means wherever possible
 - ✓ establish time limits for action and for keeping people informed of progress
 - ✓ be impartial
 - ✓ be non – adversarial

- ✓ respect people's confidentiality
- ✓ ensure full and fair investigations where necessary
- ✓ address all points of issue, provide an effective response and appropriate redress where necessary
- ✓ ensure that complaints are recorded and that the school's Senior Leadership Team and Governing Board be informed so that recommendations can be made.
- ✓ be reviewed annually by both the school's leadership team and governing board.

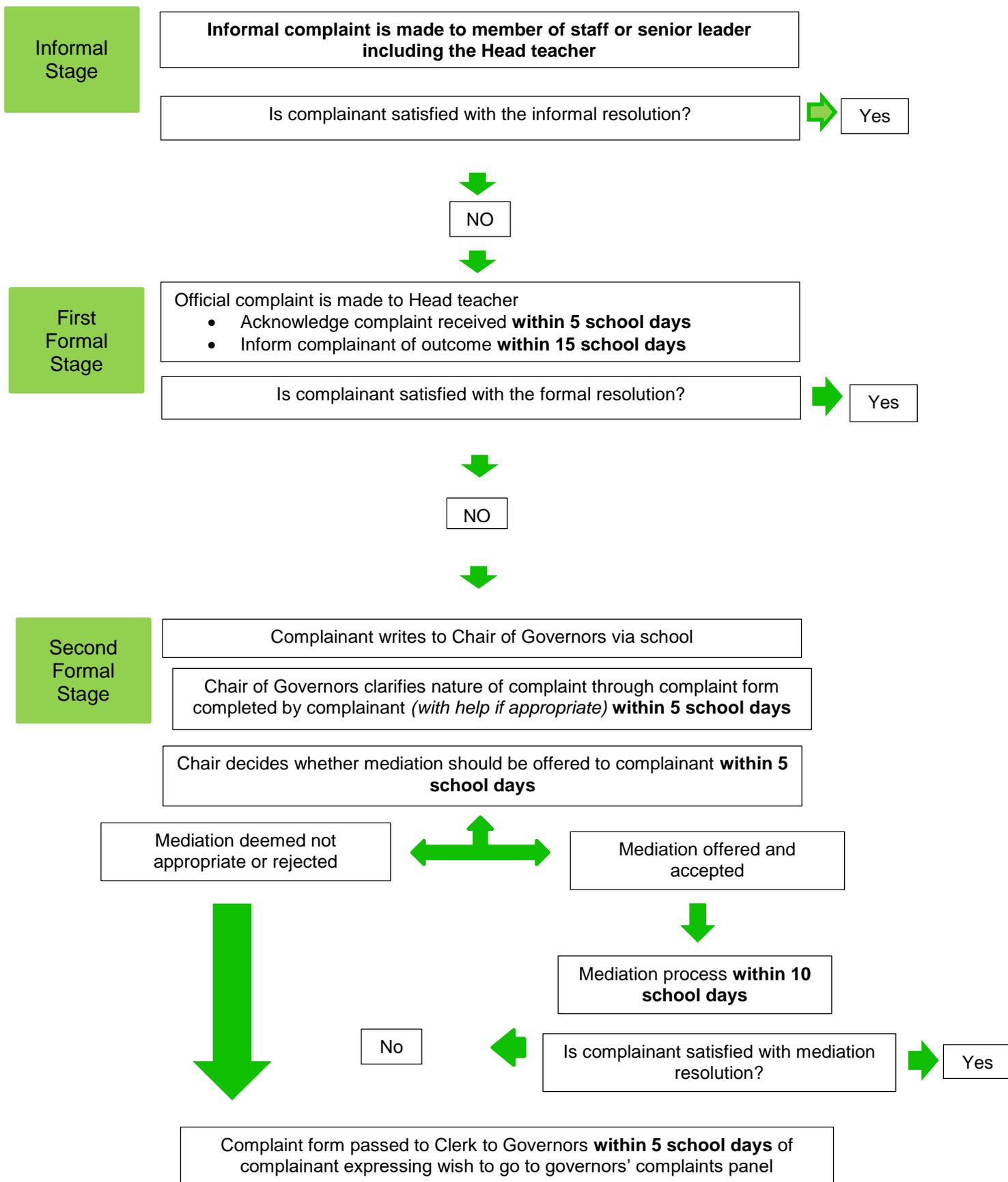
Stages of a Complaints Procedure

- 2.5 Good complaints procedures will have well-defined stages that explain the action to be taken, when it should be taken and who will be involved. The need for flexibility should be built into this area as further investigations may be required.
- 2.6 This procedure establishes three school-based stages, as well as a further review stage by the Secretary of State for Education.
- **Informal stage - dealing with concerns:** initial concerns are heard by a class teacher, or Senior Leader on an informal basis, either in person, by telephone or in writing (including email).
 - **Formal stage one:** where a formal written complaint is considered by the Head teacher (or representative), or - **if the complaint is about the Head teacher** – by the chair of governors or nominated governor. The decision of the Head teacher or chair of governors at this stage is usually final.
 - **Formal stage two:** If stage one has been worked through and the complainant is unhappy with ***the way in which their complaint has been handled***, the case can be referred to a panel of governors. The panel of three governors will carry

