



Complaints Policy

2021 -2024



Date Reviewed:	May 2021
Review Frequency:	Every 3 years
Date of next review:	Summer Term 2024
Governor Signature:	

Our Ethos:

‘Everyone in our school community has a right to learn and grow, be treated with respect and feel safe. Each has a responsibility too to conduct themselves in a way that helps promote these rights helping us to ensure that we continue to develop a culture and ethos in which every person feels valued and knows how to value the contribution of others.’

Complaints Policy and Procedure

Complaints Policy and Procedure Scope

This procedure has been created in line with the principles of administrative law, and complainants will be allowed to complete the procedure in full, except in instances where clear evidence suggests the complaint meets the criteria of a serial or persistent complaint (further details on this are given later in this guidance). This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
- rational
- reasonable
- fair
- proportionate

A concern or complaint can be made by anyone who has an issue with provision of facilities or services including, but not limited to: pupils, parents, carers, members of the community, user of the school site. Complaints can be made about any member of staff, including senior management team, and members of the board of governors.

There are instances where complaints fall outside the scope of this Policy. This is because those complaints have their own, specific, statutory processes that must be followed. A full list of these are accessible on the Department for Education website and include, but are not limited to: -

- Safeguarding and Child Protection Concerns or Complaints
- Staff Grievances and Disciplinary Procedures
- Exclusions
- Content of the National Curriculum

General Principles

Initial Concerns

There is a clearly defined difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The Department for Education defines the difference between a concern or complaint is as follows: -

Concern – defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

Complaint – defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In all cases where teaching or business support staff receive the first approach it would be beneficial if staff were able to resolve issues on the spot so that concerns do not develop into formal complaints.

The formal complaints procedure should only be 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.

Framework of Principles

Our Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be **clear** on the issues that will be dealt with under the formal complaints process;
- Be easily **accessible** and **publicised**;
- 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.

Investigating Concerns or Complaints

At each stage the person investigating the complaint will ensure that they:

- Establish what has happened so far;
- Confirm who has been involved;
- Clarify the nature of the concern or complaint and what remains unresolved;

- Correspond and/or meet with the complainant and, where additional information or clarification is required, contact them additionally;
- Clarify what action(s) the complainant feels would resolve the concern or complaint;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Record and retain notes of any interviews.

Resolving Concerns or Complaints

At each stage in the procedure we will focus on ways in which a concern or complaint can be resolved at the earliest possible stage and complainants will be encouraged to state what actions they feel might resolve the problem.. The experience of the first contact between the complainant and the school can be crucial in determining whether the concern will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a concern or complaint. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. It should be noted that if the school acknowledges that a situation could have been handled better, they are not admitting to any unlawful or negligent action.

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.

Formal Complaints

Where a an Informal Concern cannot be resolved, or a Formal Complaint is identified, the complainant should be directed to the website or this Policy and Procedure immediately to ensure that correct procedures are followed and paperwork for recording the complaint(s) is utilised.

It should be identified quickly if the complaint(s) involve any of the following:

- The Headteacher or an executive Headteacher
- A individual member of the governance board (including the Chair and Vice-Chair), or
- The entire board.

Timeframe for Making a Formal Complaint

The Department for Education consider that 3 months is an acceptable timeframe for a complainant to lodge their complaint, although additional time could be given in exceptional circumstances. Where there are exceptional circumstances, these will be considered when making the decision to accept or progress a complaint.

Whenever published timeframes cannot be met then new time-limits can be set that are reasonable for a complaint to be raised following an incident. The new timescales must be communicated to the complainant along with reasons for the delay.

Timeframe for Investigating and Resolving a Formal Complaint

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with investigating and resolving the complaint by the person/s investigating as soon as possible after a complaint is raised. Where further investigations are necessary, the complainant will be sent details of any revised deadlines and an explanation for the delay.

During Term Time, when all staff are reasonably expected to be working to capacity, complainants will receive acknowledgement of the receipt of their complaint within five working days. This acknowledgement will outline the anticipated timeframe for receiving a formal response or resolution, depending on the amount of investigation that may be required to ensure any persons involved are contacted and all details are fully examined.

It should be noted that complaints received during school holidays, or just before school holidays, may be subject to longer timeframes to ensure all parties can be contacted and a full investigation actioned.

Complaint Campaigns

Occasionally you may receive large volumes of complaints that are about the same topic or complaints not connected to the school. Your policy will need to have a separate section or procedure to handle complaints of this nature and must be published on your website. Reference should be made to specific details in Annex A.

Duplicate Complaints

Sometimes you may receive, having completed and closed a complaint, a duplicate complaint from a spouse, partner, grandparent, child or other individual. Your policy should make it clear that the process is now complete that the complaint has already been considered. However, if any new aspect not previously considered is raised these will need to be investigated and dealt with in accordance with the full extent of your complaints policy and procedure.

Serial and Persistent Complainants

This complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. No complaint should be marked as serial or persistent if the complainant has not completed your complaints procedure. All complainants, in accordance with administrative law principles, should be given every opportunity to complete the complaints procedure in full.

If a complainant, having completed the procedure, contacts the school or governance board, again on the same issue then the complaint can be viewed as serial or persistent and you may choose not to respond. Alternatively, the Chair of the Management Committee has the authority to advise the complainant that the complaint has been dealt with according to this complaints policy (refer to specific details in Annex A).

A complaint can be deemed to be vexatious if they are: -

- Repetitive, persistent, harassing or obsessive;
- Designed to be disruptive or annoying;
- Unrealistic in expected outcomes e.g. dismissal of members of staff; or
- Pursued in an unreasonable manner.

However, should a complainant raise a completely new separate/different complaint we will respond and process in accordance with this complaint's procedure.

Formal Complaints Procedure

This procedure should only be followed where an Informal Concern could not be resolved. The Formal Complaints Procedure herein ensures that decisions are not taken in isolation and provides a mechanism for independent review as the ability to consider the complaint objectively and impartially is crucial.

There are two stages to the Formal Complaints Procedure:

- Stage 1
 - The complaint is formally put in writing, or made in person, to the Headteacher or Executive Headteacher*.
 - The date the complaint is received will be recorded and an acknowledgement of receipt will be provided in writing (this could be via email) within the timeframe detailed under 'Timeframes'.
 - The Headteacher will investigate the nature of the complaint, although they may decide to ask another member of staff to undertake the investigation (the investigator) on their behalf.
 - Upon conclusion a formal written response will be provided to the complainant detailing the outcome and any resolutions or actions. Any

decisions or responses required from the complainant will have a set timeframe for response which will be clearly detailed.

- If the complainant is satisfied with the outcome detailed in the formal written response then the complaint is concluded.
- If the complainant is not satisfied with the outcome detailed in the formal written response then the complainant can escalate the complaint to Stage 2.

*If the complaint is about the Headteacher, or anyone serving on the governance board, it must be made in writing via the Clerk to the governance board. Either the Chair, or a suitably skilled governor (especially if the complaint is about the Chair or Vice-Chair) would be appointed to conduct the investigation and provide a formal written response.

▪ Stage 2

- The complaint has been escalated to this stage because the complainant is not satisfied with the outcome at the first formal stage.
- The complainant has escalated their complaint within the timeframe stipulated in the formal written response. Only if exceptional circumstances apply will requests outside of the timeframe be considered.
- A panel comprising of 3 people will be selected from the governance board. These members will not have been previously directly involved with the complaint.*
- The panel will review the complaint independently from the conclusions of Stage 1.
- Upon conclusion, a formal written response will be provided to the complainant detailing responses and any resolutions or actions. Any decisions or responses required from the complainant will have a set timeframe for response clearly detailed. The Panel may conclude, but are not limited to, the following outcomes:
 - Dismiss the complaint in whole or part;
 - Uphold the complaint in whole or part;
 - Decide on the appropriate action to be taken to resolve the complaint;
 - Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

*If there are fewer than 3 governors able or eligible to serve on the panel, the Clerk will source additional, independent governor/s or appropriately experienced/knowledgeable persons from another school or through LA governance services.

An entirely independent panel can be convened to hear and investigate the complaint or, when the complaint is jointly about any Chair and Vice-Chair, all of the governance board or the majority of the board.

Complaints will not be shared with all members of the governance board, except in general terms, in case an appeal panel needs to be organised. If the whole board is made aware of the substance of a complaint, prior to the final stage being completed, an independent panel will need to be arranged to hear the complaint comprising of governors from another school and/or members of the governor services team. Complainants can request an independent panel if they believe there is likely to be bias in the proceedings and the board will consider the request, but ultimately the decision will be made by the governors.

The complainant, and any witnesses requested to provide information, are entitled to have someone accompany them to a panel hearing but no parties should bring legal representation.

A complaint can be withdrawn at any stage but must be formally notified to the Headteacher (Stage 1), Panel Chair (Stage 2) or Clerk at any stage.

An unsatisfied complainant can always take a complaint to the next stage.

Managing and Recording Complaints

Managing Complaints

- It is important that all stages in the concern and complaints process, including any appeal hearing, is independent and impartial and that it is seen to be so. No committee member will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, members will ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation.
- The aim of the Formal Complaints Process, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It is necessary to ensure that the facts are established and recorded and to make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not adversarial.
- Extra care will need to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the

complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- The management committee members sitting on the panel need to be aware of the complaints procedure.

Recording Complaints

It is recognised that it is useful to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our initial complaint form can be found in Annex B. Minutes and/or notes of meetings and telephone calls will be kept and a copy of any written response added to the record.

Management Committee Review

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Management Committee is a useful tool in evaluating the school's performance. Monitoring the level and nature of complaints and review of the outcomes on a regular basis will ensure the effectiveness of our procedure. Complaint information shared with the whole committee will not name individuals.

Publicising the Procedure

There is a legal requirement for the complaints procedure to be publicised. As a Management Committee we include details of our procedure in:

- information given to new parents when their children join the school; and
- on our website.

Roles and Responsibilities

The Clerk will be the established contact point for the complainant and is required to:

- Set the date, time and venue of any meetings or panels, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the meetings or panels;
- Meet and welcome the parties as they arrive at the meeting or panel;
- Record the proceedings and notify all parties of the panel's decision;
- Retain records in line with GDPR;
- Respond to any Freedom of Information requests.

The role of the Chair of the Complaints Panel – is to ensure that:

- The correct procedure has and is being followed;
- If a hearing is appropriate, that the Clerk is notified to arrange the panel;
- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in a friendly and transparent manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;

- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case, ask questions and that written material is seen by all parties;
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

Checklist for a Panel Hearing

- The hearing is formal but should not be adversarial or intimidating.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- If the hearing is to meet with the parties individually –
 - The panel will meet with the complainant initially;
 - The panel will then meet with any witnesses, they will then leave;
 - The panel will then meet with the investigator (if one was nominated), they will then leave;
 - The panel will then meet with Headteacher to hear the school's response to the complaint, they will then leave.
 - After each meeting the panel chair will explain the timescales as to when all parties will hear from the panel.
 - The panel retires to consider the complaint(s) and any responses or actions.

Finally

If the complainant is still dissatisfied with the outcome of the complaints procedure they have the right to contact the Secretary of State for the Department for Education.

Date of Issue/Revision:

Chair of Management Committee:

Headteacher:

Date:

Annex A

Managing Serial and Unreasonable Complaints

South Somerset Partnership 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable behaviour is defined as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- 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 and

complicated 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 try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who cause a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.

Annex B

School Complaints Procedure

Complaint Form

Complainant 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:

School Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

