

Complaints Policy



September 2020

To be reviewed 2022 or sooner as required

Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage with the shared understanding that the ongoing well being and education of children is at the centre of everything we do.

We aim to deal with any issues or complaints in a professional, sensitive and fair manner and work in partnership with parents and carers to the benefit of our learning community. The vast majority of complaints and concerns can be resolved informally. However, Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school.

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*'.

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

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when informal attempts to resolve issues have not been to the complainants satisfaction and complainants would like to raise their concerns formally. In those cases, a formal procedure will be invoked through the stages outlined within this policy.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). The procedure refers to this person as a complainant.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. The complainant will typically be asked at the earliest stage what they think might resolve the issue.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage. Schools may nominate a member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, however, may not necessarily be the Headteacher.

Parents can raise concerns and complaints with members of staff either in person, by telephone or in writing (see the flow chart on page 11). You will be given an opportunity for discussion of your concerns informally with the appropriate member of staff. If your concern is over your child or another child in the school the first step will be to approach your child's class teacher. *Parents are actively discouraged from approaching other children in an attempt to resolve issues as this most often creates further dispute.*

If you wish to make a complaint about a particular teacher, or another member of staff, you will initially make your complaint to the Deputy Headteacher, Headteacher then Executive

Headteacher of the school. An appointment may need to be made to discuss these concerns further and these members of staff may not be available immediately. They will however seek to respond to requests for a discussion within 5 working days.

If your complaint regards the Headteacher then contact will be made with the Executive Headteacher. If the complaint regards the Executive Headteacher then the complaint will be made to the Chair of Governors via the school office. The name of the Chair of Governors is available on the school website.

If the complaint regards the Chair of Governors or a member of the Governing Body then the complaint should be made in writing to the Clerk of the Governing Body via the school office.

All complaints are dealt with via the school and Hackney Education has no formal responsibility for resolving complaints. However officers in the Admissions and Pupil Benefits Team can provide advice and guidance to schools and parents on the procedures.

Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the head teacher or governing body.

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* published by the Department for Education contains specific advice about how to properly approach issues concerning parental responsibility and our schools will at all times refer to this guidance.

Expectations of the Process

Our complaints policy sets out the expectation that there is a full and fair investigation by an independent person (one not involved in the original complaint) where necessary; that the process respects people's desire for confidentiality; addresses all the points at issue and provides an effective response and appropriate redress, where necessary and provides information to the school's senior management team so that services can be improved.

The school expects complaints to be made as soon as possible after an incident arises although three months is generally considered to be an acceptable time frame in which to lodge a complaint. The school will consider exceptions to this.

Recording meetings

The recording of meetings is not considered typical and in line with our data protection policies, we do not allow recordings to be made at meetings unless *all* parties are in agreement over the necessity and use of such a recording. However, notes or minutes will be made of meetings pertaining to any formal stages of the process which will be made available to all parties.

Audio or video evidence

- Complainants should make sure they obtain informed consent from all parties present before recording any conversations or meetings.

- We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.
- Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Resolving complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

The meeting arranged to discuss your concerns informally

The Informal Stage: Complaint heard by class teacher or adult concerned

- 1.1. Initial concerns will be expressed to the class teacher or adult concerned in the first instance. This meeting will be recorded on a 'Yellow Form'. Most complaints will be resolved at this informal stage.
- 1.2. You can bring a friend to any discussion.
- 1.3. The member of staff dealing with the concern will make sure that you are clear as to what action (if any) or monitoring of the situation has been agreed.
- 1.4. This stage will be completed speedily and concluded in writing with appropriate detail on a yellow record form.
- 1.5. Where no satisfactory solution has been found, you will be informed that you can consider making a formal complaint in writing to the Headteacher/Deputy Headteacher which will take matters to stage 1 on the complaints procedure.

Formal Stage 1 – Complaint to the Headteacher/Deputy Headteacher for investigation

- 1.1 The Headteacher/Deputy Headteacher will acknowledge your complaint in writing. In some cases they will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 1.2 The Headteacher/Deputy Headteacher will consider providing an opportunity to meet with you to supplement any information previously provided.
- 1.3 If the complaint is against a member of staff the Headteacher/Deputy Headteacher will talk to the staff member against whom the complaint has been made.