out a **review** of the investigation carried out at formal stage one to consider the way the complaint has been investigated and handled by the school. This stage **does not** involve a rehearing of the complaint.

- **Secretary of State Review:** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education but only on the grounds that the governing board is acting or proposing to act unreasonably or illegally.

Dealing with Complaints (Flowchart)



Third
Formal
Stage

Clerk sets up panel of Governors and contacts complainant with details of hearing and request for any further information

Panel meets **within 15 school days** of Clerk receiving form and makes decision communicated to all parties **within 5 school days**



Is complainant satisfied with panel's decision?



No



Parents / Carers **cannot** take complaint to LA but can write to Secretary of State for Education

Dealing with initial concerns

- 2.7 The difference between a **concern** and a **complaint**. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. People may wish to ask questions or express an opinion, and St Gabriel's aims to create an environment that supports, welcomes and respects the involvement of others.
- 2.8 The fact that schools must, by law, have a complaints procedure need not in any way undermine efforts to resolve concerns or complaints informally. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- 2.9 In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Being able to resolve issues on the spot, including apologising or expressing regret, where appropriate is often the best approach. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and its parents or the wider community.

Dealing with formal complaints

- 2.10 Formal procedures will need to be started when the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take matters further.
- 2.11 This could be handled by any one of the following:
- the Head teacher;
 - an independent person agreed by the governing board;
 - a designated member of staff who has the responsibility for the operation of the school's complaints procedures;

- the Chair of governors; or
- a designated governor.

Complaints or concerns from the community

- 2.12 Dealing with complaints or concerns from residents is also the responsibility of the school and the governing board. St Gabriel's believes it is important to maintain good relationships with local residents of Houlton and ensure that any concerns from the community, which can cover issues such as litter, unruly pupils, objects landing in gardens and car parking are dealt with in a similar way to a complaint from a parent or other legal representative of the child.
- 2.13 In the event of an incident giving rise to a complaint, taking the issues seriously, a prompt and courteous reply, with perhaps an expression of regret for any inconvenience caused, will go a long way to maintaining the school's good name and standing in the community.
- 2.14 It is the responsibility of the governing board of the school to ensure that any third party, such as a sports or social club, offering community facilities or services through the school premises, or using school facilities, has its own complaints procedures in place.

Resolving and closing complaints

2.16 At each stage in the procedure, St Gabriel's will seek ways in which a complaint can be resolved. An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology or an expression of regret. **Note** – this is not an admission of liability;
- an explanation;
- an admission that the situation could have been handled differently or better. **Note:** this is not the same as an admission of negligence;
- an assurance that the event which prompted the complaint will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

2.17 It is important that complainants are 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. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

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

- 2.19 If the school rejects the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated.

Section 4 – ‘Further Guidance’ contains response letters for use at the end of formal stage 1 and formal stage 2.

Serial or persistent complaints

- 2.20 A comprehensive set of complaints procedures should limit the number of complaints that become protracted or perceived to be vexatious; and if the procedures are followed correctly to keep the person informed of what is happening, this should not become an issue.
- 2.21 However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of ‘agreeing to disagree’ and moving on.
- 2.22 If the complainant continues to make representations to the school or attempts to re-open the same issue, the chair of governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed.

However, schools should be careful to not label issues as serial until the complaint has completed the procedure. Also, the label of ‘serial’ should be made against the complaint or issues raised rather than against the complainant as they may have valid reasons to complain in the future about other matters.

In some cases, it may be necessary to seek support from St Gabriel’s HR provider or Legal Services to deal with particularly vexatious or persistent complainants

and in this case will be sought as soon as possible to prevent the situation escalating.

2.23 Threats involving the media and / or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way. These may be 'empty' threats made out of frustration in the heat of the moment and are without substance. However, the Head teacher or chair of Governors should contact HR, legal services or the Diocesan press office for advice if they are concerned about statements being made to the media.

