ASTON-ON-TRENT PRIMARY SCHOOL

COMPLAINTS PROCEDURE
(For external complaints about the actions of the school staff)

Local Authority policy, reviewed and approved by Governors on 21st September 2026

This policy has been impact assessed in the light of all other school policies, including the Disability Equality Scheme.

SIGNED:	PRINT NAME:	DATE:
	C. Coles Chair of Governors	21.09.26
SIGNED:	**PRINT NAME:**	**DATE:**
	S. Moore Headteacher	21.09.26

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FOREWORD

Please find attached a revised Complaints Procedure and Advice and Guidance which are recommended by the Local Authority to Governing Boards for adoption.

We have been asked to make an amendment to the complaints procedure – for external complaints to reflect that any complaints concerning Data Protection and Freedom of Information should be directed in the first instance to the Schools Data Protection Officer.

This amendment has been the subject of formal consultations and negotiation with the recognised Trade Unions and Professional Associations, representing school staff. Schools' Joint Consultative Committee fully agreed and adopted the revised procedure.

The Governing Board needs to formally adopt the revised procedure. Any remaining copies of the previous procedure and advice and guidance should be destroyed/deleted to avoid confusion.

Schools that wish to adopt another complaints procedure or substantively amend this document will need to undertake their own formal consultation with staff and the appropriate trade unions.
It is developed for maintained schools but it is not anticipated that academies will find the document relevant to their needs as the complaints procedures for academies differs in some significant aspects.

If you have any queries, please contact the Schools' HR Advisory Service on Schools.HRAdvisory@derbyshire.gov.uk

Complaints Procedure

Informal

It is important to be clear about the difference between a concern and a complaint. *A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.* Please approach us with any concerns at the earliest opportunity and we will take them seriously. In most cases concerns are successfully resolved informally, through discussions with the Headteacher or, if appropriate**, and only with their agreement, the staff member**. (This principle will apply throughout this procedure). The initial contact with the school may be in person by telephone, email or in writing, to make appropriate arrangements. **Complaints/ Concerns should be raised directly with the school rather than on social media sites as this allows for the concern/ complaint to be addressed.** Comments made on Social Media that are inflammatory, derogatory, offensive or make reference to a protected characteristic in such a way that contravenes the Equality Act 2010 could be prejudicial to the investigation of the compliant and will be dealt with by the school and/or the appropriate authorities. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. We are committed to doing the best for the children in our care and are keen to resolve any problems in their best interests. The sharing of concerns at this stage will reduce the numbers that develop into formal complaints. We will listen carefully to your concerns and recognise how you feel. We will seek a solution with you, taking particular account of the way in which the issue has affected your child. It is anticipated that most concerns will be handled in this way without the need for formal procedures and that normally entering the Complaints Procedure should be the last resort.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action.'

- Where the matter is clearly a complaint, rather than a concern, then the complainant should refer to the Complaints Co-ordinator/Headteacher, not directly to any other member of staff who may be involved. As with concerns, the Headteacher will make every effort to resolve the matter with you directly if it is appropriate to do so.
- Complaints concerning Data Protection and Freedom of Information should be directed in the first instance to our Data Protection Officer (***school to add contact details for their DPO here***), thereafter, the most appropriate course of action will be advised depending on the nature of the complaint.
- Where the first approach is made to a Governor, they will refer the complainant to the Complaints Co-ordinator/Headteacher and advise them of the procedure. It is important for Governors to be aware that they should not act unilaterally outside the formal procedure or be involved in the early stages of a complaint.
- Any member of staff being complained about is not obliged to attend meetings with complainants either during the informal or formal stage.
- Where a complaint concerns the headteacher, the matter will be referred to the Chair of Governors.
- Complaints against the Chair of Governors or any individual Governor should be received in writing by the Clerk to the Governing Board via the school office
- Complaints against the whole Governing Board should be addressed to the Clerk of Governors who will liaise with the Local Authority.

Any concerns or complaints should be raised with the school as soon as possible after the

matter arises. This will help when looking into the issue, as memories will be fresher and other relevant information more readily available. Complaints will not normally be considered after a period of more than three months has elapsed since the incident in question or, where a series of associated incidents have occurred, within three months of the last of these incidents. Exceptional circumstances will, of course be taken into account and should be referred to either the Headteacher if the complaint is to be considered at stage 1 or the Chair of Governors if the complaint is to be considered at stage 2. Please ensure you make contact with either the Headteacher or Chair of Governors as soon as you can to ask for additional time if you need it. You will need to clearly set out the reasons for the delay and why you could not make your complaint within the timescale set out in the policy. Requests will be considered on an individual basis and the complainant provided with the response within 10 school days of receipt of the request. In the spirit of openness and transparency, where the request is refused an explanation for the refusal will be provided along with the decision reached.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Complainants are encouraged to consider what outcome they feel will resolve the complaint, as this will support the early identification of a way forward**.** It should foster consideration by the school and the individual as to what is achievable and will be beneficial.

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If the complaint is about the headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled and independent Governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the Governing Board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board or (<insert Diocese details if appropriate>) in consultation with the Local Authority. At the conclusion of their investigation, the independent investigator will provide a formal written response clearly explaining the outcome of the investigations and conclusions so that the complainant can understand the rationale for the decision. . If the complainant is dissatisfied with the outcome of the independent investigators investigation they should write to or, if necessary, otherwise contact the Clerk to the Governing Board, within ten working days of receiving the response. They need to state why they are not satisfied and request that their complaint be referred to a Complaints Panel of independent governors. (Stage 3) (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

Formal Stage 1 (Complaint heard by Headteacher)

If the complainant is not satisfied with the response they may choose to submit their complaint formally to the Complaints Co-ordinator/Headteacher (please delete as applicable and provide details here of the co-ordinator if one is appointed) in writing, if possible, using the attached form.

It is important that the correspondence includes name, contact details, nature of complaint and any suggested resolution to the complaint. **If required, and particularly where the complainant has a disability, they can contact the school by telephone, or in person and we will arrange a meeting at a mutually convenient time/date to take down the details of the complaint.**

At this point the Headteacher may have to consider any dissatisfaction the complainant has with the way their complaint has been addressed so far as well as the initial complaint. The Head may delegate the task of collating information to another staff member but not the decision concerning the response to be provided and any action to be taken.

The receipt of the complaint will be acknowledged within three school working days of receipt by the addressee and the response provided as soon as possible and at least within a further fifteen school working days, unless the Headteacher has agreed a different timescale with the complainant owing to particular reasons.

Formal Stage 2 (Complaint heard by Chair of Governors)

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant may write to the Chair of Governors within ten school working days of receiving the response, using the form provided, to request their complaint be considered further. Alternatively they may contact the Clerk to the Governors (or this could be the Complaints Co-ordinator - *Enter email and phone here)* to make arrangements for the form to be completed with them. (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

The Form or any other correspondence relating to the complaint should not be sent to other governors or to the clerk to governors to be submitted to a Governing Board Meeting. This is because other governors may be needed if the complaint is progressed further through the formal procedure. To fulfil such a role they must not have had prior involvement in the complaint.

The Chair shall acknowledge the letter within three school working days of receipt. (Complainants need to be aware that governors are not employees and may not receive the communication immediately. Likewise, envelopes marked 'private & confidential' will not be opened by others in the Chair's absence) The Chair may nominate another governor to investigate, for personal or contextual reasons.

The Chair will review the investigation conducted at stage 1 and carry out further enquiries if required. Where necessary they will speak to everyone involved as soon as practicable. The investigation will usually be within fifteen school working days. (It is important to remember that governors are volunteers and may have their own work commitments. Further, it is possible that the Chair may be away at the time the complaint is submitted and envelopes marked 'private & confidential' will not be opened by anyone else). If the complaint is about the headteacher, this will be the first formal investigation of the complaint, as it will have been directly referred to the Chair.

A written response clearly explaining the outcome of the investigations and conclusions so that the complainant can understand the rationale for the decision should be provided within a further five school working days, unless additional time is arranged.

Formal Stage 3 (Complaint heard by Governing Board's Complaints Panel)

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they may write to or, if writing is not possible, contact the Clerk to the Governing Board (with the school's help), within ten school working days of receiving the response. They need to state why they are not satisfied and request that their complaint be referred to the Complaints Panel of the Governing Board. (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

The governors' hearing is the last school-based stage of the Complaints Process and will establish the facts and make recommendations which will assure the complainant that his or her complaint has been taken seriously.

Individual complaints would not be heard by the whole Governing Board at any stage, as this could compromise the impartiality of any panel which may be set up for a disciplinary hearing, in the rare circumstances where one is required following a serious complaint.

The Complaints Panel will comprise three independent Governors who have not previously been involved in the complaint.

The clerk will convene a meeting of the Complaints Panel within fifteen school working days of the request, or as soon as is reasonably practicable. At least five school working days before the meeting, members of the Complaints Panel, Headteacher/Chair and complainant shall be provided with all papers to be considered at the hearing.

The Headteacher and/or Chair of Governors will be invited to attend the meeting to state their case. The complainant will be invited to attend the meeting to state their case and will be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend.

The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant. Similarly the Headteacher and/or Chair do not have to attend. If a request is made for a child to attend the meeting or if a child unexpectedly arrives at the meeting then the Complaints Panel may refuse that request or adjourn the meeting if it considers it reasonable to do so.

The role of the panel is to consider the complaint afresh, and may consider new evidence presented by either the school or the complainant. If new evidence is presented by either the school or the complainant the panel will take it into consideration if they decide it is reasonable to do so.

Complainants have the right to request an independent Complaints Panel , if they believe there is likely to be bias in the proceedings. The school will consider such a request, taking account of the reasons given, and the governors will decide whether to agree.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 3 will be heard by a committee of independent governors.

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Reach a judgement on the appropriate action to be taken to resolve the complaint
- Recommend the consideration of changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The panel may determine an alternative outcome to the complaint, based on the same information.

The aim of the meeting is to establish the facts and make recommendations which will assure the complainant that his or her complaint has been taken seriously. The panel shall in as far as reasonably possible resolve the complaint and achieve reconciliation between the school and complainant. It is recognised that the complainant may not be satisfied with the outcome, if the hearing does not find in their favour. However it is hoped that they will feel that the consideration of their complaint has been robust.

The Chair of the Panel needs to ensure that that the complainant is notified of the panel's decision, in writing, within five school working days

The Role of the School Complaints Unit

If a complainant has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to **LA maintained** schools in England on behalf of the Secretary of State. The SCU will look at whether the Complaints Policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU 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.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the

Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints
Unit 2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaints not in scope of the Procedure

A Complaints Procedure should cover all complaints about any school staff/governors, provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

For all categories of complaint, not in the scope of the procedure, where the LA is identified as the initial recipient please address to The Complaints Manager, Children's Services.

Exceptions	**Who to contact**
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt first by the LA and, if necessary, later by the Local Government Ombudsman.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding <insert LADO details>.
• Exclusion of children from school	Concerns should be raised first with the LA. Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

• Whistleblowing (in Derbyshire the procedure is named 'Confidential Reporting Code, Whistleblowing')	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised with the LA or direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
• Staff grievances	These matters will invoke the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers have their own Complaints Procedure to deal with complaints about service. They should be contacted direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

The Role of the Complainant

The person making the complaint will receive a more effective response if he/she:-

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality

The Role of the Complaints Co-ordinator (or Headteacher)

The Complaints Co-ordinator shall :-

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the procedure are be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000
- Liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the Complaints Procedure
- Keep records
- Be aware of issues regarding:
  - third party information

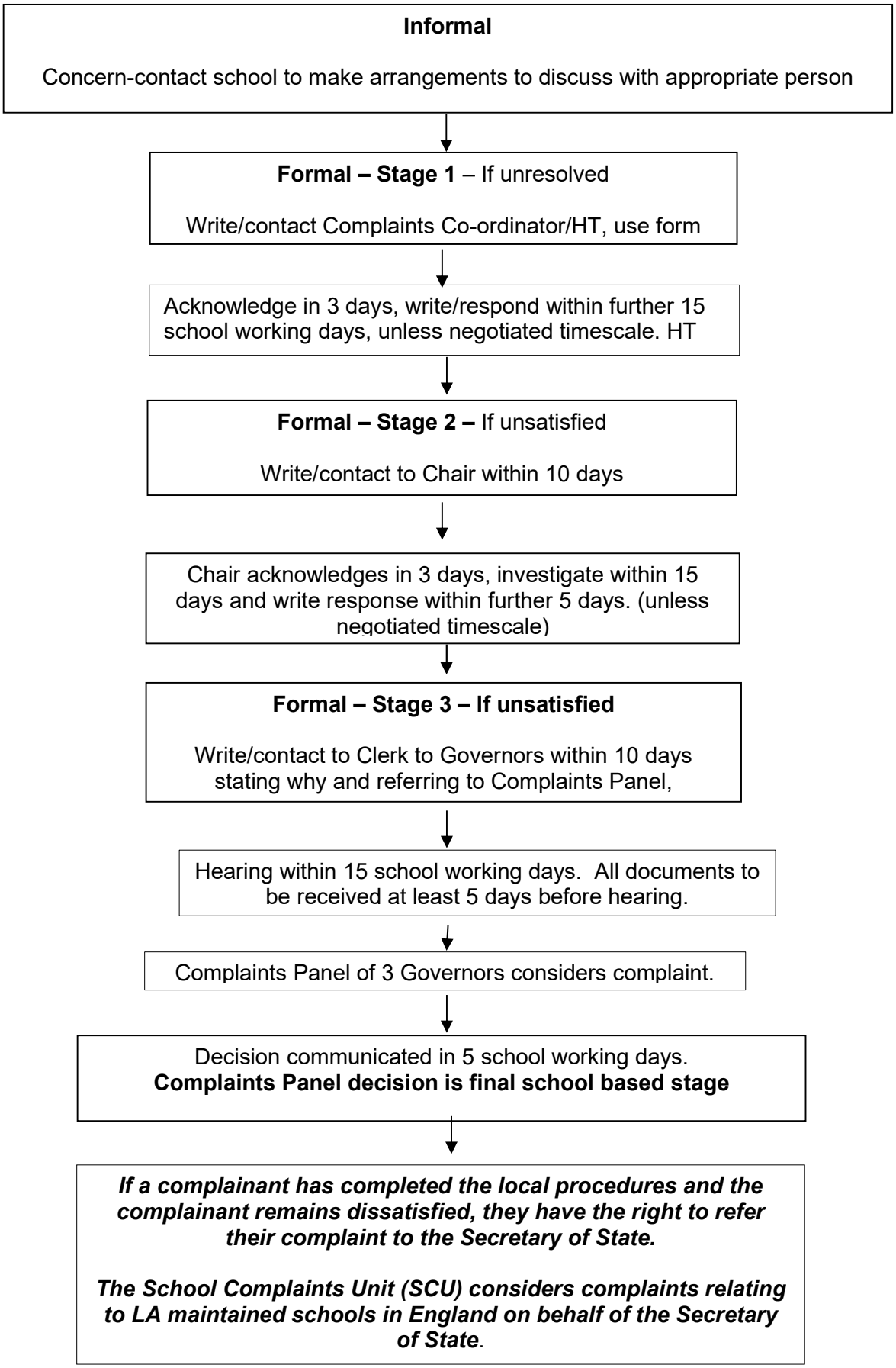
- additional support – this may be needed by complainants when making a complaint (including arranging for interpretation support

Serial and/or Unreasonably Persistent Complainants and/or Unreasonable Complainant Behaviour

If properly followed the Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair is able to inform them in writing that the procedure has been exhausted and the matter is now closed. **Please consult the full procedure for dealing with serial and/or unreasonably persistent complainants, vexatious complaints and/or unreasonable complaints behaviour, available as Appendix 3.**

Appendix 1

Please check the detail of the procedure for what needs to be included at each stage.



