



Michael Faraday Primary School

Complaints Procedure

November 2017

Southwark Council Children's & Adults' Services

Governor Services

MODEL COMPLAINTS POLICY FOR SCHOOLS

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1. Introduction

- 1.1 Under the Education Act 2002 (or the Education (Independent School Standards (England)) Regulations 2014 Schedule 1, Part 7 for academies), governing bodies must adopt and make available a Complaints Policy to enable complaints received from any persons who do not work at the school to be dealt with effectively.
- 1.2 Governing bodies may adopt a policy different from this model, if they wish but should ensure it complies with the current DfE guidance. Those governing bodies which do not adopt the Southwark model are asked to send a copy of their policy to the LA's Head of Governor Services.
- 1.3 Governors should satisfy themselves that third party providers of community facilities or services and those using the school premises in any way have their own complaints procedure.
- 1.4 All complaints will be dealt with in confidence and matters put to the governing body's Complaints committee will remain confidential to those committee members. Anyone wishing to make a complaint is also expected to keep the matter confidential.
- 1.5 Governors have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone, but refers the complainant to this policy.
- 1.6 Schools must publish their complaints procedure on their school website.

2. General principles of this Complaints Policy

- 2.1 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.
- 2.2 It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken where an informal resolution is not possible.
- 2.3 Those responsible for investigating and responding to a complaint will aim to address the concerns raised, provide an effective response and consider any redress that might be necessary.
- 2.4 Information about children is confidential. Parents wishing to see their child's file must make an appointment with the Headteacher at that school, at a mutually convenient time.
- 2.5 Confidential personal documents relating to members of staff will not be disclosed.
- 2.6 If the complaint alleges or suggests conduct that might indicate that the individual concerned would pose a risk of harm if they continue to work in regular or close contact with children, advice will be sought from the Local Authority Designated Officer (LADO) before any investigation is initiated by the Headteacher or Investigating Officer.

3. Matters that are not covered by this Complaints Policy

The following matters cannot be considered under this Complaints Policy. There are separate policies and procedures that deal with them.

- 3.1 Any staff issues, including Capability, Disciplinary, Grievance, Whistle Blowing, and Reorganisation, Redeployment and Redundancy.
- 3.2 Admissions.
- 3.3 Anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues.
- 3.4 Spurious, serial or persistent complaints.
- 3.5 Statutory assessment of special educational needs.
- 3.6 Curriculum at Pupil Referral units.

- 3.7 Pupil exclusion from school.
- 3.8 Those that are the subject of legal proceedings, or have been so.
- 3.9 Those being considered by the Secretary of State under statutory power.
- 3.10 Complaints that are received more than three months after the incident in question occurred, unless it forms part of an existing concern or complaint under investigation.
- 3.11 complaints that are received about a member of staff more than three months after they have left the employment of the school, except under the most exceptional circumstances.

4. Procedures to be followed for concerns or complaints falling under this policy

Stage 1 - Informal discussion with teacher, member of staff or the Headteacher

- 4.1 Parents/carers are encouraged to raise any concerns they have directly with their child's teacher, an appropriate member of staff or the Headteacher. If they remain unhappy they should make a formal appointment to speak to the Headteacher. Most concerns can and should be addressed and resolved in this way. Occasionally a resolution is not reached or

the matter is too serious to be resolved in this way, and this document outlines the formal procedure which should be followed.

- 4.2 If the complainant is not satisfied with the outcome at Stage 1, they must put their complaint in writing (using Complaint Form 1 at Appendix 1 of this policy), within three calendar months of the incident so it can be considered under Stage 2 of this policy. The complainant should include details which will assist the investigation, and copies of any relevant documents. The complaint should be sent to the school addressed to the Headteacher or Chair of Governors as appropriate. If the complainant is unable to do this, they should ask somebody to transcribe and/or submit the form on their behalf, and the school should offer to do this if requested. The Headteacher or Chair of Governors should ask someone else to investigate on their behalf if there is a conflict of interest.