2.24 Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter to the person threatening to ban him or her from the premises should be sufficient to stop any unwelcome behaviour. In extreme cases, it may be necessary for the Chair of Governors to impose an actual ban on the person. *This step will only be taken under advice from legal services.*

If a ban is to be applied, the Chair of Governors should write to the complainant and inform them that their implied licence to be on school premises has been temporarily revoked. The letter should explain the reasons for the ban and the length of time that it is to remain in place. At the end of the period, it is recommended that it be reviewed, taking into account any representations made from that person and a letter should be sent either lifting or extending the ban with reasons. Anyone wishing to complain about a ban can do so to the Head teacher or Chair of Governors. However, these complaints cannot be escalated to the Department for Education and the only recourse to appeal is via the courts.

Monitoring complaints

2.25 Schools should record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The Head teacher should provide a termly report to the governing board identifying the number, nature and current status of complaints handled, without giving individual details. The governing board should monitor all complaints which reach formal stage two and receive a report at the end of the process.

Section 3 – School Complaints Procedures

Informal pre - complaint stage - dealing with concerns

- 3.1 All concerns should be treated seriously. The member of staff should make a brief note of the concerns and an indication of the outcome of the discussion and if in a position to do so, resolve the situation according to the principles laid out above. A member of staff should seek the advice and support of a senior leader in handling informal pre-complaint stage concerns.
- 3.2 It should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic. If it is not and a compromise is unlikely, they should be advised to make a formal complaint, using the complaints form, and be advised of the formal complaints procedure. It would be important to ask what outcome the complainant is expecting to ensure there is no misunderstanding.
- 3.3 If a member of staff becomes aware that someone is likely to lodge a formal complaint, they should inform the Head teacher, and pass on any information they hold about the issue. Staff should be given clear guidance on the school's procedures, particularly about when it is appropriate to refer the matter on and to whom. Time and care spent at this early stage can prevent a concern from becoming a formal complaint.
- 3.4 If a concern relates to a school policy rather than a particular incident, e.g. policy on school dress, timing of school day, it would be more appropriate for the issue to be referred directly to the Head teacher. Where possible, people should be invited to put their comments in writing, with assistance if necessary, and these can then be used to inform any review of the policy. A written acknowledgement should be sent telling them when and how the matter will be considered.

- 3.5 If it is clear that a number of people share a concern the matter should be dealt with as a matter of urgency to avoid escalation of the issue within the parent community.

Formal Stage One: Official Complaint

- 3.6 Where a person has not been able to resolve a concern informally, they are entitled to ask the Head teacher or a senior member of staff nominated by the Head teacher, to investigate the issue. The complaint should, where possible be put in writing to the Head teacher; ideally using the formal complaints form (see Appendix 1). In all cases, the form should include details of the complaint, action already taken to resolve the complaint and what actions might help resolve the problem.

Complaints made either in person, by telephone, or electronic communication should not prohibit complaints being dealt with under formal procedures.

- 3.7 **Formal complaints should be lodged as soon as possible, but no later than three months of the incident or issue occurring.** Unless there is judged by the Chair of Governors or Head Teacher a valid reason for the delay, such as a previously unknown circumstance coming to light.
- 3.8 **Acknowledgement within 5 school days:** Receipt of the complaint will be acknowledged within 5 school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made.
- 3.9 **Full response within 15 school days.** The Head teacher will ensure that a thorough investigation is carried out and a full written response is made within 15 school days. If the timescale needs to be extended (for example, if meetings

with complainants or relevant people cannot be arranged within this timescale) complainants will need to be informed.

Exceptions

- 3.10 **Complaints about the Head teacher.** A complaint about the Head teacher should be made in writing to the **Chair of Governors**. This may include a complaint about the actions or lack of actions of the Head teacher in investigating a complaint.

Where a complaint is about the conduct of the Head teacher, the Chair of Governors may wish to seek advice from the school's HR provider.

- 3.11 **Complaints about the Chair of Governors** should be made in writing to the **Vice - Chair of Governors**. Procedural advice and guidance may also be sought from the schools Governor clerking service or legal services.

- 3.12 **Complaints about issues covered by other statutory procedures.** Where complaints concern issues that are covered by other statutory procedures, for example, school admissions or exclusions, then those specific procedures and related timescales will apply instead (see Appendix 4).

- 3.13 **Complaints involving a claim for compensation.** The Head teacher or Chair of Governors should refer any claims for compensation directly to the Schools' legal services.

Reporting the Outcome

- 3.14 A full written response should be made to complainants who may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. The decision at the end of formal stage one is final. The only exception to this is if in investigating the complaint, the Head teacher or

governor did not conduct a full and fair investigation and therefore did not arrive at the decision fairly, then there may be an opportunity to review the decision at formal stage two.

