



# Complaints Procedure and Policy Guidance

Communicating love; Inspiring our  
Community to Flourish

2020-2023

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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 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.
- 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 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 to relevant members of staff or complaints to the Head teacher in most circumstances.
- 2 The **Houlton CofE Multi Academy Trust**, through its members and Directors (with delegated authority to the local Governing body) 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.
- 3 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.

- 4 **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.
- 5 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.
- 6 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.
- 7 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?**

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**

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**

It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal for example, dealing with allegations against staff, staff conduct, 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?**

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.

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.

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.

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

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.

### Complaints Procedures

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

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.

This procedure establishes four school-based stages, as well as a further review stage by the Secretary of State for Education.

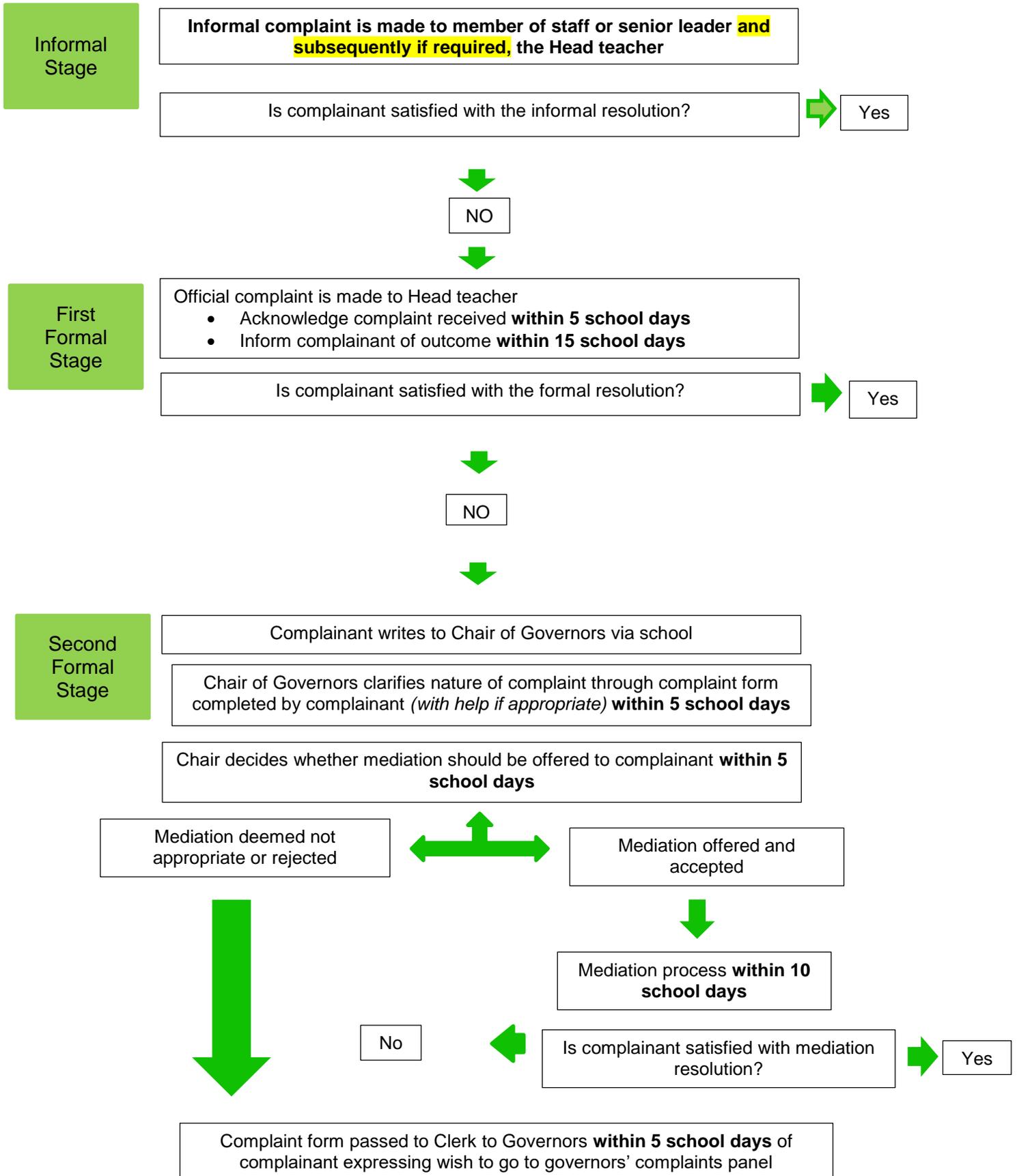
1. **Informal stage one - dealing with concerns:** initial concerns are heard by a class teacher, senior leader or most appropriate member of staff on an informal basis, either in person, by telephone or in writing (including email). These may then be passed to the Headteacher informally to address if resolution has not been reached. Should concerns remain, the complainant may consider moving to the formal stage.
2. **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.
3. **Formal stage two:** If formal stage one has been worked through and the complainant is unsatisfied, the case can be referred to the Chair of Governors who will decide whether the complaint should be referred to the Governors' Complaints Panel or whether a mediation stage should be offered.
4. **Mediation:** If both parties agree, Mediation will be arranged with a suitably qualified facilitator to give both the complainant and the Head teacher a further opportunity to hear each other's points of view, build on areas of agreement and develop a structure within which to resolve remaining differences.
5. **Formal stage three:** Where the complainant remains not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to