- 1.4 If necessary, the Headteacher/Deputy Headteacher will interview witnesses and take statements from those involved.
- 1.5 The Headteacher/Deputy Headteacher will keep reasonable written records of meetings, telephone conversations and other documentation.
- 1.6 Once all the relevant facts have been established, the Headteacher/Deputy Headteacher will produce a written response to the complainant. They may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 1.7 The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.
- 1.8 Stage 1 will usually be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher/Deputy Headteacher will write to you giving a revised target date.
- 1.9 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
- 1.10 You will also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Executive Headteacher within 15 days of receiving the outcome letter, and if following this, the situation has still not been resolved to the Chair of the Governing Body. This can be done by addressing an envelope to the Chair of Governors and presenting or posting it to the school office.
- 1.11 **Complaints against the Headteacher/Executive Headteacher** - If the complaint is wholly or mainly about the Headteacher or the Executive Headteacher the Governing Body will consider the complaint in accordance with Stage 2 of the procedure described below. However, before stage 2 is instigated the Chair of the Governing Body will invite the Headteacher and/or Executive Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher or Executive Headteacher's response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the parent is not satisfied with the response stage 2 will commence as described in paragraph 2.1 below.

Formal Stage 2 – Consideration by the Governing Body

- 2.1 If, following the schools response, the complainant decides to take the matter further, the Chair of the Governing Body will write to the parent to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Headteacher and the Clerk to the Governing Body.
- 2.2 Investigating the complaint – If the complaint has been investigated at Stage 1 the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher or Executive Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide whether and how the complaint will be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Committee.
- 2.3 Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-

section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

- 2.4 The Headteacher will not serve on the CAP. If the Chair of the governing body has had any involvement in the complaint prior to Stage 2 then the Chair **must not** sit on the CAP. We generally consider that governors with no prior exposure to the complaint are suitably impartial, unless the complainant provides us with evidence to the contrary.
- 2.5 The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 2.6 The Chair of the CAP will take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:
 - Deal with the administration of the procedure;
 - Provide independent advice on procedure and evidence;
 - Ensure that the relevant facts are established;
 - Minute the meeting; and
 - Draft the decision letter.
- 2.7 The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher/Executive Headteacher.
- 2.8 The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s). If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 2.9 The complainant and Headteacher/Executive Headteacher will be invited to attend the meeting. The date and time of the meeting will be convenient to the complainant and Headteacher/Executive Headteacher, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee. Representatives from the media are not permitted to attend.
- 2.10 The Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.
- 2.11 All relevant correspondence regarding the complaint will be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.
- 2.12 If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.
- 2.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.
- 2.14 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- 2.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond

to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

2.16 The meeting will allow for:-

- the parent to explain his or her complaint and the Headteacher or Executive Headteacher to explain the reasons for his or her decision;
- the Headteacher or Executive Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- The CAP to have an opportunity to question both the complainant and the Headteacher or Executive Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses.
- A final statement by the Headteacher or Executive Headteacher and parent.

2.17 The Chair of the CAP will explain to the complainant and the Headteacher or Executive Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher or Executive Headteacher and any witnesses will then leave.

2.18 The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

2.19 As in Section 1.8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

2.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Headteacher or Executive Headteacher.

2.21 Stage 2 will be completed in 20 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the Complaints Committee will write to all parties giving a revised target date.

Vexatious Complaints or Unreasonable Complainants

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 of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the (Executive) Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the (Executive) Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact our causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our school.

Barring from the School Premises

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

If a parent's behaviour is a cause for concern, we will ask him/her to leave school premises. In serious cases, we will 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. 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 only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints not in scope of the procedure

The following are not covered by the complaints procedure, for which there are separate statutory procedures.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a Child Protection Investigation	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 with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised 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 and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

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.
National Curriculum – content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

The Role of the School Complaints Unit

If a complaint 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 body 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, we 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 Procedure Flow Chart