- 3.15 Complainants will be advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the governing board. This should be done by writing to the Chair of governors **within 10 school days** of receipt of the letter from the Head teacher and chair of Governors.

Formal Stage Two: Review to Panel of Governors

The governors' review panel

- 3.16 If complainants are dissatisfied with the way in which their complaint was handled at stage one, there will be a further and final right of review to a specially convened panel of governors.
- 3.17 **Lodging the review within 10 school days.** Reviews should be lodged in writing with the Chair of Governors within 10 school days of receipt of the stage one decision.
- 3.18 **Convene panel meeting within 20 school days.** The review panel will meet within 20 school days of receiving the complaint. The complainant(s) and the Head teacher or appropriate investigating officer (or governor if the stage one complaint was about the Head teacher) will be informed of the date, time and venue of the appeal hearing.
- 3.19 The panel will comprise at least three governors who have had no previous knowledge of or involvement in the case. The panel should not include staff governors; a complainant may feel that staff cannot be objective and it is important that staff are not put in an uncomfortable position.

Remit of the governors' panel

3.20 The panel will consider the way the complaint has been investigated and handled by the school (or governor if it is about the Head teacher). The panel will carry out a review of the investigation carried out at formal stage one. It will hear the report of the investigating officer at stage one and any submissions on that report by the complainant. The review should not entail a rehearing of the case.

The panel 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 or procedures to ensure that problems of a similar nature do not recur.

3.21 **Decision within 5 school days.** The decision of the panel is final and will be communicated in writing to the complainant(s) and the Head teacher within 5 school days.

Secretary of State Review

3.22 A further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the governing board is acting or proposing to act unreasonably or illegally or the complaints procedure has not been followed by the school.

Where the Department for Education on behalf of the Secretary of State, finds that the procedure has not been followed or the governing board has acted unreasonably or illegally, it can require the complaints process to be undertaken again.

Section 4 – Further Guidance

1. How to minimise the volume of complaints

There are simple steps that Staff and Governors at St Gabriel's can take to reduce the likelihood of complaints being made.

Be open with information about all school policies and documentation.

Openly and honestly listen to any concerns and reasonably make changes if appropriate.

Maintain a culture of learning from previous errors.

Welcome challenge and oversight.

Listen to advice and support from colleagues and services.

2. Distinguishing between concerns and complaints

A useful strategy for managing parental 'complaints' is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and the complainant, where a different approach might be more appropriate. In this respect the following advice may be helpful. Many of the points will apply whether you are a classroom teacher, Head teacher, administrator or governor.

3. The first contact

If a parent or member of the community brings a concern to you, thank them – in person or in writing – for bringing their concern to your attention so that you

can address it. Then indicate to them how it might be possible to resolve the difficulty informally.

If practical, discuss the problem there and then, or arrange a mutually convenient time to meet with them.

Try to assess at the outset precisely what the concern is about. It is important to be aware that the original complaint may be masking other, underlying, issues which will need to be explored before any meeting takes place.

4. Apologies

It is important to recognise the difference between an expression of regret, an apology and an admission of liability. Often, an expression of regret that someone is concerned about an issue, or that he or she has been inconvenienced by an incident, is a useful starting point for a constructive approach to resolving the difficulty. This can be a simple statement such as "I'm sorry that you feel like that" or "I'm sorry to hear what has happened".

Individual members of staff should not generally make a personal apology (thereby implying acceptance of some responsibility) but that any apologies will be expressed by the Head teacher or the governing board on behalf of the school.

If the Head teacher or governing board are concerned that an apology may be taken as accepting liability, advice should be taken, initially from the school's legal services.

5. Moral support for the parent

It can be helpful to suggest that the complainant might bring along a friend as moral support. The school should be sensitive to, and aware of, anything which

may appear intimidating, such as the room layout; the number of people involved especially a high number of school staff; as well as any unnecessary delay leading to keeping people waiting.

In some cases, a parent governor may be able to provide independent 'support.' However, care must be taken to avoid the parent governor being seen as an advocate for the parent; the role of parent governors in this situation is only in the interest of objectivity.

We would advise parents to be accompanied by someone who was not connected with the school but who would be able to judge whether the meeting allowed the parent to express his or her concerns and have them addressed.

6. Moral support for staff

There will be times when school staff will feel under pressure or harassed by parents or other members of the community.

In these cases it is important that any direct contact is managed through the Head teacher and that advice given about vexatious complainants is followed (*see Section 10 'Dealing with protracted, persistent or serial complaints' below*).