a Panel hearing comprised of Governors and one independent member of the Coventry Diocesan Board of Education. The Complaints 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 problems of a similar nature do not recur. It may consider and criticise the way in which an operational decision was communicated – but **it cannot overturn a decision itself**. It can consider the manner in which a complaint about any decision was addressed. It can consider and identify limitations in a policy or procedures – **but cannot make or improve policy** and can recommend that the policy be reviewed by the Governing Board.

6. **Post formal stage: 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**

1. 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. 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.
3. 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**

1. 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.

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**

1. 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. 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.
3. 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

1. 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. 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.

3. The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.
4. If the school rejects the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated.
5. **Section 4 – ‘Further Guidance’** contains response letters for use at the end of formal stage 1 and formal stage 2.

### **Serial or persistent complaints**

1. 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. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.*

8. 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**

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**

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 may seek the advice and support of a senior leader in handling informal pre-complaint stage concerns.
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. 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.
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.

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**

1. 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.
2. Complaints made either in person, by telephone, or electronic communication should not prohibit complaints being dealt with under formal procedures.
3. **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.

4. **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.
  
5. **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**

1. **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.
  
2. 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. **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.
  
4. **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).

5. **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**

1. 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.
2. 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: Making a Complaint to the chair of Governors

1. Where the formal stage one process has been unsuccessful in resolving a complaint, the complainant may wish to move to formal stage two and write to the Chair of Governors at the school address or using the email address provided on the school website. The envelope should be marked 'FOR IMMEDIATE ATTENTION "PRIVATE AND CONFIDENTIAL"' and staff in the school office must ensure that the letter is forwarded without delay.
2. The complainant will be asked to complete a complaint form (appendix 1) if they have not already done so\*\*. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.\*\* *If the complainant has provided a detailed written letter explaining the issues surrounding their complaint the Chair may make the decision to accept this instead of asking for a complaint form to be completed and the information duplicated.*
3. All complaint forms and/or complaint letters will be securely stored in the complaints file to be located in the Headteacher's office available for inspection by the proprietor or Headteacher.
4. All correspondence, statements and records of the complaint and the subsequent process will be strictly confidential, stored securely in the complaints file, electronic correspondence and records will be password protected.
5. On receipt of the complaint form, the Chair of Governors (or other nominated Governor) will:
  6. clarify the nature of the complaint and what remains unresolved
  7. meet with the complainant or contact them
  8. clarify what the complainant considers would resolve the matter

9. The Chair of Governors will decide whether the complaint should be referred to the Governors' Complaints Panel or whether a mediation stage should be offered.
10. Mediation can only proceed if the Complainant and the Head teacher are willing to undertake this course of action. Should mediation be unsuccessful, the complaint will be considered by the Governors' Complaints Panel.

### **Mediation**

1. Mediation can be an effective means by which to resolve a complaint.
2. It gives both the complainant and the Head teacher a further opportunity to hear each other's points of view (with a third party facilitating).
3. It gives the third party an opportunity to help the Head teacher and Complainant identify and build on areas of agreement.
4. It gives the Head teacher and the Complainant a structure within which to resolve remaining differences.
5. As and when the complainant and the Head teacher emerge from the mediation satisfied, this is the best foundation for a continuing positive relationship.
6. Should the complaint continue and be referred to a Governors' Panel, the issues to be considered are likely to be clearer following mediation.
7. Mediation may elicit one or more of the responses listed below from either party:
  8. an acknowledgement that the complaint is valid in whole or in part
  9. an apology
  10. an explanation
  11. an admission that the situation could have been managed differently or better
  12. an assurance that the event will not recur
  13. an explanation of the steps which have been taken to ensure that it will not happen again

14. an undertaking to review school policies in light of the complaint

### **Formal stage three: Governors' Complaints Panel**

1. Where the complainant remains not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a Panel hearing comprised of Governors and one independent member of the Coventry Diocesan Board of Education
2. Establishing a Complaints Panel
3. The Governing Board will agree the composition of the Complaint Panel at the first meeting of the Governing Board each year and will ensure representation of one DBE member to any formed panel.
4. As Governors may not be available at all times during school times Governing Boards are advised to agree the names of 4 or 5 possible Governors from whom a Panel of three may be drawn.
5. The decision about the membership of a particular Panel will depend on factors such as availability, whether any Governors have prior knowledge, and any vested interest. The decision as to the composition of the Panel will be made by the Chair of Governors.
6. When the Clerk of Governors receives a copy of the complaint form s/he will inform the Chair of the Governing Board that a complaint has been received and that it has been passed to the Panel to deal with. **No further information about the complaint should be shared with other Governors.**
7. Both parties should be invited to submit relevant documentation in time to be circulated seven days before any hearing or formal consideration by the Complaints Panel.

8. There are several points which any Governor sitting on a Complaints Panel needs to remember:
9. It is important that the appeal hearing is independent, transparent and impartial.
10. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
11. The Panel Chair will ensure that the proceedings are welcoming and as informal as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.
12. Remit of the panel – the Complaints Panel can:
13. Dismiss the complaint in whole or in part.
14. Uphold the complaint in whole or in part.
15. Decide on the appropriate action to be taken to resolve the complaint
16. Recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.
17. It may:
18. Consider and criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself.**
19. Consider the thoroughness with which the Head teacher investigated a complaint about a member of staff – **but cannot expect the Head teacher to provide details about confidential discussions with the staff member.**
20. Consider the manner in which a complaint about any decision was addressed.
21. Consider and identify limitations in a policy or procedures – but cannot make or improve policy. It can, however, recommend that the policy be reviewed by the Governing Board.
22. Consider whether it should recommend that the Governing Board offer appropriate redress.

### 23. Format of a Panel Hearing

24. The Complainant (and friend) and Head teacher (and representative) will enter the room where the hearing is taking place together.
25. The chair will introduce the panel members and the clerk and outline the process.
26. The complainant is invited to explain the complaint.
27. The Head teacher may question the complainant.
28. The panel will question the complainant.
29. The Head teacher is then invited to explain the school's actions.
30. The complainant may question the Head teacher.
31. The panel will question the Head teacher.
32. The complainant is then invited to sum up their complaint.
33. The Head teacher is then invited to sum up the school's actions and response to the complaint.
34. The chair explains that both parties will hear from the panel within three working days.
35. Both parties leave together while the panel decides on the issues.
36. The clerk will remain with the panel to clarify any issues.
37. The hearing should be made as unthreatening as possible to all parties.
38. The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.
39. The Head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Head teacher and complainant enter and leave the room where the hearing is held together.

40. The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — there should be every encouragement to produce the evidence in advance so that both sides have time to study it.
41. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.
42. Some notes on exceptional circumstances
43. For the sake of clarity, the description above does not cover exceptional circumstances which might include:
  44. The chair of governors may not be able to find three governors who have no prior knowledge of the case
  45. If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge
  46. If there are still insufficient governors able to sit on a panel, the Governing Board in consultation with the Local Authority or Diocese will put in place an alternative fair process.
47. A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Head teacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Head teacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Head teacher' for the purpose of the panel.
48. There may be exceptional circumstances in which the complaint is against the chair of governors — e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Head teacher' would be read as 'chair of governors'.

49. If both the head teacher / governing board and the parent / guardian agree then any stage in this complaints procedure may be bypassed when it is deemed appropriate.
50. Outcome of the hearing
51. Following the end of the hearing the Clerk will ensure that the Panel's decision regarding each of the issues is clearly communicated to all parties in a letter. This will be sent within 5 working days of the end of the hearing. The letter will set out the reasons for the decision(s) made by the Panel.
52. The Clerk will ensure that the letter adheres to the facts and demonstrates impartiality.

### **Monitoring Complaints**

1. As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvement. When individual complaints are heard, schools may identify issues that need to be addressed.
2. The monitoring and review of complaints by the School and Governing Board can be useful in evaluating the school's performance. Any discussion of complaints by the Governing Board or others in the school community should not name or be able to identify individuals.
3. **All documentation pertaining to a formal complaint, including any findings and recommendations, will be kept confidentially and securely in the Headteacher's office available for inspection by the proprietor and Headteacher, the secretary of state or a body conducting an inspection under section 109 of the 2008 act.**

4. The flowchart on the next page summarises the complaints process.

### **Secretary of State Review**

1. 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.
2. 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.

## **Annex A: *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 B: 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 panel will let you know in writing how the panel intends to consider your complaint.

Yours sincerely,

## **Annex C: *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.

### **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 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](http://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.