STAGE 2A – This applies where the complaint relates to a member of staff in the school

STAGE 2B - This applies where the complaint relates to the Headteacher or a member of the governing body (including the Chair)

Stage 2A - Formal Investigation by the Headteacher as Investigating Officer

- 4.3 The Headteacher may decide that a complaint should be dealt with under the separate Staff Capability, Staff Disciplinary, Grievance, Whistle Blowing or Reorganisation, Redeployment and Redundancy policies adopted by the governing body. In this case, it is the Headteacher's responsibility to start those procedures. Personnel matters are confidential.
- 4.4 The process will be as follows:
- A written complaint will be acknowledged in writing by the Headteacher (using Acknowledgement Letter 1 at Appendix 4 of this policy) within five school days of receipt of Complaint Form 1, stating that it will be investigated;
 - The member of staff concerned will be informed that a complaint has been received and informed that an investigation will be carried out;
 - It is important that the nature of the complaint is clearly understood, and the Headteacher may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
 - The Headteacher will investigate and collect any evidence necessary. Where this involves an interview with a member of staff, they may be accompanied by a friend/representative;
 - Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
 - The member of staff concerned will be provided with a copy of the complaint and supporting information, including evidence collected by the Headteacher. Once they have had an opportunity to consider it, the member of staff concerned will be invited to meet with the Headteacher to present their view and any supporting evidence. The member of staff concerned may be accompanied at this meeting by a friend or representative;
 - Within ten school days of sending the acknowledgement letter, the Headteacher will write to the complainant and the member of staff giving the outcome of the investigation and the Headteacher's decision on the complaint, or explaining why this cannot be achieved within the ten school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.
- 4.5 If the complainant is dissatisfied with the Headteacher's decision and/or the way in which the Headteacher investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

Stage 2B - Formal Investigation by the Chair of Governors as Investigating Officer (or the Headteacher or Vice-Chair, where the complaint relates to the Chair of Governors)

- 4.6 The process will be as follows:
- A written complaint will be acknowledged in writing by the Chair of Governors (or the Headteacher or Vice-Chair, where the complaint relates to the Chair of Governors) (using Acknowledgement Letter 2 at Appendix 5 of this policy) within five school days of receipt of Complaint Form 1, stating that it will be investigated;

- The Headteacher or governor concerned will be informed that a complaint has been received and informed that an investigation will be carried out;
- It is important that the nature of the complaint is clearly understood, and the Chair of Governors, Vice-Chair or Headteacher may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
- The Chair of Governors, Vice-Chair or Headteacher will investigate and collect evidence as necessary. This may include interviewing witnesses;
- Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
- The Headteacher or governor concerned will be provided with a copy of the complaint and supporting information, including evidence collected by the Chair of Governors (or the Headteacher or Vice-Chair, where the complaint relates to the Chair of Governors). Once they have had an opportunity to consider it, the Headteacher or governor will be invited to meet with the Chair of Governors (or the Headteacher or Vice-Chair, where the complaint relates to the Chair of Governors) to present their view and any supporting evidence. The Headteacher or governor may be accompanied at this meeting by a friend or representative;
- Within ten school days of sending the letter of acknowledgement, the Chair of Governors (or the Headteacher or Vice-Chair, where the complaint relates to the Chair of Governors) will write to the complainant and the Headteacher or governor giving the outcome of the investigation and the decision on the complaint, or explaining why this cannot be achieved within the ten school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

- 4.7 If the complainant is dissatisfied with the Chair of Governors', Vice-Chair's or Headteacher's decision and/or the way in which they investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

Stage 3- Formal Hearing by the governing body's Complaints committee (a panel of governors will only consider a matter that has already been investigated at stage 2A or 2B)

- 4.8 The reasons for dissatisfaction must be put in writing (using Complaint Form 2 at Appendix 2 of this policy), and this will provide the focus of the governing body's Complaints committee's meeting. The complainant must send Form 2 to the school addressed to the clerk of the governing body within 15 school days of receipt of the decision letter sent to them by the Chair of Governors, Vice-Chair or the Headteacher. If the complainant is unable to do this, they should ask somebody to transcribe and/or submit the form on their behalf, and the school should offer to do this if requested. The form should state if there are any dates and times in the following 2 months that the complainant would be unavailable to attend a committee meeting.

Arranging the meeting – actions for the clerk

- 4.9 The process for the clerk will be as follows:
- A written complaint will be acknowledged in writing by the clerk of the governing body within five school days of receipt of Complaint Form 2, (using Acknowledgement Letter 3 at Appendix 6 of this policy). The letter should:
 - State that it will be considered by a panel of governors, usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent, and should be cc'ed to the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either);
 - Request copies of any supporting documents to be submitted and the names of any witness(es) that all parties wish to call within five working days of receipt of the letter. It is the Headteacher's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair;
 - Within 5 school days of sending the acknowledgement letter, the clerk will arrange a panel of three governors to consider the complaint, to meet usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent;