Where staff members (including the Head teacher) are feeling under pressure, they may contact their HR provider in the first instance for support. Union representatives may also be a useful contact.

The Head teacher may choose to be accompanied to the panel meeting by a friend, colleague or professional representative (for support but not for advice).

7. Who should be involved from the governing board?

Ensure that all governors are clear about their role in handling complaints. The first contact for concerns beyond the Head teacher is the Chair or Governors.

If particular governors being involved in specific cases means there is a potential or real conflict of interest, someone else should be identified to step in. This is only likely to occur where a governor has prior knowledge, is implicated in the complaint itself or feels unable to give an unbiased hearing to a complainant. A common allegation is the perceived collusion between Head teachers and governing boards. The only effective way to counter this is to have procedures in place that allow for some flexibility in responding to complaints. The inclusion of a parent governor on the review panel can go some way to alleviating any perceived collusion.

8. Investigating complaints – good practice guidelines

We recommend that, at each stage of the concern or complaint, the following steps are followed as far as possible.

The Head teacher should nominate a senior member of staff, who has had no prior involvement with the complaint, to investigate the complaint (where resources and the size of the school staff body allow). This allows the Head teacher to retain a degree of detachment and independence from the complaint, which may be helpful in maintaining good relations between the complainant and the school after the complaints procedure has run its course.

During the investigation the Head teacher, or nominated person, - the investigating officer - should contact the complainant to clarify the details of the complaint and speak to other persons as necessary.

Sometimes one concern can be masking other underlying issues. It is important to ask what the complainant feels would resolve the issue.

Expressing regret over the issue at this stage is not an admission of liability, but it may go a long way to appeasing the complainant.

(see section 4 'Apologies' above)

Complainants will be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them to make their case. *(see section 5, 'Moral support for the parent' above).*

The task of the investigating officer at this stage is to compile accurate evidence and he/she will need to interview relevant witnesses and take statements from those involved.

When interviewing witnesses, the investigating officer should explain their role clearly and confirm the witness understands the complaint procedure and their role within it.

They should use open, not leading questions and be careful not to express opinions in words or attitude.

They should try to separate hearsay evidence from fact by asking interviewees how they know a particular fact and deal with conflicting evidence by seeking corroborative evidence

A written record should be made of interviews and checked for accuracy with the interviewee. It is good practice to ask the interviewee to sign the record.

If the complaint involves a pupil, his / her parent / guardian should be contacted and, if interviewed, *ideally* a parent / guardian should be present.

Care should be taken when interviewing children and young people, to make the atmosphere relaxed and informal.

Before it takes place, it should be ensured that any interview with a pupil will not prejudice a Police or Local Authority Designated Officer (LADO) investigation.

Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. Similarly, parents should also be made aware of confidentiality especially where other children are involved. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.

Complaints need to be considered and resolved as quickly, and efficiently as possible. It is important to keep to response times. If this is not possible, an interim letter should be sent, explaining when you will be able to respond.

If the complainant raises their case with the DfE at a later stage, it is likely that excessive time limits will be seen as unacceptable, except in extenuating circumstances.

The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.

In the event of a stage one complaint being investigated by the governing board the investigating governor should be supported by another governor, if possible, to ensure consistency, fairness and objectivity.

All people involved in the complaint procedure should be made aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.

Staff and governors in schools should have the opportunity to take part in training or briefings to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

Procedures for reviewing complaints at stage two

The **governors' review panel** is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

The panel will appoint its own chair who will ensure that the appeal hearing is minuted.

When the complainant asks to move their complaint to stage two the investigating officer should ascertain if they have any further information that they wish to submit.

Once the packs for the hearing are sent out, any further submissions of information should be discouraged but it is at the discretion of the panel chair whether further information will be accepted

Complainants may be accompanied by a friend or relative to speak on their behalf or help present their case. Interpreting facilities should be made available, if necessary.

Panel members should be mindful that some complainants may feel nervous and inhibited in a formal setting and the chair should ensure that proceedings are as welcoming as possible.

Extra care should be taken where a child attends the panel hearing to ensure the child does not feel intimidated and that their views are respected.

Where a child is the complainant or attending the hearing in any other capacity, the panel should ask in advance if any support is needed for them to be able to present information at the panel hearing.

The conduct of the panel meeting will be at the discretion of the chair, but the following format is recommended:

- The complainant puts forward why they are dissatisfied with the stage one investigation.
- The investigating officer at stage one goes through the process of investigation that led to their conclusions.
- Either party can ask questions, when invited to do so by the chair
- The panel can ask any questions of the complainants or the Head teacher / investigating officer.