Appendix 2

Example of A Complaint Form

Please complete and return to ……..(Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken. **If you have a disability or special requirements you can contact us by telephone and we will arrange for an independent individual to help you by writing out your complaint.**

Your name: Pupil's name (if relevant): Your relationship to the pupil (if relevant): Address: Postcode: Day time telephone number: Evening telephone number: Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 3

Procedure for dealing with Serial and/or Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour

1. Introduction

The school is committed to dealing with all complaints fairly and impartially and to providing a high quality response to complainants. The school 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. Having a procedure on unreasonably persistent complainants and unreasonable complainant behaviour helps the school to deal with complainants in ways which are consistent and fair.

2. Definitions

The school has adopted the definition of 'unreasonable' and 'unreasonably persistent' complainants 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.

Unreasonably Persistent Complainant Behaviour

A complaint may be regarded as unreasonable when the person making the complaint:-

- introduces trivial or irrelevant new information and expecting it to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered, often immediately or to their own timescales;

- 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 investigated and often expecting immediate responses;

- submits repeat complaints, after the Complaints Process has been completed, essentially about the same issue but with additions/variations which the complainant insists make these 'new' complaints which he/she wants to be put through the full complaints procedure;

- seeks an unrealistic outcome;

- refusal to accept the decision reached on the complaint, repeatedly arguing the point and complaining about the decision, when the school's Complaints Procedure has been fully and properly implemented and completed.

This list is not exhaustive and unreasonably persistent complainant behaviour is not limited to one, or a combination of any, of the above.

Unreasonable Complainant Behaviour

Unreasonable complainant behaviour can come about when the situation between the School and a complainant escalates and the complainant's behaviour becomes unacceptable. Examples of unreasonable complainant behaviour include:-

- refusal by complainant to specify the grounds of a complaint, despite offers of assistance;

- refusal by complainant to co-operate with the Complaints Process, yet still wanting his/her complaint to be resolved;

- refusal to accept that issues raised are not within the remit of the Complaints Procedure;

- insistence that the complaint be dealt with in ways which are incompatible with the School's adopted Complaints Procedure;

- making apparently groundless complaints about staff/governor dealing with the complaint and seeking to have those staff removed/replaced;

- changing the basis of the complaint as the investigation proceeds and/or denying statements he/she made at an earlier stage;

- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone, 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,
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

This list is not exhaustive and unreasonable complainant behaviour is not limited to one, or a combination of any, of the above.

Complainants should limit the number of communications with a school while a complaint is being dealt with. It is not helpful if repeated correspondence is sent (via any medium) as it could delay the outcome being reached and could lead to a determination of unreasonable complaint behaviour.

Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying a determination of 'unreasonable' complaint behaviour.

3. Aim

The aim of the procedure for dealing with unreasonably persistent complainants and unreasonable complainant behaviour, is to deal fairly and honestly with the complainant whilst ensuring that other service users and staff/governors do not suffer any detriment from people making repeated and persistent, unreasonable complaints.

4. Dealing with Unreasonably Persistent Complainants

The decision to designate someone as unreasonably persistent can only be made by the Chair of Governors in consultation with the Headteacher. As appropriate, staff and governors should be informed that contact with a named complainant is being restricted and why, and who will have access to that information on request.

5. Assessing whether the action is proportionate and necessary

Consideration of the following points, together with any other relevant factual information, will be necessary to assess whether the proposed action is proportionate and necessary:

- Is the complaint being investigated properly and in accordance with the School's procedure for investigating complaints?
- Is there another, more specific, path for the complainant to follow?
- Are the correct timescales being adhered to?
- Has the complainant been advised of any delays that may have occurred?
- Are the considerations/decisions reached, as part of the investigation, being reached correctly?
- Have communications with the complainant been adequate, clear and co-ordinated?
- Has consideration been given to the possibility of mental health problems, learning disabilities, or personality disorders?
- Is the complainant now providing any significant new information that might affect the School's view of his/her complaint?

6. Assessing whether further action is necessary before designating the complainant 'unreasonably persistent'

If satisfied on these points, consideration will be given to whether further action is necessary prior to making the decision to designate the complainant as unreasonably persistent, for example:

Have any meetings taken place between the complainant and the Headteacher and Chair of Governors? If not, unless there is a known risk about such a meeting, would this be likely to help the situation? The complainant may be accompanied by an advocate, if he/she wishes, if it is considered that a meeting may help the situation.

Under no circumstances should an individual be designated as making a serial complaint for exercising their democratic right to refer their complaint to their local MP, regardless of which stage the complaint has reached.

7. Applying restrictions

Before applying any restrictions, the complainant will be given a warning in writing that if his/her actions continue, the school may determine to treat him/her as,

- pursuing a serial and/or unreasonably persistent complaint, and or

- adopting unreasonable complaint behaviour.

Any sanction applied will usually be reviewed after 6 months.

8. Options for action

In determining the precise nature of the action the School will take, consideration will be given to what is appropriate and proportionate to the nature and frequency of the complainant's contacts with the School at that time. It is important, however, to ensure that the Complaints Procedure has been followed.

The following is a list of some possible actions for managing a complainant's involvement with the School:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken e.g. one call on one specified day of any week.
- Limiting the complainant to one contact medium e.g. telephone, letter, e-mail and/or requiring the complainant to communicate with one named member of staff.
- Requiring personal contacts to take place in the presence of a witness.
- Refusing to register/process further complaints about the same matter.

The list is not exhaustive and local case by case factors may be relevant in deciding appropriate action.

9. Completed complaints

Where the complaint has gone through Stage 3 of the School's Complaints Procedure then there is no further avenue through which to pursue the matter with the school. Should correspondence from the complainant continue, the Chair of the Governing Board will write to the complainant to inform him/her that the matter is at an end and the School will not enter into further correspondence about the complaint, and any further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response.

10. Dealing with Unreasonable Complainant Behaviour

The School has a duty to ensure the health, safety and welfare of its staff and it does not expect staff to tolerate language or behaviour by complainants which is abusive, offensive, or threatening.

Members of staff who feel threatened or intimidated by the language or behaviour of complainants should report their concerns to their Headteacher, copied to Chair of Governors.

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 the school premises. (see section 15 below). The letter will require the individual not to repeat the behaviour and, if necessary, set conditions and restrictions for further contact with staff.

This procedure sits alongside existing policies as a means of addressing the full spectrum of behaviours which the School may need to address.

a. Telephone contact

During a telephone conversation, if staff consider that the caller is becoming aggressive and/or offensive, they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues, the member of staff will terminate the call and a note will be placed on file explaining why the call was terminated.

Repeated calls of this nature are considered to be unacceptable and should be reported to the Headteacher to determine appropriate action.

b. Personal contact

Visitors to School premises may show aggressive behaviour when they do not achieve the aim of their visit. Triggers for unreasonable behaviour can include:

- Not being able to see the person he/she holds responsible for his/her current situation or discontentment.
- Not being allowed instant access to the Headteacher.
- Not being able to resolve his/her complaint during his/her visit.

