



# The Eliot Bank and Gordonbrock Schools Federation



## Concerns & Complaints Policy

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## **1. Introduction**

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. Best Practice Guidance for School Complaints Procedures March 2019 underpins this policy.

This document sets out the steps to resolve any concerns and complaints.

## **2. The Difference between a Concern and a Complaint**

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

## **3. Dealing with Complaints - Initial Concerns**

Through the building of positive relationships and effective communication, we aim to ensure that parents and carers feel able to voice any concerns in an informal way.

Concerns ought to be handled, if at all possible, without the need for formal procedures. We hope that by taking informal concerns seriously at the earliest stage we will reduce the number that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

In most cases, the class teacher will receive the first approach. They will try to resolve issues on the spot. This may include offering a clear explanation; in some cases, accepting that a situation could have been handled better; in other cases, an apology may be appropriate.

## **4. Dealing with Complaints – Formal Procedures**

### **4.1 Who Can Make A Complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

### **4.2 Framework of Principles**

If informal procedures do not resolve the issue, the school's formal procedures aim to be swift, fair, impartial and non-adversarial.

An effective complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- 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.

We expect parents and staff to talk to each other with respect and to listen carefully to what each other has to say.

#### **4.3 Investigating Complaints**

- At each stage, the person investigating the complaint must ensure 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 if further information is required);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained about, 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.

#### **4.4 Resolving Complaints**

At each stage in the procedure, the federation will keep in mind 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.

Complainants will be encouraged 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.

#### **4.5 Time Limits**

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Realistic time limits for each action within each stage will be set and notified to the complainant. However, where further investigations are necessary, new time limits can be set. The complainant will be sent details of the new deadline and an explanation for the delay.

#### **4.6 Cut-off Limits**

It is reasonable to expect parents/carers to make a complaint as soon as possible after an incident arises and at least within three months. There may, however be good reasons why this is not the case and consideration will be given to extending the cut off in exceptional circumstances.

### **5. The Complaints Procedure**

The following procedure must be followed, stage by stage. A summary of the procedure can be found in Appendix 3.

#### **5.1 Stage 1: Talk to the Teacher**

If you are worried about something that has happened in school concerning your child, talk to the class teacher, before or after school, or by making an appointment via the School Office, giving an outline of your concern.

We do not expect parents to go to the Head of School first unless:

- You have serious concerns about a teacher's actions or behaviour.
- You have concerns about the conduct of a governor or member of staff who is not a teacher.

#### **5.3 Stage 2: Talk to the Phase Leader**

If talking to the teacher does not seem to have resolved a particular problem, you should make an appointment to see the Phase Leader. You can expect them to investigate your concerns and to discuss the outcome with you.

#### **5.3 Stage 3: Talk to the Deputy Headteacher, Head of School, Executive Headteacher**

If talking to the teacher and phase leader does not seem to have resolved a particular problem, you should make an appointment to see the Deputy Headteacher or Head of School or, in some circumstances, the Executive Headteacher. You can expect them to investigate your concerns, and to discuss the outcome with you and/or respond within ten working days. If your complaint is about the Head of School, it should be taken to the Executive Headteacher. If your complaint is about the Executive Headteacher, it should be taken to the Chair of the governing body. If your complaint is about the Chair of the governing body or the governing body, it should be taken to the Clerk to the governing body.

#### **5.4 Stage 4: Mediation**

If no agreement has been reached between you and the school a mediation meeting will be initiated by either party within 15 school days.

You may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

A member of staff will also be present to represent the school's view.

The meeting will be chaired by the Head of school, the Executive Head or a designated Governor as appropriate. Such an approach should allow for all options to be explored and help build better long-term relationships by encouraging all parties to work together to reach a resolution.

The Chairperson will write to both parties within 5 days to outline any agreements.

### **5.5 Stage 5: Complaint Heard by Chair of Governors or Nominated Governor**

If the complainant is not satisfied with the response of the Deputy Headteacher/Head of School/Executive Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

### **5.6 Stage 6: Complaint Heard by Governing Body's Complaints Panel**

The complainant needs to put the complaint in writing and send it to the school office for the attention of the Clerk to the Governing Body.

The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel. A Complaint Form is provided to assist you. A copy of this form can be found in Appendix 1.

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is difficult to proceed.

The clerk will seek similar written responses from the school, where this is necessary.

The clerk will convene a panel of three governors, who have not previously been involved with the complaint. A meeting of the panel will take place, usually within 20 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

If the Chair or nominated governor has been involved in attempting to resolve the complaint they may present information at the panel meeting, but will take no part in the decision making.

Further Guidance can be found in Appendix 2.

### **5.6.1 The remit of the Complaints Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **5.6.2 Notification of the Panel's Decision**

You should be informed of the panel's decision in writing, usually within 5 days of the hearing.

Consideration of the complaint by the Governing Body and the school, except for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the Governing Body.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

## **6. Serial and Persistent Complainants**

We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual, or a spouse, partner or grandparent, making the same points, or who asks us to reconsider our position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for us to recognise when we have done everything we can in response to a complaint. It is a poor use of school time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

### **6.1 Is it time to stop responding?**

The decision to stop responding will not be taken lightly. We need to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

## **7. Unreasonable Complainants**

The Eliot Bank and Gordonbrock Schools Federation 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 Eliot Bank and Gordonbrock Schools Federation 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 complaint's 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.

Covertly records meetings and conversations will not be accepted as evidence. If a member of staff suspects they are being recorded they are at liberty to end the conversation after explaining why they are doing so. Alternative arrangements will be made for communication

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; or
- by 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 (by either letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head of School, Executive Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Head of School will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Eliot Bank and Gordonbrock Schools Federation 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 schools.

## **8. 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 Heads of School 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 express formally 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 Head of School 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.

## **9. Managing and Recording Complaints**

### **9.1 Recording Complaints: Stage 1 – 3**

The school will record the progress of the complaint including notes of meetings and telephone calls as well as the outcome. Where appropriate the school will draft a letter confirming what has been discussed and agreed. The school will ensure that any records are kept secure and, under GDPR Regulations 2016/679, they will not be kept for longer than is necessary.

### **9.2 Recording Complaints: Stage 4 – 5**

The hearings will be minuted.

## **10. Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

Complaint information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to the school's improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed.

## **Appendices**

Appendix 1	Eliot Bank and Gordonbrock Schools Federation Complaint Form
Appendix 2	The Remit of The Complaints Appeal Panel
Appendix 3	Schools Complaint Procedure: Summary of Process for Dealing with Complaints