The panel will:

- reach its decision
- decide on appropriate action
- consider any recommendations it will make to review or change school policies or procedures

The purpose of the panel hearing at stage two is to consider whether the complaint was investigated fairly and objectively at stage one. The panel will only ever be able to recommend a review of the decision at stage one if it

decides that the complaint was not investigated fairly, e.g. if an essential witness was not interviewed.

Complaints should not be shared with the whole governing board at early stages, except in very general terms, in case an appeal panel needs to be organised.

If the whole governing board is aware of the substance of a complaint before the final stage has been completed, they may want to arrange for an independent panel to hear the complaint. However, awareness does not equal a conflict of interest. There would need to be an actual conflict for this situation to arise, for example where a panel of the governors has already considered a related matter (e.g. exclusion) and there are not enough governors left. In this instance they may choose to approach a different the Diocese.

If the panel considers that the initial investigation at stage one is incomplete and that this throws doubt over the final decision, it can direct additional or re-investigation of those areas it determines. In this case, the stage two proceedings will be suspended to enable the complaint investigator to properly complete the stage one investigation and report their findings and conclusions to the complainant and the panel.

The panel will then reconvene at the earliest possible date to reopen the hearing and bring it to a conclusion, subject to the new information.

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 board may wish to consider using

complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure

9. Dealing with difficult responses from parents

If it is likely that the complainant will become aggressive, either physically or verbally, you should ensure that you are not meeting with them alone and that you are able to call upon additional assistance, if required.

Whilst it is a fact that the ultimate action for parents to take is to remove their children from the school and place them elsewhere, caution is needed about the way this is expressed to parents as an option.

In any event, school should not remove a pupil from the school roll without reference to the formal regulations on registration of pupils. In this context, it is not permissible to take such action purely on the grounds that the parents have informed you that they are removing their child. If in doubt, contact the school Attendance Improvement Officer for advice.

If a parent insists on keeping their child at home until the situation is resolved, school should inform their Attendance Improvement Officer. The LA will do the same if such a situation comes to light when a complaint is made via the authority.

10. Dealing with protracted, persistent or serial complaints

Assuming that the principle of taking, and being seen to take, complaints seriously is respected, and the Head teacher and/or governing board have done everything possible to address and resolve the complaint, including considering the complaint through the full scope of the complaints procedure, there may be a justifiable case for formally closing the complaint.

While the vast majority of complainants are reasonable, a small minority may become preoccupied with their grievances. They are sometimes referred to as 'vexatious', 'persistent', 'habitual' or 'serial' complainants.

A serial or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales. Nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it.

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- ❖ frequently complaining about a variety of different things, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and /or repetitious;
- ❖ seeking unrealistic outcomes relative to the issue being raised. They state that their intention to persist until that outcome is achieved;
- ❖ insisting upon pursuing valid complaints in an unreasonable manner;
- ❖ persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- ❖ challenging a historical decision / action which cannot be changed;
- ❖ contact with the school is often frequent, lengthy and complicated;
- ❖ behaving aggressively and provocatively towards the school and individual members of staff;

- ❖ using unusual methods of emphasis, such as multiple underlining, putting words in capital letters, and using exclamation marks and inverted commas, as well as extensive use of marginal notes;
- ❖ changing aspects of the complaint or the desired outcome part way through the investigation and /or after the investigation is completed and a conclusion has been reached;
- ❖ refusing to co-operate with the investigation process;
- ❖ insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- ❖ making what appears to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- ❖ refusing to accept information provided, for no justifiable reason;
- ❖ making statements the complainant knows are not true or persuading others to do so;
- ❖ supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- ❖ raising at a late stage in the process, significant information which was in the complainant's possession when he or she first submitted a complaint;
- ❖ raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- ❖ lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;

- ❖ pressing for further investigation of matters that have already been addressed;
- ❖ electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- ❖ pursuing a complaint or complaints with the authority and at the same time, with a MP/ a councillor / the standards board / the local police / solicitors / the ombudsman in the hope of getting a different response;
- ❖ using obscene, racist, offensive or threatening language in written or verbal communications;
- ❖ threatening or aggressive or abusive behaviour in direct personal contact with staff;
- ❖ using the vehicle of valid new complaints to resurrect issues which were included in previous complaints;
- ❖ persistence in sending communications which demand responses, or making telephone calls seeking interviews with staff, after the authority has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

11. Closing complaints

Very occasionally, a school will feel it needs to close a complaint where the complainant is still dissatisfied. Sometimes it is simply not possible to meet all of the complainant's wishes and the complaint remains irresolvable.

