

## COMPLAINTS POLICY & PROCEDURES

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School governing bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. This policy and the procedures are based on guidance for schools issued by the Department for Education in *Guidance for schools on complaints procedures*

### **Purpose**

This policy aims to reassure parents/carers and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution.
- The school recognises that a willingness to listen to questions and to respond positively to complaints, can lead to improvements in school practices and provision.

This policy is designed to:

- Encourage resolution of problems by informal means wherever possible.
- Be easy to understand and to follow.
- Ensure a full, fair and impartial investigation where needed.
- Respect people's right to privacy and confidentiality and only share personal information on a 'need to know' basis.
- Provide management information to the school leadership team and governors to inform school improvement.

Anyone involved in investigating a complaint will make sure that they:

- Make contact with the complainant and keep them updated and informed.
- Establish what has happened and identify who is involved.
- Identify what the complainant believes would resolve the matter.
- Conduct the investigation with an open mind and a neutral approach.
- Keep records of complaints, responses and what actions have been agreed.
- Are sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals in accordance with the Equality Act.

### **Who can make a complaint?**

Complainants may be anyone including parents, carers, neighbours of the school or any person with an interest in the work of the school. However, it is expected that it will be mainly parents/carers who will use this policy therefore the term 'parent' is used throughout as a generic term but the policy also applies in relation to any other type of complainant.

### **Scope**

A concern is defined as *an expression of worry or doubt over an issue for which reassurances are sought*. A complaint is defined as *a clear expression of dissatisfaction about any specified aspect of the school's work*. This policy deals with specified complaints about the management and/or operation of the school.

Certain types of complaints have separate statutory procedures and are not covered by this policy. This includes complaints about school admissions, exclusions, statutory SEN assessments, claims against the school such as disability discrimination, allegations relating to child protection and safeguarding matters, whistleblowing and staff grievance and disciplinary matters.

Complaints that must be dealt with by specific employment procedures for example allegations of professional misconduct, criminal offences or those that are potentially staff disciplinary issues will be dealt with under internal school procedures.

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 legal proceedings have concluded.

### **How to make a complaint**

The procedures for making a complaint are detailed in *Part 2: Procedures for making a complaint page 4*. An informal complaint (Stages 1-2) can be made in person, by telephone or in writing. A formal complaint (Stages 3-4) should be made in writing and a complaints form completed. If complainants need assistance in raising a formal complaint they can contact the School Office. Complainants should not approach individual governors to raise complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at a later stage.

Complaints against **school staff** (except the Co-Headteachers) should be made in the first instance to the relevant line manager. If you are not sure who to send your complaint to please check with the School Office who can let you know the name of the line manager.

Complaints that involve or are about **the Co-Headteachers** should be addressed to the Clerk to Governors. Please mark complaints as Private and Confidential and send to [governors@fortismere.org.uk](mailto:governors@fortismere.org.uk) The Chair of Governors will investigate the complaint as set out at Stage Four.

Complaints about the **Chair of Governors, an individual governor or the whole governing body** should be addressed to the Clerk to Governors and sent to [smurray@fortismere.org.uk](mailto:smurray@fortismere.org.uk) Please mark complaints as Private and Confidential. Complaints about individual governors will be investigated by the Chair of Governors. For complaints involving the Chair of Governors, the Vice-Chair and Clerk will determine the most appropriate course of action for the investigation. This could include an independent investigator or the Chair of Governors from another school. For complaints involving the whole governing body, the Clerk will determine the most appropriate course of action for the investigation.

### **General**

Records of formal complaints will be kept and copies of correspondence will be kept on file, separately from individual student records.

Anonymous complaints will not normally be investigated, however, the Co-Headteachers or Chair of Governors, will determine whether such complaints warrant an investigation on a case by case basis.

### **Time scales**

Complaints must be raised within 3 months of the incident. If the complaint is about a series of incidents, it must be raised within 3 months of the last incident. The school will consider exceptions to this time scale where there are valid reasons for not making the complaint on time and where the complaint can still be investigated in a fair manner for all. When complaints are made during school holidays, the school will consider them to have been received on the next school day.

The time limits set within this policy will be adhered to wherever possible, however for complex complaints where further investigations or meetings are necessary or where time

limits cannot be met, new time limits will be set. Details of new deadlines and an explanation for the delay will be sent to the complainant.

### **Resolving complaints**

At each stage of the procedure, the school will seek to fully resolve the complaint. The school will acknowledge if the complaint is upheld in whole or in part or dismissed.

In every case the school will offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An explanation of any specific remedies which the school will undertake as a result of the complaint, with an indication of timescales;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been or will be taken to help ensure so far as possible that it will not happen again and an indication of time scales within which any changes will be made;
- An undertaking to review school policies and procedures in light of the complaint;
- An apology.

### **Persistent, Duplicate and Unreasonable complaints**

If the school has investigated a complaint and receives a duplicate complaint on the same subject from a partner, family member or other connected individual, the school will consider if there are any new aspects or new information to take into account. If there are new aspects, the complaints procedures will be followed again. If there are no new aspects, the school will tell the complainant that the process is complete and the matter is closed. The complainant will be directed to the Department for Education..

The school is committed to dealing with complaints fairly and impartially and will not normally limit the contact complainants have with the school. However, staff are not expected to tolerate unacceptable behaviour including that which is abusive, offensive or threatening. The school considers unreasonable behaviour as that which hinders the consideration of complaints because of the frequency or nature of the complainant's contact with the school. See separate *Managing serial and unreasonable complaints policy at Appendix 1*.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from people unconnected with the school, the school may respond to these complainants by publishing a single response on the school website or by sending a template response to all of the complainants. If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **Monitoring arrangements**

Whilst at all times respecting confidentiality, Governors will monitor the effectiveness of the complaints policy and procedures, receive management information on the number of formal complaints raised and consider any underlying issues that need review, or where lessons can be learned. The policy and procedures will be reviewed every two years by the Co-Headteachers and approved by the governing body.

**Policy date:** March 2022

**Agreed by the governing body:** 14 March 2022

**Review cycle:** Every 2 years

## Part 2: PROCEDURES FOR MAKING A COMPLAINT

Complainants must follow the stages set out below in order, unless the complaint is about the Co-headteachers or a governor (*See How to make a complaint page 2*).

### STAGE ONE – INFORMAL COMPLAINT

#### Contact the class teacher or relevant member of staff

Most concerns can be resolved quickly and effectively by the class teacher or the relevant member of staff. Contact the member of staff to make an appointment or to find out when the member of staff is available to talk to you about your complaint. You can also make contact by letter or by email. The aim at this stage is to establish the nature of the complaint and to find a realistic and speedy resolution to the problem. The member of staff will look into the matters you raise and investigate.

#### Time scales and Response

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues will be considered and dealt with as quickly and effectively as possible by the person investigating. You will be contacted by the member of staff and informed of any actions to be taken to resolve your complaint. Contact could be by phone, in writing or in person.

#### Taking matters further

If you are not satisfied with the response or the matter remains unresolved you can progress your complaint to Stage Two. This must be done within 15 school days of receiving your Stage One response.

### STAGE TWO – INFORMAL COMPLAINT

#### Contact the relevant Head of Department/Head of Year or Assistant Headteacher

If you were not able to resolve your concern at Stage One you should then contact the relevant Head of Department, Head of Year or Assistant Headteacher to take the matter further. A request to escalate a complaint to Stage Two must be made within 15 school days of receipt of your Stage One response. Ideally, your complaint should be submitted in writing with details of what has already been discussed with the school. The aim at this stage is to establish the nature of the ongoing complaint, what has been discussed with the school so far and what actions, if any, have already been taken.

The Head of Dept/Head of Year/Assistant Headteacher will acknowledge receipt of your complaint within 5 school days of receiving it.

The member of staff will investigate your complaint and may contact you for further information or to discuss the matter with you in more detail.

#### Time scales and Response

You will receive a written response to your complaint within 15 school days.

#### Taking matters further

If you are not satisfied with the response or the matter remains unresolved you can progress your complaint to Stage Three. This must be done within 15 school days of receiving your Stage Two response.

It is hoped that most problems will be resolved through the informal stages of this procedure.

## **STAGE THREE – FORMAL COMPLAINT**

### **Contact the Co-Headteachers**

If your complaint is still unresolved you may wish to pursue it further by raising it formally with the Co-Headteachers. Submit your complaint in writing to the Co-Headteachers and complete a copy of the Complaints Form. You should explain clearly what has already been discussed at Stage One and Stage Two and why you feel that the complaint is still not resolved. Also explain what you think might resolve the complaint..

The Co-Headteachers will acknowledge receipt of your complaint within 5 school days of receiving it.

### **Investigation**

The Co-Headteachers will investigate your complaint or nominate another senior member of staff to deal with the matter on their behalf but will not delegate the decision to be taken. The Co-Headteachers may contact you for further information or may invite you to a meeting to discuss your complaint with you. Any meeting will be part of the investigation and an opportunity for you to explain your complaint and will not replace a formal written response.

### **Time scales and Response**

You will receive a written response to your complaint within 15 school days.

### **Taking matters further**

If you are not satisfied with the response or the complaint remains unresolved you can progress your complaint to the Chair of Governors at Stage Four. This must be done within 15 school days of receiving your Stage Three response.

## **STAGE FOUR – FORMAL COMPLAINT**

### **Complaint to the Chair of Governors**

If you are not satisfied with the response from the Co-Headteachers, or if the complaint directly concerns the Co-Headteachers, you can make a formal complaint to the Chair of Governors. Submit your complaint in writing to the Clerk to Governors at [smurray@fortismere.org.uk](mailto:smurray@fortismere.org.uk) the Clerk will forward your complaint to the Chair of Governors.

You should explain clearly the complaint that has already been raised at Stages One, Two and Three with the school, what has already been discussed, why you feel that the complaint is not fully resolved and what you think might resolve it.

The Clerk will acknowledge receipt of your complaint within 5 school days of receiving it.

Individual governors who receive complaints will refer them to the Co-Headteachers or Chair of Governors as appropriate and will not become further involved themselves unless requested to do so by the Chair of Governors.

### **Investigation**

The Chair of Governors will investigate your complaint or arrange for a panel of governors (up to three) to investigate the complaint. Governors involved in the investigation will not have had any previous direct involvement in the matters raised in your complaint. Governors will arrange to meet with you and others involved in the complaint to discuss the matter, to establish what has been raised with the school at earlier stages, what action has already been taken and what you think would resolve the matter fully. You will be able to present any evidence you have to support your complaint. If you wish you can be

accompanied or represented at any governors' complaint meeting. Legal representation will not normally be appropriate. Any meeting will be part of the investigation process and will not replace a formal written response.

### **Time Scale and Response**

You will receive a written response within 20 school days of the date that the Chair of Governors received the stage four complaint. In complex cases, or where multiple investigation meetings are required, you may be informed of a longer time scale.

Governors can uphold or dismiss the complaint in whole or in part and can decide on the appropriate action to be taken to resolve the complaint. The governors' decision is final and represents the end of the school's complaints procedure.

### **Taking matters further**

If following a formal complaint at Stage four a complainant feels that the Governing Body has not handled their complaint in accordance with the school's agreed procedures or that they have acted unlawfully or unreasonably in exercising their duties, they can complain to the Department for Education.

The Department for Education will not normally investigate the substance of complaints or overturn decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

Information for parents about making a complaint to the Department for Education can be found on the Gov.uk website at [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

Contact details for the Department for Education can be found at [www.education.gov/contactus](http://www.education.gov/contactus)

## APPENDIX 1

### Managing serial and unreasonable complaints policy

Most complaints raised will be valid and the school will treat them seriously. However, sometimes a complaint may become unreasonable. The school considers the following to be unreasonable. If a 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 complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account 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 or governors 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 the 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 or governors 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 Co-Headteachers or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Co-Headteachers will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months

As a last resort, the school will cease all communications in respect of an unreasonable complaint, or one that is deemed closed, having first communicated why such a decision has been made.

## APPENDIX 2

### FORMAL COMPLAINT FORM

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*If you are making a formal complaint to the school please complete this form. If you need help to complete the form please contact [office@fortismere.org.uk](mailto:office@fortismere.org.uk) for assistance.*

#### Complainant's name

Title: Surname:

First name:

#### Student details

Students' name and tutor group:

Complainant's relationship to the student:

#### Contact details

Email:

Mobile:

Address:

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#### Details of the complaint

1. Please provide a summary of your complaint below:
  
  
  
  
  
  
  
  
  
  
2. Please provide details of any previous action taken by you or the school in relation to this matter:
  
  
  
  
  
  
  
  
  
  
3. What is your desired outcome:

*Please email your completed form to the relevant member of staff. If you are not sure who to send your form to please email it to [office@fortismere.org.uk](mailto:office@fortismere.org.uk) with subject line: Complaint*