Examples of aggressive and unreasonable behaviour can include:

- Shouting loudly and making demands to see the staff member he/she holds responsible.
- Making threats to members of staff who are trying to help.
- Using abusive and upsetting language to members of staff.
- Refusing to leave until the problem is resolved.
- His/her continued presence causes disruption/distress to other visitors.

Difficult situations such as this can sometimes be resolved by being patient, remaining calm, listening and identifying the exact nature of the problem.

If it is not possible to resolve the situation actions may include:

- ensure another member of staff is present. If this is not practicable, assess the situation and decide what action you should take e.g. leave the room to seek assistance;
- telephone to ask for further assistance if necessary and possible;
- if applicable, try to remain behind a desk/table/counter – this acts as a barrier and maintains a distance, thus reducing the risk of violent behaviour;
- if the complainant refuses to calm down, raise the alarm to ask for assistance;
- explain clearly that you are unable to help any further but that you will pass on the details of his/her complaint to the relevant person, then, if necessary, ask the complainant to leave the premises;
- as soon as possible after the incident, write up a clear account of what has happened, listing those present at the time. Sign and date the document and forward to the Headteacher.

This list is not exhaustive and unreasonable complainant behaviour is not limited to

one, or a combination of any, of the above.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the School's staff, other options will be considered e.g. reporting the matter to the Police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

11. Application of the Procedure

If the decision is made to apply the procedure, the Chair of Governors will write to the complainant including the following information.

- Inform him/her that the decision has been taken to invoke the procedure.
- Explain what it means for his/her contacts with the School.
- Explain how long any restrictions will last.
- Explain what the complainant can do to have the decision reviewed.
- Enclose a copy of the procedure with the letter.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the Citizens' Advice Bureau.

If a complainant persists to the point that the school considers it **may** constitute harassment or a risk to the safety of staff, school should consider contacting the police and obtain legal advice as the next steps Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. The school should consult their FOI or DP advisor about these. Regardless of any communication strategy, school must provide parents and carers with the information that are entitled to under The Education (Pupil Information) (England) regulations 2005 within the statutory time frame. Different procedures apply to FOI and DP correspondence. Schools should seek further advice from their FOI and DP advisor about any request.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website and the office can be approached for advice.

12. Records

Adequate records must be kept of all contacts with unreasonably persistent complainants and complainants behaving unreasonably. The information will be treated as confidential and only shared with those who may be affected by the decision.

Key information to be recorded includes:

- when a decision is taken to apply, or not to apply, the procedure following a request to do so by a member of staff;

- when a decision is taken to make an exception to the procedure after it has been applied, e.g. if extenuating circumstances subsequently come to light;

- when a decision is taken, and the reason, not to put a further complaint from the same complainant through the Complaints Procedure;

- when a decision is taken not to respond to further correspondence, having made sure that any further letters, faxes, e-mails, etc. from the complainant do not have any significant new information;

13. Future Complaints by the same Complainant

When/if the complainant makes a complaint about a **new** issue this will be treated on its merits. Complainants have a right to have any new complaint heard and failure to respond at all to a complaint could mean that the school is failing to comply with its legal obligations. The school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard. When the behaviour of the complainant has previously been determined as 'unreasonable complainant behaviour' a decision will need to be taken on whether any restrictions which have been applied before are still appropriate/necessary.

14. Reviews of Decisions

Reviews of decisions to restrict a complainant's contacts, or the School's responses to those contacts, should be carried out in accordance with agreed timescales or at least every six months by the Headteacher and Chair. If no further contact has been received from the complainant over a period of ***school to insert appropriate timescale,*** consideration may be given to cancelling the restrictions. However, urgent assessment will be necessary to re-introduce them if behaviour which led to the original decision recommences.

The Complainant may request that the Governing Board review the decision of the Chair and Headteacher by submitting their reasons in writing. The Governing Board will consider the decision at their next meeting. The complainant does not have an automatic right to attend the meeting of the Governing Board.

15. Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure it remains a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the school premises. In serious cases the school or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked, subject to any representations that the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed taking into account any representations made by the parent and either confirmed or lifted. The decision will be notified in writing and, if the bar is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However complaints about barring cannot be escalated to the Department for Education. Once the school's own Complaints Procedure has been completed, the complainant may wish to seek their own independent advice.

ADVICE, GUIDANCE and INFORMATION

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ADVICE, GUIDANCE AND INFORMATION

Introduction

From 1 September 2003 Governing Boards of all local authority maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. A guidance document for parents on making complaints does not satisfy the legislative requirement. A separate and distinct policy must be in place. It is recommended that the Governing Board ensures that any third party providers, offering community facilities or services through the school premises or using school facilities, have their own complaints procedure in place. The law also requires the school's complaints procedure to be publicised. This document provides additional Advice, Guidance and Information to assist Schools in the day to day operation of the Complaints Procedure adopted by the School and is not intended to be distributed more widely. The Governing Board needs to formally adopt the procedure. It is essential to adopt the procedure in its entirety and follow the requirements set out in the Advice, Guidance and Information which provides more detail of the process as well as guidance to Governing Boards in respect of external complaints.

It is the responsibility of a school's Governing Board to resolve a complaint received by a school and it is, therefore, important to have a procedure for doing so which is clear and available to Governors, employees, parents, carers and members of the public. Complainants are not limited to parents or carers of pupils registered at the school, members of the public may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply.

A chart showing the types of complaint which are not within the scope of this procedure is shown on page 7 of the model procedure.

The school may wish to appoint a School Complaints Co-ordinator, who may be the Headteacher. Whether or not a formal role is designated it will be important for the school to have mechanisms to track, collate and record complaints received.

The Headteacher is strongly requested to consult with the local authority, through the Children's Services Complaints Co-ordinator, for advice on the appropriate procedure for dealing with a complaint that may fall into one of the 'out of scope' categories.

It is very helpful to identify at an early stage any complaint where the authority may still have a role in the process of resolution and for specialist advice to be offered where the issues are of considerable complexity or demand particular expertise.

The LA should investigate a complaint where the pupil has an education and Health Care (EHC) Plan **and the complaint is related to the EHC plan or the conduct of any centrally employed authority staff responsible for the provision made through the EHC plan. Complaints concerning the provision for children with special educational needs and/or learning difficulties should be discussed with the Local Inclusion Officer, before investigation and response by the school.*

The Local Authority (LA) does not have a formal role in relation to the investigation and adjudication of school complaints that are within the scope of the policy. However, advice from appropriate LA sections is available to provide guidance to Headteachers and Chairs of Governors in responding to complaints, concerning matters of procedure and substance. **In the first instance schools are requested to contact the Complaints Co-ordinator for Children's Services through the Complaints Administrator who will be able to signpost where the most appropriate source of advice may be found.**

Depending on the nature of the complaint, the relevant sections of the LA where advice may be sought include:

Governor Support Service

Children's Services HR Advice and Guidance

Education Improvement Service

Special Educational Needs

Health and Safety

Student Services

Safeguarding

For Church of England Voluntary Aided and Controlled Schools advice and guidance may be available from the Diocese.

Also any complaint that leads to a disciplinary investigation will be subject to a separate specific procedure. The details of such investigations and any sanction applied are confidential but there will be a report back to the complainant giving as much feedback as is possible.

This document provides advice and guidance on how schools should respond to external complaints. **It is important to note that anonymous complaints cannot be dealt with under this procedure.**

Note: Derbyshire Information, Advice and Support Service for Special Educational Needs and Disability – (formerly the Derbyshire Parent Partnership Service) offers free confidential help, advice and support for parents/carers of children with special needs or at risk/have been excluded from the School. (Contact number 01629 533668, *children/young people and parents can leave a message or email the service at www.derbyshireiass.co.uk.*

The model Complaints Procedure reflects the Best Practice Advice for School Complaints Procedures 2019 issued by the Department for Education (DfE). It is important that schools also take on board the following more detailed version describing the actions to be carried out at each stage and considerations to be taken into account, when implementing the process in particular circumstances. Step by step implementation of the procedure is expanded from page 10 of this Advice, Guidance & Information document.*

**This non statutory guidance was designed to share best practice with school leaders and Governing Bodies in LA maintained schools, LAs and Dioceses. It was not designed for use by academies, free schools or independent schools. However, the model policy provided by the LA is recommended to all schools purchasing the LA HR Advisory Service traded service.*

It is important for schools to use and respond accurately to the terminology utilised in the procedure. There is a difference between a 'legal requirement' and 'good practice'. The policy should use 'must' where a school has a duty but use 'can' where schools have a power but not a duty, under statutory or common law. Where 'should' is used this reflects advice on good practice. Where a procedure states that a school 'should' do something which they then choose not to do, if escalated to the DfE for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice. Therefore, if schools do not, on occasion, adhere to a part of the procedure which 'should' be followed they are advised to minute the reasons why.

1. Context

Governing Boards are legally required to publicise their Complaints Procedure. The Governing Board must decide how to fulfil this requirement but details of the Complaints Procedure could be included in:

- The school website;
- The school prospectus;
- Any report/communication from the governors to parents;

- Information given to new parents when their children join the school;
- Information given to the children themselves;
- The home-school agreement;
- School bulletins or newsletters;
- Documents supplied to community users, including course information or letting agreements;
- A specific complaints leaflet which includes a form on which a complaint can be made;
- Posters displayed in the main entrance or reception area of the school and other areas used by the public.

2. Managing Complaints

2.1. Principles

An effective Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible *(active listening, discussion, seeking agreement on way forward)*;
- be easily **accessible** and **publicised**;
- enable anyone to make a complaint about any provision of facilities or services that the school provides unless other statutory procedures apply
- be **simple** to understand and use;
- avoid using ambiguous language (*wherever possible stating what the school "will "do rather than "should" or "may"*)
- be **impartial**;
- be **non-adversarial;**
- allow **swift** handling with established **time-limits** for action and keeping people informed of progress;
- ensure a full and **fair** investigation*, (by an independent person where necessary);*
- Provide the opportunity to complete the complaints procedure in full
- respect people's desire for **confidentiality;**
- ask the complainant at the earliest stage what they think might resolve the issue
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Advise the complainant of any escalation options at each stage of the procedure
- provide **information** to the school's senior management team so that services can be improved.

3. Investigating Complaints at the Formal Stage

The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint. The person investigating the complaint should have no prior involvement with the circumstances of the complaint, and undertaking this role should be appropriate to their position, status and remit. The investigator should make sure that they:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure whether further information is necessary);
- carry out sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- effectively liaise with the complainant and complaints co-ordinator to clarify what the complainant feels would put things right;
- interview relevant individuals separately from others involved in the matter (including children/young people where appropriate) and/or those complained of, allowing them to be accompanied if they wish;
- consider all appropriate / relevant information, specific to the complaint;
- conduct interviews with an open mind (to find out facts not judgements) and, within reason, be prepared to persist in the questioning;
- analyse the information assembled;
- provide an assessment of whether the complaint should be upheld in full or in part or not at all;
- identify solutions and recommended courses of action to resolve problems;
- are mindful of timescales for presenting a response,
- respond in plain and clear language; and
- keep notes of all interviews or arrange for an independent note taker to record minutes of the meeting(s). Share notes of interviews with interviewees in order to agree accuracy.

See best practice tips for interviewing in accompanying document, 'Top Tips for Headteachers and Governors'.

Complaints should be treated separately. Where there are overlapping complaints submitted by different stakeholders the responses should be tailored for each recipient and not include additional detail relevant to an issue raised by another complainant.

4. Resolving Complaints

It is important to be aware from the outset of the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part, or not at all. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of 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.

Even if the complaint is not upheld it is useful to encourage complainants to indicate 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. In this respect it may be necessary to make complainants aware of the range of reasonable and appropriate outcomes in relation to the specific nature of their complaint, in order to manage expectations.

It is important to identify areas of agreement between the parties and clarifying any misunderstandings that might have occurred can also create a positive atmosphere in which to discuss any outstanding issues.

5. Remit of The Complaints Panel

Governors sitting on the Complaints Panel need to be aware, and have a copy, of the Complaints Procedure. The school should ensure that arrangements have been made for the hearing to be minuted by the clerk to governors or other appropriate person. They should determine who will chair the meeting and distribute an agenda. (Procedure of hearing is included in the paragraph detailing Formal Stage 3 of the process, commencing on p13 below). No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it. In deciding the make-up of the panel the governors need to try and ensure that there is a cross section of the categories of governor and that there is sensitivity to the issues of race gender and religious affiliation.

The aim of the hearing is to resolve the complaint. The Complaints Panel should:

- Consider the complaint in an independent and impartial way and must be seen to do so.
- Consider the complaint in private and confidentially.
- Resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.
- Consider the facts of the case and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting. Also that parents often feel emotional when discussing an issue that affects their child.
- Ensure that the proceedings are as welcoming as possible and that the layout of the room will ensure the setting is informal and not adversarial.

- Take extra care when the complainant is a child, so the child does not feel intimidated.
- Give the views of children equal consideration to those of adults.
- Where the child's parent is the complainant, give the parent(s) the opportunity to say which parts of the hearing, if any, their child needs to attend.

6. Time Limits

- Complaints need to be considered, and resolved, as quickly and efficiently as possible, within the time limits set within each stage of the procedure. In circumstances where further investigations are necessary new time limits can be set and the complainant should be sent details of the new timescale and an explanation for the delay.
- The Department for Education does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances.
- It is reasonable to expect individuals to make a complaint as soon as possible after an incident arises and a time limit of three months from the incident in question is a reasonable allowance. There may be good reasons why someone has not made a complaint earlier (e.g. they did not hear about, or were not fully aware of the implications of, an incident until a later date). In the light of this, the school should indicate that they are willing to consider exceptions. Schools should not have blanket policies of refusing to consider any complaints not lodged within the stated period.

7. Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. While it is common practice to ask for complaints to be made using a complaint form or in writing, the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact.

- A complaint may be made in person, by telephone or in writing.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.
- Where there are communication difficulties the school may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point (consider this adjustment in advance and seek legal advice).
- The Headteacher (or complaints co-ordinator) should arrange for a confidential record to be kept in a centrally held complaints file, of the nature and progress of all complaints, when they were made, and their final outcome.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts. Where

such requests are made schools should contact the LA for advice and individuals may wish to seek the advice of their professional association.

- The Chair of Governors should complete the record for any complaint made against the Headteacher.

The purpose of the Record is for monitoring purposes only and not as a source of information for future staff references or other issues. Where a number of complaints involving a particular staff member are received, this should not affect the approach to the investigation of a further complaint. (i.e. there should be no assumptions made)

8. The Role of the Governing Board

If a School Governor is directly approached by a complainant it is important that the Governor clarifies that they can only give general advice about how their complaint might be dealt with. The Governor should encourage the complainant to contact the school where arrangements will be made to attempt to resolve the complaint informally in the first instance. The Governor should also inform the Headteacher and Chair of Governors about the complaint as soon as possible. If it becomes clear that the complaint is about the Headteacher, the complainant should be advised to contact the Chair of Governors.

It is important to note that when a Governor becomes involved in this way they cannot take part in any of the formal procedures which may follow. It may, however, be appropriate for them to accompany the complainant to a planned meeting with a member of staff or the Headteacher. This would normally only be necessary if the complainant appears uncomfortable about attending a meeting with the member of staff or Headteacher.

Complaints should not be shared with the whole Governing Board, except in very general terms, in case an appeal panel needs to be arranged. Governing Boards can monitor the level and nature of complaints and review the outcomes on a regular basis, to ensure the effectiveness of their procedure, making changes where necessary. Information about complaints presented to the Governing Board for monitoring purposes should not name individuals in case an appeal panel needs to be set up.

The monitoring and review of complaints by the school and the Governing Board can be a useful tool in evaluating a school's performance and contribute to school improvement. As well as addressing an individual's complaints, the process of listening to, and resolving, complaints may identify underlying issues that need to be addressed and ensure more effective school management and routines, e.g. reviewing the anti-bullying policy.

The frequency with which the school complaints procedure must be reviewed is determined by the Governing Board (GB). Every two or three years is quite typical. Responsibility for reviewing the procedure may be delegated to a

committee of the Governing Board or the Headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

If the school does not adopt the model policy provided by the Local Authority it will be necessary to consult all stakeholders and negotiate an alternative Complaints Policy with the relevant trade unions and professional associations

Complaints Procedure

What follows is a detailed description of the actions to be taken, time frames, relevant communications and considerations relevant to particular circumstances, at each stage of the procedure. It is strongly advised that school leaders familiarise themselves with this guidance and refer to it whenever the procedure needs to be implemented, together with the Complaints Procedure for External Complaints as adopted by the school.

1. **How will complaints be handled**?

Informal Stage

It is important to be clear about the difference between a concern and a complaint. The school will take informal concerns seriously at the earliest stage. In most cases concerns are successfully resolved informally through discussions with the Headteacher or, if appropriate, with the staff member. **Heads/Complaints Co-ordinators should not arrange for concerned individuals to meet with staff without their specific agreement.** The initial contact with the school may be by telephone, email or in writing, to make appropriate arrangements. The sharing of concerns at this stage will reduce the numbers that develop into formal complaints. It is anticipated that most concerns will be handled without the need for formal procedures.

- Where the staff member has agreed to a meeting, if the concerned individual feels that they would have difficulty discussing the matter with the particular member of staff, arrangements will be made by the Complaints Co-ordinator/Headteacher for another, probably more senior, staff member to hear the concerns. Similarly, the member of staff involved may not wish to deal with the issue themselves and ask for a referral to another staff member.
- Where the matter is clearly a complaint, rather than a concern then the complainant should refer it to the Complaints Co-ordinator/Headteacher.
- Complaints concerning Data Protection and Freedom of Information should be directed in the first instance to the Data Protection Officer. Who will determine the most appropriate course of action depending on the nature of the complaint.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the Complaints Co-ordinator/Headteacher and advise them of the procedure. It is important for governors to be aware that they should not act unilaterally outside the formal procedure or be involved in the early stages of a complaint.
- Where a complaint concerns the Headteacher, the matter will be referred to the Chair of Governors.

- Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk to the Governing Board. The clerk will then arrange for the complaint to be heard. This could be done by a suitably skilled and impartial member of the Governing Board (stage 1) and then a committee of members of the Governing Board (stage 3). Alternatively. it might be appropriate to refer to the complaint to an independent governor for investigation and response and if required at stage 3, can be heard by a committee of co-opted governors from other schools.
- Complaints against the entire Governing Board or complaints involving both the chair and vice chair should be sent to the clerk, who, in will notify the LA who will then determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 3.

Formal Stage

There are normally at least two stages to a formal complaints procedure. The model below contains three stages. The stages of this model Complaints Procedure are outlined in detail in the flowchart - Appendix 1 of the Complaints Procedure.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

there will be two stages. Stage 1 will be considered by an independent investigator appointed by the Governing Board or (<insert Diocese details if appropriate>) in consultation with the Local Authority. At the conclusion of their investigation, the independent investigator will provide a formal written response and stage 3 will be heard by a committee of co-opted governors from other schools.

FORMAL STAGE 1 (Complaint heard by Headteacher)

If unresolved through informal discussion with the Headteacher or relevant staff member offered by the school, the complainant may submit their concerns formally in writing to the Complaints Co-ordinator (*enter name here where one is appointed or designate the Headteacher to receive complaints*), using the

form attached to the Complaints Procedure as Appendix 2. This may be by email, but consideration should be given to the confidentiality of the email address.

It is important that the form or any other correspondence includes name, contact details, nature of complaint and any suggested resolution to the complaint. Where there is any reason that that the complainant does not wish to submit their complaint in writing, they should approach the school to request that should arrangements are made to take down the required information and details on their behalf.

The School Complaints Co-ordinator (where one is appointed) will refer the complaint to the Headteacher who may delegate an appropriate staff member to collect and collate the information but the Headteacher will make the decision on the action to be taken.

A meeting with the complainant should be offered, as part of the investigation, in order to ascertain whether they have further information to offer.

Clarification should be sought as to what the complainant feels would put things right. The investigation may have to respond to a complainant's dissatisfaction with the way their complaint was handled at the informal stage as well as the initial complaint. The Headteacher will report back to the complainant and inform the School Complaints Co-ordinator (where applicable) of the outcome. If actions are agreed with the complainant, in response to the concerns raised, the Headteacher will inform any other relevant staff members. Where appropriate, arrangements to keep the complainant informed of progress will be made.

The School Complaints Co-ordinator should liaise with the Headteacher to ensure that:

- The complaint is acknowledged within three working days.
- The investigation takes place (probably including a meeting with the complainant) and a decision is made on how best to resolve it within a further fifteen working days unless they have informed the complainant that further time will be needed, in the circumstances.
- The complainant receives a response in writing clearly explaining the outcome of the investigations and conclusions so that the complainant can understand the rationale for the decision and the Headteacher may meet with them (as appropriate to the situation) to provide their findings and the outcome of the complaint.
- They receive a note of the findings/outcome of the complaint, for the record and in case the complaint progresses further through the procedure.

- The complainant is advised that if they are dissatisfied with the outcome they may refer their complaint to the Chair of Governors at Formal Stage 2.
- The Chair of Governors is informed that a Formal Complaint has been received and what action has been taken to provide a response, without discussing the nature of the complaint at this stage.

In the event the complaint is about the way in which the school has dealt with a complaint or the complaint is about the Headteacher, the Complaints Co-ordinator will refer the written complaint submission, preferably on the form provided, to the Chair of Governors and addressed…….. It will be dealt with directly at Formal Stage 2. *(If the Headteacher is the Complaints Co-ordinator, please make this clear in the procedure and clarify that the form should be submitted directly to the Chair, when the complaint concerns the Headteacher.)* The Chair will need to complete the record of the complaint in these circumstances, rather than the Complaints Co-ordinator.

The Headteacher should assess whether the situation surrounding the complaint is affecting members of staff adversely and put in place measures to mitigate this, including use of in-school mentor, advising contact with trade union representatives, referrals to occupational health and directing to available counselling, as appropriate.

FORMAL STAGE 2 (Complaint heard by Chair of Governors)

If the complainant is unsatisfied with the response and wishes to pursue the matter further, through the procedure, the complainant should write to the Chair of Governors within 10 days and that letter should include:

- Their name
- The nature of their complaint
- Where appropriate, the reasons why they were unhappy with the Headteacher's decision
- Any resolution they seek
- How they can be contacted
  The letter should not be sent to other governors or to the clerk to governors to be submitted to a Governing Board Meeting. This is because other governors may be needed if the complaint is progressed further through the formal procedure. To fulfill such a role they must not have had prior involvement in the complaint

The Chair of Governors should:

- Acknowledge the letter within three working days of receipt. (Complainants need to be aware that governors are not employees and may not receive the communication immediately. Envelopes marked ‘private & confidential’ will not be opened in their absence.) The Chair may nominate another

governor to investigate, for personal or contextual reasons. Apart from the 'nominated governor', the Chair must not involve any further governors or report any detail to the Governing Board at this stage. **They should first contact the complainant to ascertain whether it is necessary to meet with them in order to fully understand their complaint.**

- Review the investigation conducted at stage 1 and carry out further enquiries if required. Where the Chair/nominated governor receives a complaint they will conduct an investigation and speak to everyone involved as soon as practicable. The investigation will usually be completed within fifteen working days. (It is important to remember that governors are volunteers and may have their own work commitments.) If the complaint is about the Headteacher, this will be the first formal investigation of the complaint, as it will have been directly referred to the Chair.
- Provide a written response with the outcome of the complaint, this should clearly explain the outcome and the conclusions of the investigation so that the complainant can understand the rationale for the decision. This should be within a further five working days, unless additional time is arranged.
- Advise the complainant that if they are dissatisfied with the outcome they may refer the complaint to the Complaints Panel of the Governing Board at Formal Stage 3.

The timescales indicated in the Complaints Procedure are those which are expected in normal circumstances. Where the complaint is detailed and/or requires an extensive investigation the timescales may be increased. The complainant should be informed in writing of any variations to the timescales indicated and given a revised timetable for resolving their complaint.

FORMAL STAGE 3 (Complaint heard by Governors' Complaints Panel)

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Clerk to the Governing Board, within 10 working days of receiving the response, stating why, and request that their complaint be referred to the Complaints Panel of the Governing Board.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It will not usually be appropriate for the Complaints Panel to include teacher or staff Governors. If there are insufficient available governors to form a panel without including staff member(s), the Chair of Governors may take advice (LA Governor Support helpline 01629 535769) and determine whether:-

- Inclusion of staff governors is appropriate given the substance of the complaint, their pecuniary interest and willingness to join the panel. If inclusion of a staff governor is proposed, the agreement of the complainant and any member of staff who is the subject of the complaint must also be secured.

- The panel will comprise only 2 members, in this instance. In such cases, if the panel disagrees on their judgment of the case, the decision of the Chair of the Complaints Panel would prevail. The robustness of a panel with only 2 members would be strengthened if the school had secured an officer of the LA to advise the panel.
- Experienced Governor(s) of other similar schools may be sought to serve on the panel. Where the school is a Church of England Voluntary Aided or Controlled school the Diocese may be able to suggest suitable individuals. For community schools the Governor Support Service may be able to help with access to experienced Local Authority governors.

Where the complainant is a child extra consideration will be given to the atmosphere of the proceedings, aiming to ensure that the child does not feel intimidated. The views of the child need to be given equal consideration to those of adults. The Chair should ensure that the proceedings are as welcoming as possible. The layout of the room should be designed to be as informal as possible in the circumstances and not adversarial.

The Clerk will convene a meeting of the Complaints Panel within 15 working days of the request, or as soon as is reasonably practicable.
At least 5 working days before the meeting, members of the Complaints Panel, Headteacher/Chair and complainant will be provided with all papers to be considered at the hearing, which should include, as appropriate:

- A copy of the original complaint
- A copy of the outcome at Formal Stage 1
- A copy of the letter to the Chair of Governors from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1 and stating that they wish to proceed to Stage 2
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2 and requesting that the complaint is heard by the Complaints Committee

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. (The Complaints Panel may decide that it would be inappropriate for the child to attend the meeting having regard to their age, maturity and the nature of the complaint and may request that representations are submitted by a different method i.e. through written submission in advance or made on their behalf by parents.) If the Complaints Panel thinks that it would be helpful for a child to be present the Governors will be required to seek the permission of the parents. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

Witnesses may not need to be invited as their information will have been included in the Headteacher/Chair's investigation report. However, if the complainant or the headteacher feel that the presence of a witness is particularly crucial, to confirm the detail of the information they have provided, this may be arranged.

The Headteacher and/or Chair of Governors should be invited to attend the meeting to state their case. They do not have to attend a meeting in which the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

The role of the panel is to consider the complaint afresh and may consider new evidence presented by either the school or the complainant. If new evidence is presented by either the school or the complainant the panel will take it into consideration if they decide it is reasonable to do so.

The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses should only attend for the part of the hearing in which they give their evidence.
- After introductions, the remit of the panel should be confirmed.
- Clarification of time allocation/constraints and any potential for adjournment
- Check all parties have all documentation.
- Complainant is invited to explain their complaint and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Complainant and Headteacher leave together while the panel decides on the issues.
- The chair of the panel explains that both parties will hear from the panel within five working days (or a set timescale where there are reasons that more time will be needed)

Advice on conducting a complaint hearing may be sought from the Local Authority Governor Support Service. In exceptional circumstances the Chair may wish to request the attendance of an appropriate LA officer to provide advice and guidance to the panel. Attendance by an appropriate officer would be part of the authority's traded services and subject to availability. That person would not have any role in deciding the outcome but would advise on procedure.

The chair of the panel should arrange for notes, to aid the panel's decision, to be taken during the hearing. Schools may wish to seek the services of their clerk to governors in such circumstances.

In the event that there are further questions the panel needs to ask in relation to the information presented and if this is not possible at the time, the meeting may be adjourned and re-convened at a mutually convenient time. The panel will determine whether only they need to reconvene, having asked for the answers to be submitted in writing, or whether all parties should again be present in order to conclude the hearing. This should be as quickly as possible and, wherever practicable, within five working days.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel may determine an alternative outcome to the complaint, based on the same information, where appropriate.

The aim of the hearing is always to resolve the complaint and achieve reconciliation between the school and complainant. However, it is recognised that the complainant may 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

The decision of the panel is the end of the school based process.

If the complaint is:
• jointly about the Chair and Vice Chair or
• the entire Governing Board or
• the majority of the Governing Board

Stage 3 will be heard by a committee of independent governors**.**

If a complaint panel meeting is arranged on an ad-hoc, informal basis, governors

will need to be sourced who are:

- suitably skilled & trained
- can demonstrate their independence

You can approach governors from any:

- category of governor
- associate member of another Governing Board

Maintained schools can ask governors in academies to serve on a complaints panel and vice versa.

The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee's tenure. To appoint governors from another school onto the Complaints Committee, you must enter into a formal collaborative arrangement with another maintained school.

If appropriate, the clerk could ask for support from the governor services team at the local authority/diocese.

The Role of the Local Authority

The LA has no statutory role in resolving complaints other than those listed as not in scope of the procedure identified in the table contained in the Complaints Procedure. The authority is not able to review the school's response to a complaint and is not an appeal body.

The Role of the Complainant

The person making the complaint will receive a more effective response if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality

The Role of the Complaints Co-ordinator (or Headteacher)

The Complaints Co-ordinator/Headteacher should:-

- ensure that the complainant is fully updated at each stage of the procedure;

- ensure that all people involved in the procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the Complaints Procedure;
- keep records;
- be aware of issues regarding:
  - third party information,
  - additional support – this may be needed when making a complaint (including arranging for interpretation support.)

It is advised that consideration is given to whether the subject of the complaint needs/would like support. While the Complaints Procedure is not a staff management policy in the same category as Disciplinary or Managing Allegations procedures, it may still be appropriate to suggest that the staff member may want to consult their trade union/professional association for advice and/or support.

The Role of the Chair of the Governing Board or Nominated Governor

The nominated governor role:

- Check that the correct procedure has been followed
- Investigate and produce a response, where the complaint reaches Formal Stage 2
- If a hearing is requested, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the meeting is minuted;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a child/young person);
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the layout of the room sets the right tone – care taken to ensure the setting is informal and not adversarial;
- the panel is open minded and acts independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the process;
- both the complainant and the school are given an opportunity to state their case and seek clarity;

- written material is seen by all parties provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it. This may require a short adjournment of the hearing.

The panel chair should liaise with the Clerk and Complaints Co-ordinator to ensure arrangements and communication are robust.

The Chair of the panel should liaise with the Headteacher to ensure that feedback is provided to any member of staff involved with a complaint and learning points communicated, where relevant. Likewise, learning for schools leaders to take on board in managing and developing staff should also be discussed.

The Role of the Panel Clerk (This could be the Clerk to the Governors or Complaints Co-ordinator)

It is strongly recommended that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to;

- set the date, time and venue of the hearing, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to all parties in advance of the hearing (recommended at least 5 working days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision,
- liaise with the Complaints Co-ordinator.

As best practice the Clerk should share copies of the meeting minutes with all parties involved in the hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

Checklists

Informal Stage

- ☐ Concerns (as opposed to formal complaints) referred to relevant staff members
- ☐ Complaint (as opposed to concerns above) referred to Complaints Co-ordinator (who may be Headteacher)
- ☐ Receipt of Complaint recorded and dated
- ☐ Complaint referred to relevant member of staff (or Chair)
- ☐ Complaints Co-ordinator receives notification that matter has been dealt with and records, with date

Formal Stage 1

- ☐ Complaint received in writing (including by email) by Complaints Co-ordinator, use of form encouraged
- ☐ Complaint record opened
- ☐ Check with LA, Children Services complaints co-ordination (*enter contact)* for guidance, where necessary (& contact made with specialist officer where appropriate)
- ☐ Complaint acknowledged in writing within 3 school working days
- ☐ Investigation delegated to appropriate staff member/independent investigator.
- ☐ Contact made with complainant to check whether meeting is required
- ☐ Timescale for response agreed if more than 15 school working days needed
- ☐ Written response sent to Complainant, meeting offered if appropriate
- ☐ Resolution reported to Complaints Co-ordinator and recorded
- ☐ Complainant is advised of how to progress their complaint if unsatisfied
- ☐ Chair of Governors informed, formal complaint has been dealt with

Formal Stage 2

- ☐ Referral (received within 10 school working days) of complaint to Chair of Governors is reported to Complaints Co-ordinator for record. (If Complaints Co-ordinator is subject of complaint they can still make this administrative record)
- ☐ Chair determines whether to investigate or nominate another governor

- ☐ Complaint acknowledged within 3 school working days
- ☐ Investigation at Stage 1 reviewed
- ☐ Need to meet with Complainant considered – agree timescale for response
- ☐ Carry out own investigations
- ☐ Provide written response within 15 school working days
- ☐ Complainant informed of how to progress their complaint if unsatisfied, within 10 days of receipt of response.
- ☐ Complaints Co-ordinator informed of response, records and dates

Formal Stage 3

- ☐ Referral of Complaint to Stage 3 received by Clerk to Governors within 10 school working days
- ☐ Receipt of Complaint acknowledged
- ☐ Complaints Co-ordinator informed of referral, for administrative record.
- ☐ Clerk calls meeting of Complaints Panel within 15 school working days of receipt (or asap by arrangement with complainant and other invitees)
- ☐ Complainant invited to meeting and given procedure
- ☐ All documents for meeting circulated to all parties at least 5 school working days before meeting
- ☐ Check LA advice where necessary
- ☐ Provision made for witness, if necessary
- ☐ Arrangements for venue etc. finalised
- ☐ Clerking of meeting arranged
- ☐ Meeting arrangements checked
- ☐ Brief the clerk
- ☐ Establish any time constraints
- ☐ Check all attending
- ☐ Check all parties including any witnesses are attending
- ☐ Send panel's decision to complainant with findings of fact and any actions to resolve the complaint within 5 school working days and that is end of cohort procedure but provide information on School Complaints Unit
- ☐ Inform Complaints Co-ordinator
- ☐ Ensure any actions determined by the panel are followed up

Top Tips for Headteachers and Governors

For Managing External Complaints

The suggestions below arise from the experience of Local Authority officers advising and supporting schools when responding to complaints and, particularly, when hearing from complainants who have been dissatisfied with how their complaint has been handled by a school.

They reflect the most common concerns either raised by the complainants and issues identified by officers, which hinder swift and amicable resolutions.

1. Remember the power of meeting someone with a concern/complaint, enabling them to feel they have been listened to and taken seriously. Efforts to understand and acknowledge, committed early in an issue, can often avoid the problem becoming entrenched and the complainant intractable.

2. Be clear on the timescales within which the complainant will receive contact. If more time is needed due to contextual factors or increased complexity, liaise with the complainant.

3. Try to avoid being defensive. When a Headteacher immediately assesses that the school is not likely to be 'at fault' and shows this, the complainant can feel that they have not been heard and their concern will not be looked into fairly.
   (Complainants have been known to say that Headteachers can be patronising or 'on their high horse' when receiving criticism of the school).

4. When a complaint reaches the Chair of Governors, it is important that their role that at this time is one of 'employer'. It is excellent to hear how supportive most Chairs of Governors are of the Headteacher and staff of their schools, but it is important to take a neutral stance in receiving the complaint. However strong the working relationship and mutual respect, it is helpful to remember that the role of the chair, in the Complaints Procedure, is not as the headteacher's friend. (It is common for those approaching the LA with concerns about how their complaint is being handled to say, 'the Chair is in league with the Head, they will sweep it under the carpet').

5. It is understandable that, when a Headteacher or Governor concludes an investigation, and reaches the judgement that the school staff have behaved correctly and fairly, they completely rebut the complaint. However, it is important in re-establishing a good relationship with the complainant to acknowledge the feelings involved, to show recognition of what was at the root of their concern.

6. A better outcome often results from the school finding some area in which ‘lessons can be learned’, policies further improved, or regrets expressed for any negative experiences, even where the school is not substantially in error. This promotes a positive feeling that the process has been productive, and their issues understood. (The best result looks for a win-win).

7. Follow the procedure carefully. It goes without saying but it seems that dealing with complaints is often made more difficult for schools because not enough attention was initially paid to implementing the procedure correctly.

   It may seem time consuming but conducting a thorough investigation and providing a considered response at the earliest stage is very likely to save time in the long run.

8. Keep in mind the long term relationship with the individual/family concerned in responding to the complaint. We find that dissatisfaction with the **process** of receiving a response to their complaint tends to significantly increase the submission of further complaints and the wider expression of that dissatisfaction to other members of the school community/ external bodies.

Best Practice Tips for Interviewing

Children/Young People

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of a criminal investigation exists) in the presence of parents/carers. However in such cases schools will need to first check with the Local Authority Designated Officer (LADO) and check the 'Managing Allegations' procedure to check whether the complaint should be considered under the safeguarding procedures.

- Care should be taken not to create an intimidating atmosphere.

- Children/ young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the Complaints Procedure and their role in in it.

- Staff are allowed to be accompanied for support at their interview (but not by a colleague who is likely themselves to be interviewed. This may include a colleague form another educational establishment).
- Use open, not leading questions.

- Do not express opinions in words or attitude.

- Ask single not multiple questions.

- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.

- Within reason, persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer.

- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Co-ordinator/Headteacher/Chair the option of a meeting between conflicting witnesses.

- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if he/she has anything to add and to sign the record as accurate.