If a complainant persists in making representations to the school – to the Head teacher, designated governor, chair of governors or anyone else – this can be

extremely time-consuming and can detract from the school's responsibility to look after the interests of all the children in its care.

For this reason, schools are entitled to close correspondence (including personal approaches, letters and telephone calls) on a complaint where they feel that they have taken all reasonable action to resolve the complaint.

Before closing a complaint against a complainant's wishes it should be ensured that:

- 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).

The case may be 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?
- The complainant is contacting the school repeatedly but making substantially the same points each time.
- Their letters / emails / telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

However, regardless of how many stages the school chooses, or whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

Schools should be aware that, even where they choose to close a complaint, an 'appeal' to the DfE could result in a direction to the governing board from the Secretary of State for Education if the governing board's action is judged by them to be unreasonable.

Where the DfE receives an appeal it will assess whether the school has followed its own published procedures. This underlines the importance of following the procedures closely and having everything documented.

Correspondence received from the complainant subsequent to closure should be kept on file indefinitely, as should notes of telephone calls and any further personal calls referring to the matter. This will be important if the DfE asks for copies later. It is even more important where the case is particularly sensitive, for example if it involves child protection or hate incident issues.

A sample policy for dealing with Unreasonable Complaints / Complainants is provided at ***Annex E***

12. Recording complaints

It is essential that appropriate records of all complaints, incidents and any meetings with parents or other complainants are kept. If, for example, a parent alleges that bullying is taking place, you should record this as the concern, *whether or not you accept* that bullying is the issue.

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a

complaint form or in writing. However, the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact

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

Schools should record the progress of the complaint and the final outcome. The Head teacher 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 Act 2000 and Data Protection Act 1998.

Whilst it is hoped that resolution would be straightforward and informal, any subsequent legal action would require clear written evidence of any action taken and it is at such times that properly kept records are an invaluable source of information. This is especially important in cases of alleged hate incidents or child abuse.

13. Complaints involving allegations of hate incidents

Recording all hate incidents, bullying and prejudice-based incidents is one of the ways in which a school may show that it has 'due regard' for fostering good relations, as well as eliminating discrimination, harassment and victimisation and thus demonstrate compliance with the Equality Act 2010.

All such incidents must be recorded in accordance with guidance and procedures. It is not acceptable for such allegations to be dismissed simply

because the Head teacher, Chair of governors or anyone else judges the incident not to be 'hate' motivated.

Although hate incidents are subject to a statutory procedure, the Equality Act 2010 a related complaint can still be dealt with through the school's complaints procedure

14. Child protection issues

If allegations of physical (including sexual) abuse or misconduct, by a member of staff towards a pupil are made, schools should follow the procedures set out in the guidance on child protection issued separately to them.

Particular care must be exercised to ensure confidentiality in such cases in the interests of the child (ren) and staff involved.

15. Complaints about bullying or other behavioural issues

See the Schools Preventing bullying policy. Complaints can go through the normal procedures.

If the problem is affecting the child's attendance – for example, if the parent is refusing to return the child to school until the matter is resolved – the School may also inform the ACE team who will then contact the parent to see how the family can best be supported.

16. Responding to threats to involve the media

Frequently, the more irate complainant will threaten to 'take it to the press' if their concern is not addressed. We would suggest the following possible responses:

- When such a threat is made, assure the complainant that this is, of course, their right but that you will follow up their concerns in line with your procedures; that adverse publicity could be counterproductive for them and their child(ren); and that settling the problem between yourselves is likely to be in everyone's interests.
- If you have reason to believe that such threats are real, or if you are contacted by the media, you should seek guidance from legal services and / or the Diocesan press office.

17. Responding to threats of legal action

Schools are sometimes threatened with legal action by parents and others, or even receive letters from lawyers representing the complainants. In the former scenario schools should continue to handle the concern /complaint properly and not respond to the legal threat until a letter has been received from a lawyer. Once a formal lawyer's letter has been received schools should do two things:

- acknowledge the letter and tell the sender that advice is being sought and school will respond fully in due course; and
- take advice from legal services.

18. The involvement of elected members

Complainants will sometimes contact their local Councillor or MP at an early stage in a complaint.

If this happens, school should inform the Councillor that the matter is being dealt with through the school's complaints procedures and that you will inform them of the outcome.

19. The role of LA officers in dealing with complaints

While a local authority has no statutory framework within which to operate a general complaints function, there are, nevertheless, expectations from government that a local authority will use its detailed knowledge of schools and circumstances to facilitate the resolution of complaints, especially from parents. The DfE regularly asks the local authority for its view where a complaint has been escalated to the department.

