

# Our Lady of Peace Catholic Primary and Nursery School

**'With Christ in our hearts, together we grow'.**



## **Complaints Policy & Procedure**

Approved by the Governing Body of Our Lady of Peace Catholic Primary and Nursery School

<b>Review Dates:</b>	<b>Date Reviewed:</b> July 2024	<b>Ratified at FGB:</b> 18/07/2024
<b>Signatures:</b>	<b>Headteacher:</b> Mrs Jan Holden	<b>Chair of Governors:</b> Mrs Kelly Robinson

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

## **Contents**

### **Statement of intent**

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Making a complaint
5. Complaints procedure
6. Interviewing witnesses
7. Recording a complaint
8. Complaints not covered by this procedure
9. Exceptional circumstances
10. Managing serial and unreasonable complaints
11. Complaints campaigns
12. Barring from the premises
13. Standard of fluency complaints
14. Role of the DfE
15. Transferring data
16. Availability
17. Monitoring and review

# COMPLAINTS POLICY AND PROCEDURE

## Introduction

The governors of Our Lady of Peace Catholic Primary and Nursery School are committed to ensuring that the highest standards are maintained at the school both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the governing body to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further (See appendix A and appendix B).

Certain complaints, for example, those relating to the curriculum should be addressed under the separate curriculum complaints procedure. Similarly, complaints about SEN provision should follow the SEN procedures. Any complaints by staff should be addressed under the school's grievance procedure.

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise parents will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- The Education (Pupil Information) (England) Regulations 2005
- Equality Act 2010
- Immigration Act 2016
- The School Information (England) (Amendment) Regulations 2016
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

This policy has also due regard to guidance including, but not limited to, the following:

- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE (2021) 'Best practice guidance for school complaints procedures 2020'

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Data Protection Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy

## 2. Definitions

For the purpose of this policy:

A "complaint" may be generally recognised as an expression or statement of dissatisfaction about actions taken or a lack of action.

A "concern" may be treated as an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.

The school will class concerns as complaints and follow the same procedures for both, as outlined within this policy.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A "**grievance**" is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

The definition of "**unreasonable complaints**" is outlined in the 'Managing serial and unreasonable complaints' section of this policy.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

### **3. Roles and responsibilities**

The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school’s ICT system and retained in line with the school’s Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk to governors and chair of governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant’s need for additional support, including interpretation support, and be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, the chair of governors, will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

The panel chair will:

- Ensure that minutes of the meetings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial while still setting the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel clerk will:

- Continuously liaise with the complaint investigator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

- Notify the relevant parties of the panel's decision and any other actions to be taken.

### **Complaints about staff**

Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a committee of the governing board if not resolved.

Any complaint made against the headteacher will be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board

Complaints about governors

Complaints may be made against:

- The chair of governors.
- The vice chair of governors.
- Any other member of the governing board
- The governing board as a whole.

These complaints should be made to the clerk to the governing board, who will then arrange for the complaint to be heard.

For complaints about the entire governing board, or the chair or vice chair of governors, the clerk to governors will determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

### **Objectives and targets**

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised, including to third parties who hire school premises
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services can be improved

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

## **Action Plan**

At Our Lady of Peace Catholic Primary and Nursery School, the Headteacher has overall responsibility for the operation and management of the school complaints procedure. In practical terms, the Headteacher will nominate a senior member of staff to deal with matters on a day-by-day basis.

In general, any written complaint should be addressed to the Headteacher, although it is expected that attempts will be made to resolve difficulties informally with the class teacher before being referred to the Headteacher.

The informal stage of the procedure should be exhausted before the matter is referred to the formal stage and a complaint form issued (see appendix B). If any substantial complaint is made to a member of staff by a parent it should be referred to the line manager or Headteacher, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

Whenever a formal complaint is received it will be investigated.

At each stage, the person investigating the complaint (the complaints co-ordinator (Headteacher), makes sure that they:

- Establish what has happened so far and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

### ***Stages in the procedure***

There are three stages in the school's complaints procedure. See appendix A for a flow chart. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. 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

We encourage complainants to state 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.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

### ***Stage 1 – Informal***

In this stage, the class teacher will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher or with other members of staff.

In the first instance, parents should approach their child's class teacher who will make time to speak to them as soon as is practically possible.

Statutory Policy  
Adapted from the Schoolbus



If you feel your concern or issue has not been resolved, an appointment should be made to see the following members of staff:

Foundation:	Miss Petford
Year 1:	Mrs Sidhu
Year 2:	Mr Stopps
Year 3:	Mr Stopps
Year 4:	Mr Head
Year 5:	Mr Head/Mrs Sidhu
Year 6:	Mr Head

If further discussion is needed you would then speak with Mr N Stopps who is our Deputy Headteacher.

Any issues or concerns regarding Special Educational Needs should be addressed to Mrs C Wood if further discussion is needed then you would contact Mrs H Hadaway who is our Inclusion Manager. Any medical needs should be discussed with Mrs L Webster our Medical Officer.