- The clerk should check whether governors have a conflict of interest (including, but not limited to, being in a relationship with the complainant or having an involvement in the incident that is the basis for the complaint) that would prevent them from sitting on the panel. If they do, they should declare this conflict of interest to the clerk and not sit on the panel. Staff governors should also not sit on the panel – where there aren't enough governors to form a panel, governors from another governing body can be used. Academies must ensure that one panel member is independent of the management and running of the school;
- The clerk should ensure that the Investigating Officer is available to attend the meeting to explain to the panel the decision made, and the reasons for it, as a result of the investigation that took place at Stage 2;
- When the panel is set up within 5 school days of the acknowledgement letter being sent, the clerk will write an invitation letter (using the Invitation Letter at Appendix 7 of this policy) to the complainant, the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either). The letter should:
 - State the meeting date, time and location, and the names of the panel members;
 - Advise all parties of their right to be accompanied to the meeting by a friend/ adviser;
 - State that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented prior to or at the beginning of the meeting;
 - Include the agenda for the meeting, which includes the items listed below:
 - a cover sheet stating the meeting date, time and location, names of all participants in the meeting including the clerk, complainant, Investigating Officer, panel members and any witnesses, and a table of contents;
 - procedure for the meeting;
 - a copy of the complaint and any supporting documents which have been received from any of the participants;
 - a copy of the school's Complaints Policy

Committee Meeting – guidance for panel members

- 4.10 It is important that the review panel hearing is independent and impartial, and that it is seen to be so.
- 4.11 The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 4.12 While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant, as many complainants will feel nervous and inhibited in a formal setting. Parents/carers also often feel emotional when discussing an issue that affects their child. The committee Chair will ensure that the proceedings are as welcoming as possible.
- 4.13 Everyone must be treated with respect and courtesy and both the complainant and the Investigating Officer should be given the opportunity to state their case without undue interruption. Exceptionally, in situations of undue aggression, or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.
- 4.14 Information relating to the complaint and the hearing is confidential and should not be discussed outside of the committee meeting by any party.

Committee Meeting – proceedings and actions for panel members

Half an hour prior to the meeting, committee members should meet at the venue to discuss any points that may need clarifying with the clerk. The clerk will remain with the panel throughout the process to give advice to the panel.

- 4.15 The process for the committee Chair will be as follows (with the committee Chair using the "PROCEDURE AT COMPLAINT COMMITTEE MEETING" document at Appendix 3 of this policy for guidance):
- Ensure that prior to the meeting, no party is left alone with the committee members other than the clerk;
 - Invite all parties to enter the room and welcome everyone, and invite those present to introduce themselves;
 - Check that the complainant received the papers and a copy of the meeting procedure in advance;
 - Explain the remit of the panel, and that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
 - Summarise the procedure to be followed and provide any clarification requested, and explain that the governors' complaints committee will consider the reasons for the complainant's dissatisfaction as given in writing in Form 2;
 - Invite the complainant to confirm that the complaint is as set out on their form/letter and the resolution they are seeking;
 - Take control of the meeting and ensure it is conducted fairly according to the policy;
 - Explain that the panel are to remain impartial during the course of the meeting, and that any participant may be asked to leave the meeting if their behaviour becomes unacceptable, abusive or offensive, and the meeting concluded in their absence;
 - State that papers distributed in advance will be taken as read and ask all parties to refer to them by page number and not quote from them at length;
 - Invite the complainant to give the reason for their dissatisfaction with the outcome of stage 2, drawing key points to the committee's attention. This should only refer to information that has already been submitted;
 - Should the complainant wish to call witnesses, the committee Chair will consider each request individually, consulting committee members as appropriate. Each witness, having contributed their information, may be questioned by the Investigating Officer and the committee members in turn, and the witness will then leave the meeting;
 - Invite the Investigating Officer to question the complainant on what has been presented;
 - Invite committee members to question the complainant on what has been presented;
 - Invite the Investigating Officer to give details of their investigation, similarly considering each request to call witnesses as above;
 - Invite the complainant to question the Investigating Officer on what has been presented;
 - Invite committee members to question the Investigating Officer on what has been presented;
 - Invite the complainant to sum up and make a final statement. New information is not to be introduced;
 - Invite the Investigating Officer to sum up and make a final statement. New information is not to be introduced;
 - Tell parties that the committee will now consider its decision, and the clerk will communicate that decision in writing within 5 school days;
 - Ask all parties to leave the meeting so the committee can consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk remains to advise the committee and record its decision.

Resolving a concern or complaint

- 4.16 Options for resolving the concern or complaint include:
- An acknowledgement that the complaint is valid in whole or in part;
 - An explanation;
 - An admission that something could have been handled differently or better;
 - An explanation of the steps taken as a result of this complaint, to ensure that the situation does not reoccur;
 - Confirmation that the policy will be reviewed in the light of the concern or complaint;
 - An apology.