The LA's responsibilities include handling general queries about parental concerns and complaints. The LA will advise parents and others how to express their concerns through the appropriate route i.e. the school's published complaints policy starting with informal contact at school level and referring to the school website.

Governor Services advises, among other things, on issues of governance, and can provide support and guidance on how governors could help manage relationships between the school and its community, including its parents. If a governing board needs help with the school's ability to deal with a complaint, it is likely that governor services will be asked to offer appropriate support and advice.

20. Reviewing Complaints Procedure

The governing board should adopt the procedure and should determine how often the complaints procedure is reviewed.

The DfE 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 issued by the DfE or any legislative changes.

Responsibility for reviewing the procedure may be delegated to a committee of the governing board, an individual governor or the Head teacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

Annex A: *Letter*. Acknowledgment from Chair of Governors

Dear

Complaint re:

Thank you for your letter dated ... setting out the reasons why you are not satisfied with the Head teacher's response to your complaint dated

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk / Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

Yours sincerely,

Annex B: *Letter: Invitation to a Governors' Complaints Hearing*

Dear

Please find enclosed all relevant information relating to the Complaints Appeal Panel (CAP) hearing which will take place on **date** at **time** at **venue**.

You are welcome to attend the meeting together with a friend or representative. Those present at the meeting will include a panel of at least three Governors and the Head teacher.

Definition

A complaint is defined as "dissatisfaction about any aspect of the school's work". Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of the School's work, They may be expressed by parents, guardians, neighbours or anyone with an interest in the working of our school.

The majority of concerns / complaints can be dealt with satisfactorily by staff in an informal basis. Where this is not possible, the complaint should be addressed through a formal procedure which should begin with the Head teacher / Chair of Governors and then a panel of Governors.

General Principles

The following should be observed during the hearing:

- The aim of the hearing should be to resolve the complaint and achieve reconciliation between the School and the Complainant
- It is the responsibility of the committee to ensure the hearing is properly minuted

- The complainant may be unused to dealing with groups of people in formal situations. It is recommended that the Chair ensures that the procedures are as informal as possible
- In the interest of fairness, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other party has time to consider and respond to the new evidence.

Annex B: *Letter: Invitation to a Governors' Complaints Hearing* (Continued)

Order of Hearing

- Welcome and introduction by Chair of the Complaints Committee
- Explanation of the procedure
- Complainant presents the appeal
- Questions to complainant by governors and Head teacher
- Head teacher responds to the complaint
- Questions to Head teacher by governors and complainant
- Summing up by the Head teacher
- Summing up by the complainant
- Concluding remarks by the chair of the complaints committee and explanation of what happens next
- The complainant and Head teacher are asked to leave

The Decision

The Committee can:

- Uphold the complaint in full;
- Uphold it in part; or
- Dismiss it

The complainant and the Head teacher will be informed in writing within 5 school days of the hearing. If the complainant is not satisfied with the decision, the matter can be referred to the Secretary of State for Education.

Yours sincerely,

Annex C: *Letter*. Complaint Closure Letter – Stage 1

Dear

FORMAL STAGE 1 COMPLAINT REGARDING XX AND ST GABRIEL'S COFE ACADEMY

Thank you for your letter dated.... From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that:

summary of complaint to be stated. State each point separately.

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that
2. Concerning your complaint that

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

State what action was taken in response and the outcome of this

Formal stage one

State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld

I hope this response answers your concerns. Please let me know if you wish me to clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage two, you should write to the chair of governors within 10 days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two, you can complain to the Secretary of State for Education who will consider how your complaint has been handled.

Yours sincerely,

Annex D: *Letter*: Complaint Closure Letter – Stage 2

Dear

FORMAL STAGE 2 COMPLAINT REGARDING XX AND ST GABRIEL'S COFE ACADEMY

The panel met on ...date...to hear your appeal regarding your complaint which can be summarised as follows:

That so and so / the school did / said /did not,...

Legal or administrative background

State any legal or administrative background to the case, including any legislation relevant to the investigation.

The investigation

Set out the key facts about the complaint, the findings and conclusions from the formal stage one investigation, and any continuing concerns.

Conclusion

Set out the findings of the panel

Panel decision

Outcome of the decision

Please let me know if you wish me to clarify any points for you.

In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, you can contact the Secretary of State for Education through the DfE website www.education.gov.uk or by writing to the following address:

The School Complaints Unit (SCU)

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

Yours sincerely

Annex E: POLICY for UNREASONABLE COMPLAINTS



St Gabriel's CofE Academy 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.

St Gabriel's CofE Academy 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; or
- 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 Head teacher or Chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Gabriel's CofE Academy 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 St Gabriel's CofE Academy.