



# THE ASHBY FEDERATION

  

## COMPLAINTS PROCEDURE

**Approved by:** Executive Head Teacher

**Last reviewed on:** April 2023

**Next review due by:** April 2025

# COMPLAINTS PROCEDURE

## Introduction

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## Definitions and scope

### Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Collective worship
- Curriculum
- Safeguarding matters
- School re-organisation proposals
- Staff discipline
- Staff grievances
- Statutory assessments of special educational needs (SEN)
- Suspension and permanent exclusion
- Whistle-blowing

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

### **General Procedures**

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern or complaint to be addressed by a member of staff or governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all.
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned, as part of a complaints procedure, must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Executive Headteacher or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice should be sought immediately from Education Personnel Management.

- Confidentiality is important in securing confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- Staff and governors in schools should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint should be acknowledged as 'genuinely felt' by the complainant.

## **The Complaints Procedure**

This procedure has three stages:

- Initial Approach
- Formal Complaint (to the Executive Headteacher or Chair of Governors)
- Appeal (to Governor Committee)

### **Stage 1 – Initial Approach**

#### *GUIDELINES*

- The vast majority of concerns and complaints can be resolved informally, often straightaway by the class teacher or Executive Headteacher.
- The school aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

#### *PROCEDURE*

- Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
- If the member of staff first contacted cannot deal with the matter immediately s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Executive Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
- The Executive Headteacher should ensure that staff have guidelines about when to refer a matter and who to.
- If the concern relates to the Executive Headteacher and the parent feels unable to raise it with him/her then they should be advised to contact the Chair of Governors.
- The staff member dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
- If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support available to them.

## **Stage 2 – Formal Complaint to the Executive Headteacher or Chair of Governors**

### *GUIDELINES*

- The Executive Headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about their own involvement at various stages.
- If the complainant is dissatisfied with the action of the Executive Headteacher, or the Executive Headteacher has been very closely involved informally, the Chair of Governors should carry out all the Stage 2 procedures, with support if necessary from another governor, and with advice from Education Personnel Management.
- Individuals on the governing body should not be involved at this stage to avoid prejudicing their possible future involvement.

### *PROCEDURE*

- Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and the desired outcome in writing to the Chair of Governors or Executive Headteacher. The Chair of Governors or Executive Headteacher should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
- The Chair of Governors or Executive Headteacher may offer an opportunity for the complainant to meet him/her. The complainant should, if s/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
- If necessary, the Chair of Governors or Executive Headteacher should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with a parent or guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with the pupil. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from Education Personnel Management.
- The Chair of Governors or Executive Headteacher should keep written records of meetings, telephone conversations and other documentation.
- Once all the relevant facts have been established, the Chair of Governors or Executive Headteacher should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up by a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the Chair of Governors within two weeks of receiving the letter detailing the outcome of the complaint.

## Stage 3 – Appeal to Panel of Governors

### GUIDELINES

- Complaints only rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek advice from Education Personnel Management.
- The aim of the appeal to a panel of governors is to resolve the complaint and to achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of the situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage, that the governing body is impartial and independent and is seen to be so. The full governing body should not consider individual complaints. The governing body should therefore establish a pool of five governors from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at earlier stages. The governing body should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not become involved in looking into complaints to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the school's complaints procedure, making the necessary introduction to a member of staff or the Executive Headteacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the school rather than an individual member of staff whose actions may have led to the complaint.

### PROCEDURE

- Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed. A suitable clerk to the panel should be appointed.
- The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 working days of receipt.
- The clerk should convene a meeting of the complaints committee at a time convenient for the complainant and the school.
- The clerk should ensure that the complainant, Executive Headteacher and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend or relative who can act as an advocate. The chair should ensure that interpretation facilities are offered and made available if necessary.
- The clerk should invite the Executive Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Executive Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint.
- All relevant documents should be received by all parties (including the complainant at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
- The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties.

- All except for the governors' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint, appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to school's systems or procedures to ensure similar problems do not arise in the future.
- The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be kept separate from pupils' personal records.
- The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.

### **Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints procedure and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

### **Persistent complaints**

#### **Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **Record keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Retention Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

### **11. Learning lessons**

The Governing Body will review any underlying issues raised by complaints with the Executive Headteacher and Senior Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **12. Monitoring arrangements**

The Governing Body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Executive Headteacher.

This policy will be reviewed by the Executive Headteacher every 2 years. At each review, the policy will be approved by the Chair of Governors.

### **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Privacy notices