Options for the Complaints Committee at stage 3 include the above, and/or to:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Refer a complaint back to the Headteacher in whole or in part to deal with under a different policy, such as Staff Capability or Disciplinary;
- Recommend changes to the school's systems or procedures to ensure that the situation does not reoccur.

School Complaints Unit

- 4.17 If the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the Secretary of State. Whilst the Secretary of State has a duty to investigate, they will only intervene where the Governing Body has acted unlawfully or unreasonably. The School Complaints Unit will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

Education Funding Agency

- 4.18 For Academies, if the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the Education Funding Agency. Whilst the Education Funding Agency will not overturn an academy's decision about a complaint, they will check whether the complaint has been dealt with properly in any of the following three areas:
- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
 - Where the academy is in breach of its funding agreement with the Secretary of State
 - Where an academy has failed to comply with any other legal obligation
- If they find that it has not been, they will request that the complaint is looked at again and procedures meet the requirements set out in the Regulations.

5. Dealing with unreasonable complaints/complainants

- 5.1 Complaints should be dealt with fairly and impartially, and schools should not normally limit the contact complainants have with the school. However, schools do not tolerate unacceptable behaviour towards staff, and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 5.2 Unreasonable complainants are defined as 'those who, because of the frequency or nature of their contacts with the school, hinder the school's consideration of their or other people's complaints'.
- 5.3 A complaint/complainant may be regarded as unreasonable if the complainant:
- Refuses to articulate their complaint, or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance and being invited by the Headteacher or Investigating Officer to resubmit their complaint;
 - 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 this Complaints Policy 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 resolve a complaint, and seeks to have them replaced;
- Changes the basis of their 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 a complaint, where the school's Complaints Policy has been fully and properly implemented and completed, including referral to the Department for Education;
- Seeks an unrealistic or unachievable 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 or by telephone while the complaint is in process;
- Refuses to cease behaving unreasonably, despite being asked to in writing by the Headteacher;
- Makes a complaint knowing it to be false;
- Makes a complaint using falsified information;
- Publishes information in relation to a complaint in the media, including but not limited to social media websites and newspapers;
- Behaves maliciously face-to-face, by telephone or in writing or electronically;
- Behaves aggressively face-to-face, by telephone or in writing or electronically;
- Uses threats, intimidation or violence face-to-face, by telephone or in writing or electronically;
- Uses abusive, offensive or discriminatory language face-to-face, by telephone or in writing or electronically.

- 5.4 Complainants should limit the numbers of communications with a school while a complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- 5.5 Whenever possible, the Headteacher or Investigating Officer will discuss any concerns with the complainant informally if their complaint is deemed to be unreasonable, specifying the reasons why. The complainant should be given the opportunity to resubmit their complaint in a reasonable timeframe.
- 5.6 Whenever possible, the Headteacher will discuss any concerns with the complainant informally if their behaviour is deemed to be unreasonable. If the unreasonable behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts that can be made in a communication plan. This will usually be reviewed after 6 months.
- 5.7 In response to any serious incident of aggression or violence, the Headteacher will contact the police immediately, and will write to the complainant outlining their concerns and actions taken, and stating that the police have been contacted. Actions taken may include banning an individual from the school.
- 5.8 Where the Headteacher, Investigating Officer or the governing body's Complaints committee decides that a complaint is unreasonable, and is satisfied that the complainant has not resubmitted their complaint despite being given the opportunity to; or that the complainant is behaving unreasonably, despite being asked in writing by the Headteacher to cease this behaviour, they may dismiss the complaint and consider it to be resolved through lack of co-operation by the complainant, and the process to be completed.

Appendix 1

COMPLAINT FORM 1 – to be sent to the school for the attention of the Headteacher or Chair of Governors

<u>Name:</u>		
<u>Address</u>		
Post code:	Signature:	
Daytime tel. no:		
Date of the incident complained of:		
I wish to complain about a (please circle one):		
Staff member	Headteacher	Governor

Name of the staff member/Headteacher/Governor that I wish to complain about:

Part 1 - please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise your complaint:

Please summarise what outcome(s) you seek:

The names of your witnesses must be given here:

Appendix 2

COMPLAINT FORM 2 to be sent to the school for the attention of the clerk of the governing body

Please note, the governors' complaints committee will not consider this form at Stage 3 until the complaint has been investigated at Stage 2A or 2B.

Please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction with the outcome of the investigation of your complaint at Stage 2A or 2B:

Please state what outcome(s) you seek:

The names of your witnesses must be given here:

Dates and times that I would not be able to attend the committee meeting in the next 2 months: