

Complaints Policy and Procedures

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1.0 Legal Framework

- 1.1 Section 409 of the 1996 Education Act allows a LA to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEND, and Exclusions Appeals.
- 1.2 Complaints of a more general nature fall outside the remit of this section (1.1). The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or to provision of facilities or services other than complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision and to publicise these procedures. In establishing and publicising those procedures the Governing Body must “have regard” to Guidance given by the Secretary of State.
- 1.3 The majority of complaints received by schools are properly dealt with by other procedures, but it is still necessary for schools to have a “general” procedure for the minority of complaints, that are not covered by other statutory procedures.
- 1.4 Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body or LA has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

2.0 Selecting the most appropriate procedure

- 2.1 As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. However, any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible. Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person[s] for resolution. It may be helpful to invite any complainant to complete a complaint form (see Annex 1 p13), to assist in the understanding and analysis of their complaint and to ensure that an accurate record is maintained. A copy of the School Complaint Form is available from the school website and/or the school office.

3.0 Contact/Complaints Triage Table

Nature of contact	Appropriate person to contact	Relevant policy/procedure
Request for published information	School Office	Freedom of Information Act Charging and Remissions Policy (school website)
Request for pupil information	Head of Teaching and Learning or Senior Member of Staff	Data Protection Policy (school website)
Complaint about the WGB	Clerk or Chair of Governors	General Complaints Procedure (page 6)
Unreasonable exercise of discretion by the Head of Teaching and Learning or Executive Headteacher	Head of Teaching and Learning or Executive Headteacher or Chair of Governors	General Complaints Procedure (page 6)
Allegation about the conduct of a member of staff	Head of Teaching and Learning or Executive Headteacher Chair of Governors if the allegation is about the Executive Headteacher	School Staff Disciplinary Procedure. Confidential to the school and the employee
Allegation of verbal or physical assault by an employee on a pupil	Head of Teaching and Learning or Executive Headteacher Chair of Governors if the allegation is about the Executive Headteacher	Child Protection Procedures. Confidential to the school, LADO and the parents of the alleged victim
Allegation about the capability of a member of staff	Head of Teaching and Learning or Executive Headteacher Chair of Governors if the	Capability Procedures. Confidential to the school and the employee

	allegation is about the Executive Headteacher	
Conduct of another pupil [behaviour/bullying]	Head of Teaching and Learning or Senior Member of Staff	School Behaviour and Discipline Procedures (School website). Confidential to the school and the parents of the alleged perpetrator
Discipline of a pupil	Head of Teaching and Learning or Senior Member of Staff	School Behaviour and Discipline Procedures (school website). Confidential to the school and the parents of the pupil
Content of /Failure to maintain an EHCP	Head of Teaching and Learning / Executive Headteacher /SENCo LA	LA Procedures
Admissions	Chair of Governors LA	Admissions Policy and Procedures (school website)
Exclusions	Chair of Governors LA	Exclusions Appeal Procedures (LA)
Failure to provide NC Entitlement/Inappropriate curriculum	Head of Teaching and Learning or Executive Headteacher Clerk to Governors	LA Procedures
Clubs/Activities	Coordinator member of staff	School Procedures (school website)
Governor's decision to remove licence for a person to enter the school premises (banning)	Clerk to Governors Chair of Governors	Governor's Appeals Committee
Selection of pupil for team/play	Coordinating member of staff Head of Teaching and Learning or Executive Headteacher	General Complaints Procedure (school website)

4.0 General Principles

- 4.1 The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
- 4.2 All stages of the complaints procedure should be investigatory rather than adversarial.

- 4.3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through a statutory complaints procedure. It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 2020, and those with parental responsibility, as defined in the Children Act 2014.
- 4.4. The responsibility for dealing with General Complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, that do not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
- 4.5. Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as Child Protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- 4.6. There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants.
- 4.7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee’s employment or data protection rights.
- 4.8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.
- 4.9. Any governors involved in the process should receive prior training for their role.
- 4.10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual Governors, the Diocese or the Bishop. The Complaints Policy is available via the school’s website and/or from the school office.

- 4.11. Some existing procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint. This is strictly in accord with the principle stated in the 2007 DCSF Guidance that the procedure be non-adversarial.
- 4.12. Complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances.
- 4.13. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
- 4.14. The matter of keeping a record of the complaint and its investigation could be addressed in the initial response to the complainant. The issue of taking notes/minutes may also be addressed.
- 4.15. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures “closure”. This is more likely to be the case if the procedure adopted has been the subject of wide consultation.
- 4.16. The purpose of the “Complaints” and “Review Request” Forms are to assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. (See Annex 1 p13 for the General Complaints Form and Annex 2 p14 School Complaint Review Request Form.)
- 4.17. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

5.0 Vexatious Complainants

- 5.1 The school will respond to all complaints in accordance with the procedures detailed in this policy. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. It is these latter circumstances that can lead a school, which is acting very reasonably, to being drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an

attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. (See section 9 p10.)

6.0 Pinewood Infant School Complaints Procedure

6.1 General Principles:

6.2 This procedure for is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.

6.3 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

6.4 To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

7.0 Raising a concern or complaint

7.1 Informal Stage

7.2 It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Headteacher [or to the Chair of the governing body, if the complaint is about the Head Teacher]. If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body.

7.3 Formal Stage

7.4 If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Head of Teaching and Learning or Executive Headteacher, [or to the Clerk to the governing body, for the attention of the Chair, if the complaint is about the Executive Headteacher] who will be responsible for ensuring that it is investigated appropriately. A Complaint Form is provided to assist you. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed. Please pass the completed form, in a sealed envelope to the Head of Teaching and Learning or Executive Headteacher or to the Clerk to the governing body, as appropriate. The Executive Headteacher [or Chair] may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation, you

may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through a meeting with the Head of Teaching and Learning or Executive Headteacher [or Chair]. If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request Form is provided for your convenience (see Annex 2 School Complaint Review Request Form p14).

7.5 Investigation Procedure

7.5.1 The investigation of an allegation or a complaint will always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made. Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

7.6 Preparing for an Investigation

7.6.1 Where the school receives a formal complaint, it will be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course. It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting.

7.6.2 If an investigator is appointed there may be a need for a more detailed follow-up.

7.6.3 Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any

investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them. Once any complaint has been confirmed the school needs to determine which procedure, school or LA is most appropriate and to select an appropriate person to conduct any investigation.

7.7 Conducting the investigation

7.7.1 In accordance with the provisions of the relevant procedure is imperative. Arrangements will be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant will be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff subject to the complaint will be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

7.7.1 Where children are potential witnesses, discretion will be exercised over their involvement. Pupils will only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Younger pupils will not normally be interviewed. Any interviews will be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

7.7.2 In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator will allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to “lead” them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

7.8 Concluding the investigation

7.8.1 The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation.

- 7.8.2 The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice from the LA.
- 7.8.3 A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post. Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.
- 7.8.4 The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

8.0 Review Process

- 8.1 Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically. The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school [usually the Head of Teaching and Learning or Executive Headteacher or the Chair of the Governing Body panel that has considered the matter], as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed. You, and the school representative[s], will be informed in writing of the outcome, usually within 5 school days of the panel meeting.
- The matter will then be closed as far as the school is concerned. If you believe that the Governing Body has acted illegally or arbitrarily in handling the complaint, then you may make representations to the LA, Ofsted or the Secretary of State for Education. It should be noted that it is usual practice for Secretary of State to ask Ofsted to investigate and Ofsted to, in turn, seek advice from the LA.

8.2 Governing Body Complaints Panel Meeting

- 8.2.1 If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process and which relates to school or the services that it provides, it may be necessary to convene governing body panel to consider the matter and formulate a response.
- 8.2.2 The complaint is likely to relate to matters such as:
- the content or the application of a governing body policy

- unreasonable exercise of discretion by headteacher e.g. declining to accept a volunteer or to sign a passport application or to authorise a pupil's absence
- selection of pupils for a school team or play.

- 8.2.3 If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint. The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.
- 8.2.4 A meeting of the panel will take place, usually within 10 school days, to consider the matter.
- 8.2.5 The complainant [who may be accompanied by a friend if they wish] and representative[s] from the school may be invited to attend this meeting in order to clarify the matter.
- 8.2.6 As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.
- 8.2.7 When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head of Teaching and Learning or Executive Headteacher and the governing body of the outcome, in writing. Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.
- 8.2.8 If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

9.0 Vexatious Complainants

9.1 School Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants (Vexatious Complaints)

- 9.2 The Head of Teaching and Learning, Executive Headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

- 9.3 The aim of this policy is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.
- 9.4 What do we mean by ‘an unreasonably persistent complainant’?
- 9.4.1 An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:
- actions which are out of proportion to the nature of the complaint
 - persistent even when the complaints procedure has been exhausted
 - personally harassing
 - unjustifiably repetitious
 - an insistence on pursuing unjustified complaints
 - unrealistic outcomes to justified complaints
 - an insistence on pursuing justifiable complaints in an unreasonable manner eg using abusive or threatening language
 - making complaints in public
 - refusing to attend appointments to discuss the complaint.
- 9.4.2 What is ‘harassment’?
- We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.
- 9.4.3 Behaviour may fall within the scope of this policy if:
- it appears to be deliberately targeted at one or more members of school staff or others without good cause
 - the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
 - it has a significant and disproportionate adverse effect on the school community.
- 9.4.4 What does the school expect of any person wishing to raise a concern?
- The school expects anyone who wishes to raise concerns with the school to:
- treat all members of the school community with courtesy and respect
 - respect the needs of pupils and staff within the school
 - avoid the use of violence, or threats of violence, towards people or property
 - recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
 - follow the school’s complaints procedure.
- 9.5 **Schools’ responses to unreasonably persistent complaints or harassment**

9.5.1 This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints Policy
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

9.6 **Physical or verbal aggression**

9.6.1 The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect
- request an Anti-Social Behaviour Order (AS BO)
- prosecute under Anti-Harassment legislation
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

9.6.2 Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Annex 1 School Complaint Form

Governors Policy Document – Complaints Policy
School Complaint Form**School Complaint Form**

Please complete this form and return it to Head Teacher or Clerk to the governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school's roll):

Pupil's name (if relevant to your complaint):

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated (You may continue on separate paper, or attach additional documents, if you wish):

What action, if any, have you already taken to try to resolve your complaint? (e.g. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

Annex 2 School Complaint Review Request Form

Governors Policy Document – Complaints Policy
School Complaint Review Request Form**School Complaint: Review Request Form**

Please complete this form and return it to Head Teacher or Clerk to the governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school's roll).

Pupil's name (if relevant to your complaint).

Your Address:

Daytime telephone number:

Evening telephone number:

I submitted a formal complaint to the school on _____ and am dissatisfied by the procedure that has been followed.

My complaint was submitted to _____ and I received a response from _____

I have attached copies of my formal complaint and of the response[s] from the school.

I am dissatisfied with the way in which the procedure was carried out, because (you may continue on separate paper, or attach additional documents if you wish).

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

Signature:

Date: