



# School Complaints Procedure

<b>Responsibility:</b>	Education Committee
<b>Reviewed:</b>	November 2018
<b>Next review date:</b>	November 2019
<b>Key legislation:</b>	<a href="#">Section 29 of the Education Act 2002</a> , all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.
<b>This policy should be read in conjunction with:</b>	<a href="#">‘Best Practice Advice for School Complaints Procedures 2016’</a> – DFE January 2016

## Introduction

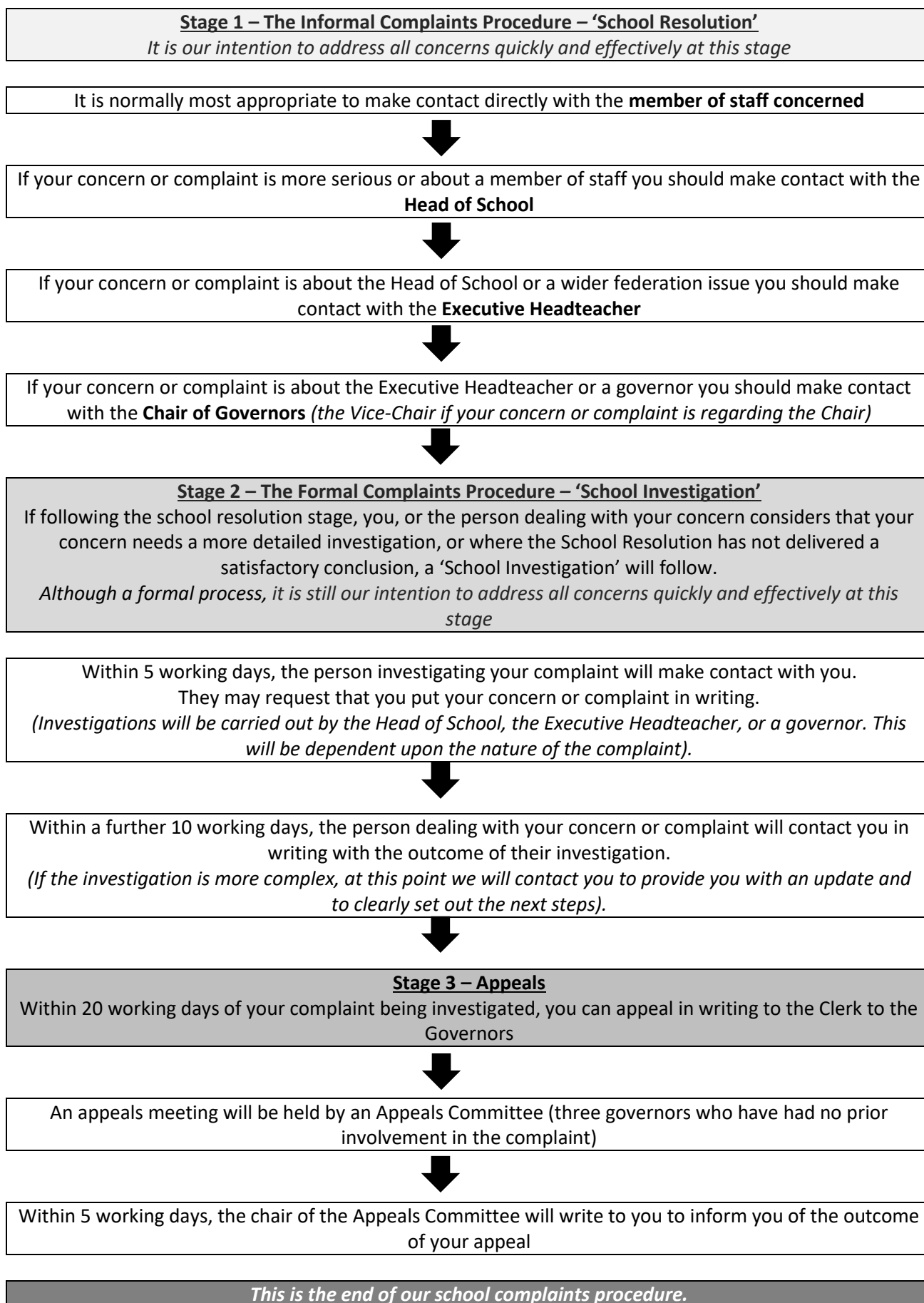
The school aims to be an open school. Our staff are always accessible and we welcome views on our school being shared with us. It is hoped that concerns can be dealt with in a normal day to day context of school life. It is, however, important that individuals with concerns are aware of the school procedure for dealing with complaints.

## 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 the school provides, unless separate statutory procedures apply (*such as exclusions or admissions*). We do not limit complaints to parents or carers of children that are registered at the school.

Parents who have concerns will, on most occasions, be able to have these concerns resolved by contacting the class teacher. If it is inappropriate to see the class teacher, or if a parent remains dissatisfied and wishes to take the matter further, they should contact the Head of School.

## Complaints Flow Chart



## Raising a concern or complaint

### Stage 1 – The Informal Complaints Procedure – ‘School Resolution’

If you are concerned or unhappy with the way the school or a member of its staff has treated you, or you are concerned or unhappy with the way the school is operating its policies and procedures, then you can raise your concerns or make a complaint.

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment requested via the school office. Many concerns or complaints can be resolved by simple clarification or by the provision of information and it is anticipated that most issues will be resolved quickly and effectively at this informal stage.

In the case of serious concerns, it may be appropriate to address them directly with the Head of School (*or the Executive Headteacher if the complaint is about the Head of School or a wider federation issue, or the Chair of Governors should the complaint be about the Executive Headteacher*).

If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the Governors.

#### **How does the ‘School Resolution’ process work?**

Once you have raised your concern or complaint, the person who is looking into it will contact you as soon as practicably possible. They will arrange to talk to you face-to-face, on the telephone, or they can contact you by letter or email if you prefer.

For your part, you will need to:

- tell the school what happened and how you felt about it
- say what action you would like to see taken as a result
- agree the process for resolving your concern or complaint

This School Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of learning for everyone, and it is about learning from what has happened and working with you to make sure it doesn’t happen again.

For its part, the school will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- if necessary, carry out a more detailed investigation into your concern or complaint. This is called a ‘School Investigation’ (*see section on ‘School Investigation’ at the end of this document*)
- provide information for parents and carers of children with SEND (*Special Educational Needs and Disability*) about how they can access support from The Devon Information Advice and Support service (*this is a requirement in the SEND Code of Practice*)  
[www.devonias.org.uk](http://www.devonias.org.uk), 01392 383080, [devonias@devon.gov.uk](mailto:devonias@devon.gov.uk)

### **What can I expect from the ‘School Resolution’ process?**

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore you should expect an approach that is proportionate to the issue you have raised.

As the ‘School Resolution’ process is aimed at quickly resolving your concern or complaint and learning from it, it won’t lead to conduct or capability proceedings against a member of staff. However, where appropriate, the member of staff might receive further support or training as a result.

If your concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about somebody – for example, about the way the school operates its policies or is directed to fulfil its statutory obligations - then it will still be resolved using this ‘School Resolution’ approach.

This informal approach to dealing with your concern or complaint means solving, explaining, clearing up or settling your concern or complaint directly with you. It will not result in conduct or capability action being taken against an individual member of staff, and the complaint will be closed after the process is completed.

Resolving your complaint in this manner can help us to improve how we work as a school.

### **What happens next?**

There are different ways of dealing with the concern or complaint using The School Resolution Process. These include:

- immediate resolution by providing information face-to-face or by telephone, as you choose
- a letter from the school concluding the matter after proportionate consideration, explaining what has been done
- individual communication between the you and the person your concern or complaint was about
- a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place

### **What might happen as a result?**

The school could take the following actions to resolve your concern or complaint:

- give you information or an explanation to clear up a misunderstanding
- apologise on behalf of the school
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the Head of School or Executive Headteacher to address an issue with a member of staff through support and development
- apologise on behalf of the person your concern or complaint was about but only if they agree to this
- arrange action by the Governing Board to address matters of policy or procedure

## Mediation

Sometimes during the handling of a complaint, communication between parents and the school can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school (or the parent) may suggest mediation, if communication becomes a problem.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. For more information, please contact: [roger.morris@devon.gov.uk](mailto:roger.morris@devon.gov.uk) or Telephone: 07966 474364.

For issues raised relating to SEND (Special Educational Needs and Disability) resources, specialist mediation is a requirement in the SEND Code of Practice. For more information please contact The Devon Information Advice and Support service: [devonias@devon.gov.uk](mailto:devonias@devon.gov.uk).

## **Stage 2 – The Formal Complaints Procedure – ‘School Investigation’**

If following the school resolution stage, you, or the person dealing with your concern considers that your concern needs a more detailed investigation, or where the School Resolution has not delivered a satisfactory conclusion, a ‘School Investigation’ will follow.

If the complaint is about the Head of School or a wider federation issue, you should make contact with the Executive Headteacher. If the complaint is about the Executive Headteacher or one of the governors, then a letter of complaint should be sent to the Chair of Governors c/o the school office. If the complaint is about the chair of governors, then this should be addressed to the Vice Chair of Governors.

**A ‘School Investigation’** will usually be carried out by the Head of School. In some circumstances, it may be more appropriate for the Executive Headteacher, the Chair of Governors or another impartial governor to carry out the ‘School Investigation’. If the complaint refers to the Head of School, the Executive Headteacher will carry out this stage in the investigation. If the complaint refers to the Executive Headteacher, a governor will carry out this stage in the investigation.

Although this is a formal investigation into your complaint, it will still be dealt with in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships. All parties need to work together to maintain productive relationships, and establish a way forward in partnership. This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the school or the staff member involved. This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a School Resolution level.

### **How does the ‘School Investigation’ process work?**

Once a complaint moves to this formal stage, the person investigating will contact you within 5 working days (term time). They will arrange to talk to you face-to-face, on the telephone or they can contact you by letter or email if you prefer. They may request that you put your concern or complaint in writing, if you haven't already done so.

For your part, you will need to:

- tell the school what happened and how you felt about it

- say what action you would like to see taken as a result
- agree the process for resolving your concern or complaint
- agree timescales and pathways for communication

For its part, the school will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- carry out a more detailed investigation into your concern or complaint
- produce and supply all parties with a written report of the findings
- ensure that any relevant findings are taken forward to influence school practice and policy

### **What can I expect from a School Investigation**

Some concerns or complaints may demand more detailed and perhaps time consuming enquiries, and therefore you should expect an approach that is proportionate to the complaint you have made. The person investigating your concern should keep in regular contact to keep you informed of progress on the matter.

Nevertheless, the School Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

### **What happens next?**

Your concern or complaint will be the subject of a proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

At the conclusion, one of a number of things may follow. These include:

- resolution by providing information face-to-face or by telephone – as you choose
- a letter from the school concluding the matter after a proportionate investigation and explaining what has been done
- if your complaint was about an individual, communication between you and that person. This is organised through the Head of School, Executive Headteacher or the person dealing with your complaint
- a face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place

The School Investigation should be completed within 10 working days when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in complex matters it may take longer. The person investigating will keep in regular contact with you to keep you informed of progress.

### **What might happen as a result?**

The school could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- give you information or an explanation to clear up a misunderstanding

- apologise on behalf of the school
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the governing body to address matters of school policy or procedure
- arrange feedback and support by the Head of School or Executive Headteacher to address any issues arising about a member of staff and their actions or behaviour
- apologise on behalf of the person your complaint was about, but only if they agree to this

### **Stage 3 – Appeal against the decision following the school Investigation**

The ‘School Investigation’ stage of this complaints procedure includes an appeal process should you not be satisfied with the outcome of the investigation. Following our initial investigation, we will write to you to let you know of your right to appeal and you will have 20 working days to let us know if you would like to do so. *(This does not include school holidays where there may be no one in school to respond to your request).* You should put your request in writing and address to the Clerk to Governors, c/o the school office.

If you decide you would like to appeal, we will invite you to attend an appeal meeting and if the date is inconvenient we will provide an alternative date. You will also receive any paperwork that relates to the initial school investigation 7 days in advance of the appeal meeting.

At the meeting, a panel of three governors who have had no previous dealings with your complaint, will listen to your appeal, they will also listen to what the Executive Headteacher *(or Chair of Governors if the complaint is against the Executive Headteacher)* has to say, and then they will come to a decision whether to uphold the complaint fully or in part, or whether the school has acted appropriately and that no further actions are necessary. The panel will not be able to hear any other complaints or additional concerns at this meeting.

Whilst this is part of the formal complaints procedure, we aim to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days.

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the governing body may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case, you may request that the school source an independent appeal panel to hear the final stage of your complaint.

Following the appeal panel meeting the complaints procedure is complete. If you are still unhappy with the way the school has managed your complaint, you can submit a complaint to the Department for Education online at [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school).

Or write to:

School Complaints Unit, Department of Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD

Please remember that we are committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a powerful method of resolving matters, (see page 5).

# **Management of Vexatious Complaints and Unreasonable Parental Behaviour**

## **Introduction**

In a minority of cases, parents or carers may pursue their complaints and concerns in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the effective investigation of their concern or complaints, which can have a significant impact on time, resources and staff well-being in school. This behaviour can occur at the early stages of a concern being raised, whilst a complaint is being investigated, or once the school has concluded the complaint investigation.

If the school determine that the complainant is unreasonable in pursuing the complaint (*see criteria below*), then the school may interrupt or end the complaints process.

In this case, the school will be clear that they have done all they can to engage fully and properly with the complainant when seeking to resolve the complaint and have appropriate evidence to demonstrate this.

## **Examples of unreasonable behaviour, persistence, demand, arguments and lack of co-operation**

A single incident may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the concern or complaint.

### **Unreasonable behaviour**

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Making unjustified complaints about staff and/or governors who are trying to deal with the issues, and forwarding information to others or requesting that someone else deals with the issue
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous, detailed but unimportant questions; insisting they are all answered
- Sending rude, threatening or confrontational letters/emails

### **Unreasonable demands**

- Insisting on the complaint being dealt with in ways which are incompatible with the school's complaints procedure or with good practice
- Insisting on unattainable outcomes
- Wanting revenge or retribution
- Making demands about the way the complaint should be handled
- Providing an extraordinary degree of irrelevant detail
- Creating complexity where there is none and proposing unreasonable arguments

### **Unreasonable arguments**

- Advancing irrational beliefs (e.g. seeing cause-and-effect links where none exist)
- Advancing and sticking to what is clearly a conspiracy theory unsupported by evidence
- Insisting that a particular solution is the correct one
- Insisting on the importance of an issue that is clearly trivial
- Refusal to co-operate with us



**Unreasonable lack of co-operation**

- Presenting a large quantity of disorganised information
- Withholding information
- Refusing to define the issues underlying the complaint
- Focusing on principles, rather than issues
- Changing the complaint

**Taking Action**

If the school decides to designate someone's behaviour as unreasonable, the school may refer to our policy for Managing Unreasonable Behaviour.