If there is a need to meet with the Headteacher, please contact her PA to arrange this on 01628 661886, Option 3.

There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. The complaint should be resolved within **five** school days. However, if the complainant wishes to take the matter further, then the Headteacher is informed and stage 2 is implemented.

### ***Stage 2 – Informal***

If the concern is not met to the parents' satisfaction by discussion, then the initial recipient of the complaint should refer the matter to the Headteacher or to a designated member of the senior management team. It may be appropriate at this stage for the complaint to be put in writing.

The Headteacher, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.

If a complaint concerns the conduct of the Headteacher or a governor, or where the Headteacher or governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or member of the governing body not previously involved. In some circumstances, the school reserves the right to refer the matter to an external body.

The Headteacher or designated member of staff will respond to the parent with the outcome of the investigation, normally within **ten** school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with written confirmation of the outcome.

The parent must be informed of his or her right to have the matter referred to the governors' complaints panel if the outcome of the informal stage is not satisfactory. Any such request by a parent should be addressed to the clerk to the governors and the matter becomes a formal complaint.

### ***Stage 3 – Formal***

Complainants must be informed of the new timescale for the resolution of complaints that reach this stage. When the clerk receives a formal request for the governors to consider a complaint, the clerk will refer the matter in the first instance to the chair of governors or another nominated governor. He or she will investigate, may speak to the parties involved and will prepare a written statement of findings to be submitted to the parent. The parent must be informed of the right to refer the matter to the governors' complaints panel if he or she is not satisfied with the outcome.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

If a hearing is requested, the clerk will write to the parent, the Headteacher and the Chair of Governors giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend. The parent will be informed of the right to be accompanied by a friend. The hearing should be on reasonable notice and be held as soon as practicable after receipt of the referral.

The procedure at the hearing (see appendix C – checklist for a panel hearing) needs to be appropriate for the circumstances and is at the discretion of the chair of the governors' complaints panel but is likely to involve:

- Presentation of the complaint
- A reply by the Headteacher or Governor
- Questioning by all parties
- Representation about ways to resolve the complaint satisfactorily

If necessary, the panel will withdraw to consider their findings of fact on the evidence put before them and their conclusions, which may include measures to redress problems identified. The panel's decision is final. If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed. The only redress the complainant may take at this stage is to refer the matter to the Education Secretary since the right to appeal to the Local Government Ombudsman was repealed in the Education Act 2012.

**Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD**

Complaints are considered, and resolved, as quickly and efficiently as possible. The school will, where possible, complete its investigation into the complaint, and provide a written report regarding the complaint. The report will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Headteacher, within **14** working days. However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed **14** days, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be sent and the complainant will be sent details of the new deadline and an explanation for the delay.

#### ***Time-limits***

Our Lady of Peace Catholic Primary and Nursery School sets realistic time limits for each action within each stage:

- Stage 1 complaints must be resolved within **five** school days.
- Stage 2 complaints must be resolved within **ten** school working days of receipt of the substance of the complaint.
- Stage 3 complaints will be investigated and a written report provided within **14** working days. However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed **14** days, the school will set realistic time

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.

### ***Recording complaints***

The progress of any complaint and the final outcome will be recorded by the complaints co-ordinator. These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Headteacher. A complaint may be made in person, by telephone, or in writing (see appendix B). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

### ***Publicising the policy and procedure***

Details of Our Lady of Peace Catholic Primary and Nursery School complaints policy and procedures are included, as appropriate, in:

- The information given to new parents when their children join the school.
- The home-school agreement.
- Home-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 (see appendix B).
- Posters displayed in areas of the school that will be used by the public, for example, reception or the main entrance.
- The school website.

## **6. Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The school will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.

The school will understand the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them. Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

## 7. Recording a complaint

A written record will be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

Recording devices will not be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The school will consult with the LA before using recording devices.

Details of any complaint made will not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

As data controllers, the schools will ensure in all cases that they comply with their obligations and responsibilities as outlined in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

## 8. Complaints not covered by this procedure

There are a variety of areas where the complaints procedure does not apply because of other separate statutory procedures being in place. The school will deal with complaints regarding these topics in line with the procedures outlines below.

The following complaints should be directed to the LA:

- Statutory assessments of SEND
- School reorganisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedures outlined in the school's Suspension and Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the school's Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE. Complaints about how the school delivers the curriculum, including RE and RSHE, will be dealt with using this complaints procedure.

Any complaints about the content of the daily act of collective worship are dealt with by either:

- The LA.
- The local Standard Advisory Council on Religious Education.
- Another relevant body, e.g. the diocese.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

## **9. Exceptional circumstances**

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

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

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

## 10. Managing serial and 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. The school will not normally limit the contact complainants have with it; however, the school will not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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 cooperate 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.

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, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

Statutory Policy  
Adapted from the Schoolbus

**The school has a commitment to safeguarding and promoting the welfare of children.**

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about staff or threats towards them, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 premises.

## **11. Complaints campaigns**

For the purposes of this policy, “complaints campaigns” are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school’s website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school’s response, they will be directed to the DfE.

## **12. Barring from the premises**

The school premises is private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## **13. Standard of fluency complaints**

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

Statutory Policy  
Adapted from the Schoolbus

The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the 'Complaints procedure' section of this policy.

For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific retraining
- Assessment
- Redeployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

## **14. Role of the DfE**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

They will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Statutory Policy  
Adapted from the Schoolbus



## **17. Monitoring and review**

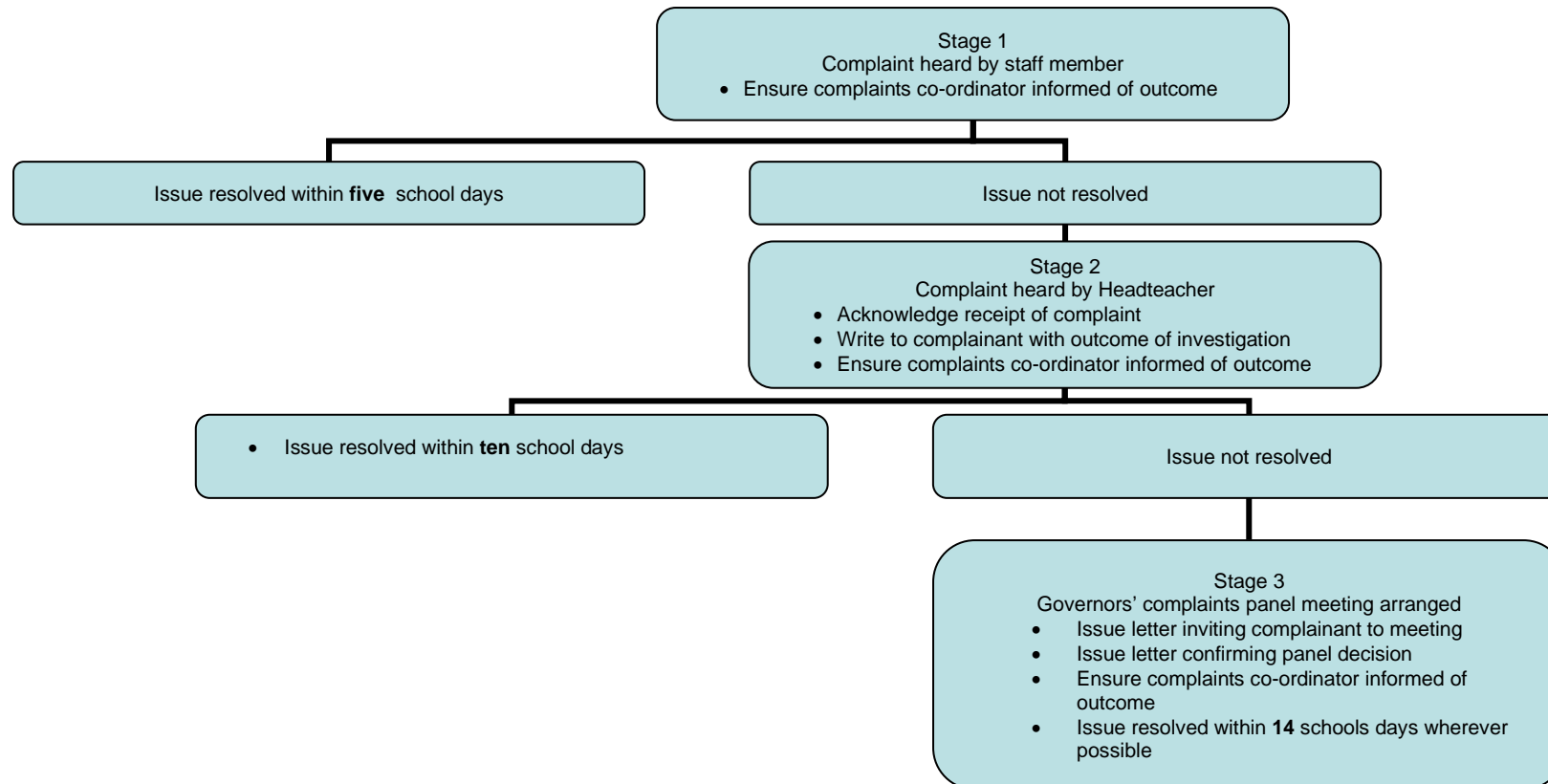
The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is date February 2025.

Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the headteacher. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

## APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



## APPENDIX B: COMPLAINTS FORM

Please complete and return to ..... (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name: \_\_\_\_\_

Pupil's name: \_\_\_\_\_

Your relationship to the pupil: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

Daytime 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 whom:

Complaint referred to:

Date:

## **APPENDIX C: CHECKLIST FOR A PANEL HEARING**

The governors' complaints panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the 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
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale