



Staplehurst School

# Complaints Procedure

**Date**

Policy reviewed and ratified by **the Full Governing Body**

18 May 2016

Date Governing Body delegated authority to the Finance & Resources Committee

23 March 2011

Policy to be next reviewed

**May 2018**

## Introduction

This Complaints Procedure has been developed in accordance with the principles established by [Department for Education's "Best Practice Advice for School Complaints Procedures"](#).

This Complaints Procedure covers all complaints with the **exceptions\*** detailed below, for which there are separate statutory provisions.

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school premises or facilities

\*Advice as to how to make a complaint about the above issues are detailed in Appendix A

## Complaints Procedure

In order to investigate a complaint as fully as possible, the Governing Body has a staged process. (See Appendix B for flowchart) Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to Stage 1 of the **Formal Complaints Procedure**.

## Resolving concerns informally

- a. Complainants are always welcome to discuss any concerns with the appropriate member of staff who will clarify with the complainant the nature of the concern and reassure them that the school wants to hear about it. Complainants should be advised from the outset that there is a **Formal Complaints Procedure** and be given a copy of the “How to raise concerns or to make a complaint about the school leaflet” (Appendix D) which is also published on the School’s Website.
- b. The member of staff may explain to the complainant how the situation happened. It can be helpful at this point to identify what sort of outcome the complainant is looking for. (See Appendix C for advice as to How to Listen to Complaints).
- c. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date and name and contact address or phone number of the person who has highlighted the concern.
- d. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he will check later to make sure the referral has been dealt with.
- e. If the matter is brought to the attention of the Headteacher s/he may decide to deal with the complaint. If the complaint is against the Headteacher, the complainant will be advised to contact the Chair of the Governing Body.
- f. The member of staff dealing with the concern will make sure that it is made clear to the complainant what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- g. While it is often a helpful way to resolve problems more quickly, complainants are not required to pursue informal ways to address complaints but have the right to make a formal complaint at any time.
- h. The School is 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. If a Complainant is not satisfied with the informal resolution process, the Complainant should proceed to the **Formal Complaints Procedure**.
- i. The School will consider a Complaint to be **Unreasonable** if the Complainant 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 but refuses to proceed to the **Formal Complaints Procedure**. Please refer to the **Unreasonable Complaints** section of this Procedure for more details.
- j. 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. 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. Please refer to the **Barring from the School Premises** section of this Procedure for more details.

# Formal Complaints Procedure

## Stage 1: Investigation by the Headteacher

1. Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.(See Appendix E for Complaint Form)
2. The Headteacher (or designated person – see bullet 7) will acknowledge the complaint in writing **within three school working days of receiving the written complaint**. The acknowledgement will give a brief explanation of the school's Complaints Procedure and a target date for providing a response to the complaint. This should normally be **within ten school working days**. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of **twenty school working days** unless it is a particularly complex issue.
3. The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes, s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
4. If necessary, the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present but, if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
5. The Headteacher will keep written records of meetings, telephone conversations and other documentation.
6. Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors **within twenty school working days of receiving the letter**.
7. If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body (or designated alternate) will carry out all the Stage 1 procedures.

## Stage 2: Review by the Chair of Governors

1. If the Complaint is against the Headteacher or a Governor or if the complainant is not satisfied with the Stage 1 response of the Headteacher, the complainant should write to the Clerk to the Governors to request that their complaint is considered further by the Chair of Governors (or designated Governor – see bullet 4). The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request **within three working school days**

**of receiving the written complaint.** The acknowledgement will inform the complainant that the Chair of Governors will review the complaint and provide a target date for responding to the complaint. This should normally be **within ten school working days**. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a **maximum of twenty school working days** unless it is a particularly complex issue.

2. The Chair of Governors will review all the documents and check that the correct procedure has been followed. Submission of additional information or interview will be at the discretion of the Chair of Governors.
3. The Chair of Governors will then write to the complainant confirming the outcome of the review, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors **within twenty school working days of receiving the letter**.
4. If the complaint is against the Chair of Governors, or the Chair of Governors has been closely involved in the issue, the Vice-Chair of the Governing Body (or designated alternate) will carry out all the Stage 2 procedures.

### **Stage 3: Review by the Governing Body**

1. If the complainant is not satisfied with the Stage 3 response of the Chair of Governors (or designated Governor). The complainant should write to the Clerk to the Governors to request that their complaint is considered by the Governing Body. The Vice-Chair of the Governing Body (or designated Governor) will write to the complainant to acknowledge receipt of the written request for the Governing Body to review the complaint. The acknowledgement will inform the complainant that three members of the school's Governing Body will hear the complaint **within twenty school working days of receiving the complaint**. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
2. A meeting of the Governors' Complaints Panel will be convened. No Governors with prior involvement in the issues complained about will be included on the Panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having a Parent Governor on the Panel, and will also be sensitive to issues of race and gender. The Headteacher and Chair of Governors will not sit on the Panel. An experienced Governor will chair the Panel meeting.
3. The Chair of the Panel will ensure the Panel hears the complaint within **twenty school working days** of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
4. The Chair or Clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel **at least five school working days in advance** of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be

accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

5. The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, **at least five school working days prior to the meeting**.
6. Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the Panel.
7. At the Panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The Headteacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
  - The Headteacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.
  - The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.
8. The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties **within fifteen school working days**. The complainant, Headteacher, other members of staff and witnesses will then leave.
9. The Panel will then consider the complaint and all the evidence presented and:
  - Agree a decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
10. A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.
11. The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

#### **Stage 4: Secretary of State for Education**

If complainants wish to go beyond the Governors' Complaints Panel or if the complaint is about the Governing Body as a whole, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

**Unreasonable Complainants** The School is 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.

The School defines 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, 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 the School. Please also refer to the "Visitor Code of Conduct" detailed in the **School's Visitors policy**.

## **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, a school can ask him/her to leave school premises. In serious cases, the Headteacher 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. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

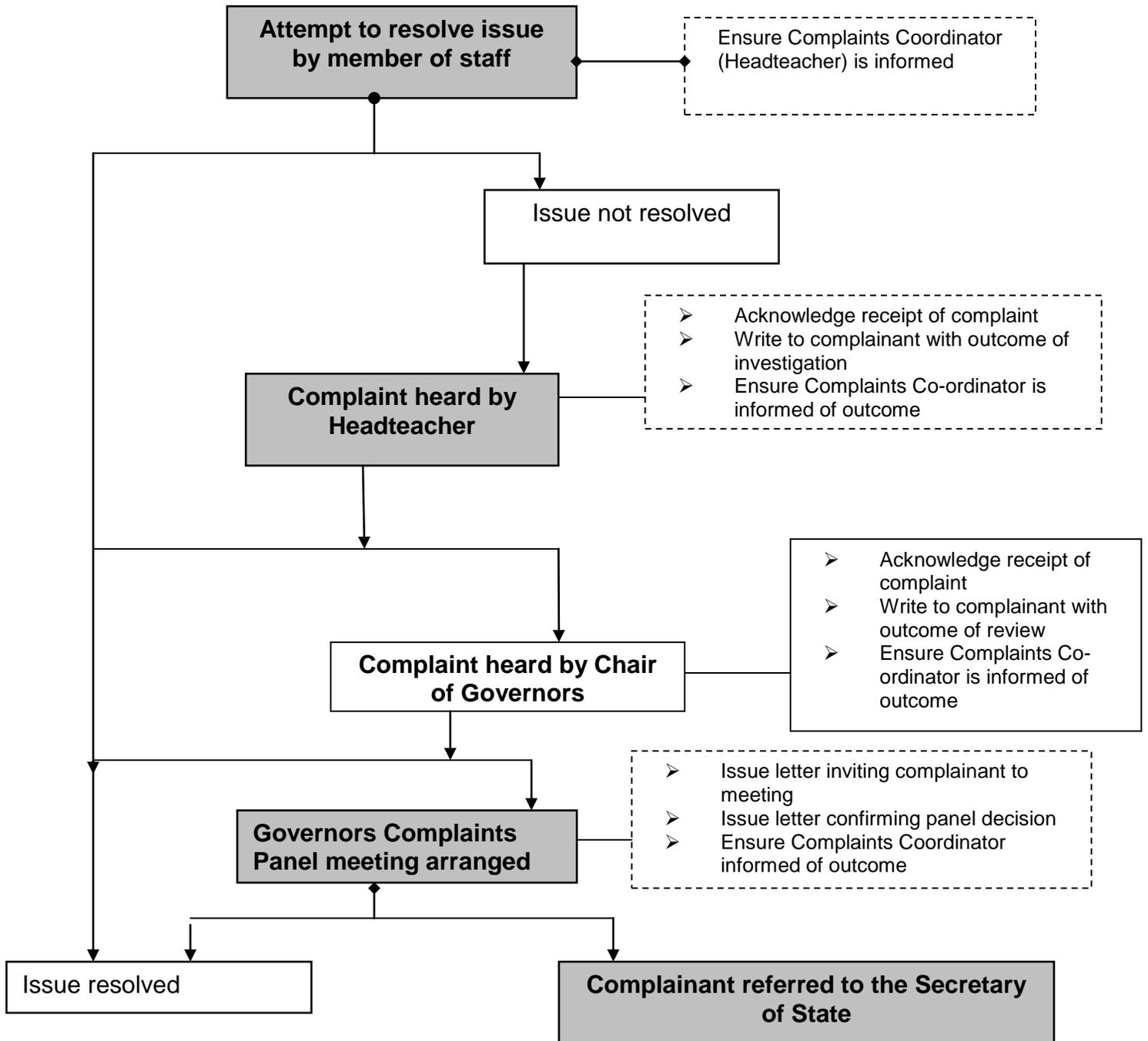
The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

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 only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Appendix A - Exceptions

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Appendix B - Flowchart of complaints



## Appendix C - How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

1. **Don't be flippant** *First impressions count. You and the school may be judged on your immediate reaction.*
2. **Don't take the complaint personally** *To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.*
3. **Stay cool and calm** *Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.*
4. **Don't rush** *Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.*
5. **Treat every complaint individually** *Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.*
6. **Be courteous and patient** *Be sympathetic and helpful, but do not blame other colleagues.*
7. **Say who you are** *If you are unknown to the other person, introduce yourself.*
8. **Treat all complaints seriously** *However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. Access to the procedure is a right which should not be restricted by a judgement as to the seriousness of the issue.*
9. **Ask for their name and use it** *Anonymous complaints are acceptable only where there are special circumstances.*
10. **Take time to find out exactly what the problem is** *It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. Asking what outcome the complainant seeks is a good way to find out what it is really all about and will help you to know if you can resolve it*
11. **Don't pass the buck** *Try not to keep transferring an angry person from one place to another. Take the responsibility to ensure the right person deals with it if you cannot deal with it yourself.*
12. **Check you are being understood** *Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone 'not in the know'.*

## **Appendix D – How to raise concerns or to make a complaint about the school**

### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible; it is difficult for us to investigate properly an incident or problem that happened some time ago.

### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with an appropriate member of staff.

If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him/her straight away if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view, but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

You may find it helpful to have a copy of the school's **Complaints Procedure** at this stage. The procedure explains in detail what processes are followed and is available from the school office.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If your complaint is about an action of the Headteacher personally, then you should refer it directly to the Chair of Governors. Contact details can be obtained from the school office.

### **If you are still unhappy**

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three Governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the Panel at a meeting that the Headteacher will also attend. The Complaints Procedure sets out in more detail how these meetings operate.

### **Further Action**

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail in the full Complaints Procedure or on the Department for Education website [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints).

### **Unreasonable Complaints**

The School is 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. 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. Please refer to the **Unreasonable Complaints** and **Barring from the School Premises** sections of the School's Complaints Procedure for more details.

## Appendix E - Complaints form

Please complete and return to staff in the School Office who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: