

# Federation of Rawcliffe Schools



## Complaints Policy

Date policy last reviewed: 11/11/24

Signed by:

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05/12/24

Headteacher

Date:

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FGB Meeting 01/12/24

Chair of governors

Date:

Last updated: 11<sup>th</sup> November 2024

## COMPLAINTS POLICY

### Introduction

It is a requirement of Section 29 of the Education Act 2002 that all schools have procedures in place for dealing with complaints. 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 e.g. pupil exclusions.

The Rawcliffe Federation of Schools seeks to promote positive relationships between all members of the school community and welcomes feedback in the form of comments, compliments and complaints. Feedback can help to improve services and help to raise standards.

A 'concern' may be defined as 'an expression of 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'.

At the Rawcliffe Federation of Schools, we all work very hard to build positive relationships with all parents. We accept that, from time to time, things may occur which cause parents concern and we aim to ensure that we deal with issues and concerns before they become a complaint. However, there may be occasions when parents would like to raise their concerns formally. There is clear protocol to follow if necessary, and the steps to follow and their outcome are outlined in this document.

If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately. There is no doubt that if a concern is shared with the class teacher, they can either reassure worried parents or together devise steps to take to address the concern.

In the event of any continuing concern, parents are also encouraged to discuss their worries with the headteacher, deputy headteacher or senior leader. Parents must never worry about sharing their concerns with the school, either the class teacher or leadership team. Any concerns will always be taken seriously and due consideration given to a mutually agreeable resolution.

We promise we will always be fair, open and honest when dealing with any complaint and to deal with them as swiftly as possible. Our focus will always be on the child and what is best for them.

### Policy Framework

In dealing with complaints, the school will:

- encourage informal resolution wherever possible;
- publish the complaints procedure and ensure it is accessible, be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keep the complainant informed of progress;
- ensure a full and fair investigation by an independent person where necessary;

- respect the need for confidentiality;
- address all issues raised by a complainant, providing an effective response and appropriate redress where necessary;
- provide information to the school's senior management team so that services can be improved.

At each stage of the procedure, appropriate resolution will be sought. This may include acknowledging that the complaint is valid in part or in whole. 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.

This list is not exhaustive, and other outcomes may be considered where appropriate. Where part, or all of a complaint is upheld, this is not an admission of negligence.

A complaint should be submitted as soon as possible after the incident so that it can be investigated whilst events are still fresh in the minds of those involved, but it is recognized that this is not always possible. Complaints will therefore normally only be considered up to three months after the incident has happened. In exceptional circumstances, this can be extended.

#### Records of Complaints

All complaints will be recorded. Copies of the complaint, investigation reports, etc. including the outcomes and actions will be retained in accordance with data protection legislation in force at the time.

#### Governing Body Review

The governing body will review the complaints policy and procedure on a regular basis. The governing body will also be provided with information about complaints and actions taken. All information given to the governing body will be anonymised.

### COMPLAINTS PROCEDURE

#### Stage 1 (Informal) Complaint considered by member of staff

Most concerns can be quickly resolved by the member of staff involved. This can often be achieved by the complainant contacting the member of staff directly. Where possible, the concerns should be put in writing and provided to the member of staff so that he/she is able to look into the matter.

If the complainant does not feel able to take up the issue with member of staff, the complainant can ask the headteacher to appoint another member of staff to deal with the complaint.

If the member of staff feels that they are too compromised to deal with a complaint, the headteacher may appoint another member of staff to deal with the matter.

If the complaint is about the headteacher or a governor, the matter should be referred to the Chair of Governors.

If needed, the member of staff will contact the complainant or arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

There may be a need for the member of staff to undertake an investigation and interview others to establish the facts, but he/she will try to deal with the complaint and seek to resolve the issue in an informal manner.

This stage should normally be concluded within ten school days of the details of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

### **Stage 2 (Formal) Complaint considered by the headteacher**

If the complainant is dissatisfied with the informal resolution, they should write to the headteacher with the details of their complaint. If needed, the headteacher will contact the complainant or arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

The headteacher will gather factual evidence and information. This may involve interviewing those involved in order to be able to fully respond to the complainant. The headteacher will keep appropriate records and inform the complainant of the outcome of the investigation. Feedback to the complainant may be given verbally in a meeting, but a formal response in writing will also be provided.

Stage 2 should normally be concluded within ten school days of the detail of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

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

### **Stage 3 Complaint considered by Chair of Governors**

In a small number of cases, the matter may not be resolved even with the involvement of the headteacher. When this happens, or the complaint is about the headteacher, the complainant should write to the Chair of the Governing Body detailing why they are not happy with the decision and send it to him/her through the school.

If the matter is not discussed with the Headteacher, it is not normally possible to proceed further with the official complaints procedure. In this circumstance, the complaint should be submitted to the Chair of Governors in writing stating the reasons why it has not been discussed with the headteacher. If the complaint is about the headteacher, he/she will need to be informed of the complaint in order for the matter to be investigated.

The Chair of Governors will then review the decision of the headteacher. This may also require the Chair of Governors to contact the complainant to clarify why they are not satisfied with the decision of the headteacher. The Chair of Governors may ask for further information or ask someone to undertake additional investigations in which case a written report may be provided to the Chair of Governors.

Feedback to the complainant may take place in a meeting, but a formal response in writing will also be given.

Stage 3 should normally be concluded within 15 school days of the matter being referred to the Chair of Governors. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

Complaints about a Governor or Chair of Governors

If a complaint is received about a governor, it should be considered by the Chair of Governors as a stage 3 complaint.

If the complaint is about the Chair of Governors, it should be considered by the Vice Chair of Governors or another governor who has not been involved in the complaint.

If there are no independent governors, the Governing Body may ask another Governing Body or an independent person to conduct the stage 3 investigation.

#### **Stage 4 Complaint heard by Governing Body Complaints Appeal Panel**

If the complaint cannot be resolved by the involvement of the Chair of Governors, the complainant should write to the Clerk of the Governing Body giving the details of their complaint and why they are not happy with the decision of the Chair of Governors.

The Complaints Committee will be convened and review the decision of the Chair of Governors. The panel will not include any governor, including the Chair of Governors, who has had previous involvement in the case.

The panel will be convened within 15 school days of receipt of notification from the complainant and at a time that is convenient to all parties. If the meeting cannot be convened in this period, the complainant should be informed of the reasons for this and provided with a revised timescale. Where appropriate, witnesses may be invited to attend the meeting but will only be present for the part of the hearing in which they give evidence.

At the panel meeting, the complainant will be given the opportunity to state their case as to why he/she is not satisfied with the outcome of the complaint. The panel will be provided with all the information that has been collated as part of the investigation. The headteacher or chair of governors, as appropriate, will also be able to explain the school's actions and the reasons for the decision about the complaint.

The panel will consider the issue in private and 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 policies, systems or procedures to ensure that problems of a similar nature do not recur.

If the Complaints Committee agrees that the outcome could lead to disciplinary action being taken against an employee of the school, the matter will be passed to the Disciplinary Committee. In this case, it is not the responsibility of the Complaints Appeal Panel to make a judgment about whether

the employee is culpable, only that there is a case to answer. The complainant will be informed that the matter has been passed to the Disciplinary Committee for further consideration.

At this point, the Disciplinary Procedure adopted by the Governing Body will be followed.

If it is not possible for the Governor's Complaints Committee to consider the matter e.g. because there are no governors available who are independent of the issue that is being considered, the Governing Body will consider asking another Governing Body, or appoint independent people, to hear the complaint appeal.

Notification of the panel's decision

The panel will inform the complainant in writing of their decision, together with reasons, within five working days.

Should the complainant still not be satisfied with the outcome, he/she can refer the matter to the Secretary of State for Education at

The School Complaints Unit (SCU)

Department for Education

2 nd Floor, Piccadilly Gate

Manchester

M1 2WD

or online at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

Further information can be obtained from the School Complaints Unit National Helpline on 0370 000 2288. The School Complaints Unit will not re-investigate the substance of the complaint but will examine if the complaints policy and other relevant policies were followed in accordance with the provisions set out and that they adhere to education legislation.

Unreasonable Complaints

Once the procedures have been exhausted, if the complainant continues to contact the school on the same issue, he/she will be informed that the matter has been dealt with and that no further correspondence will be entered into on the matter. Any new complaints raised by the complainant will, however, follow the normal procedure.

The 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 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 school 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 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 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.

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;
- 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 (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, 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 the school.

Complaints made to the local authority

If the local authority receives a written complaint about a school, the headteacher will be contacted to ensure that he/she is aware of the complaint and asked to deal with it under the school's complaints policy and procedure. **The local authority does not investigate complaints about a school.**

The local authority will ensure that the Headteacher and Chair of Governors receive copies of any documentation sent to it by the complainant. If the complainant requests that copies are not sent to the school, then he/she will be advised that an investigation cannot be undertaken.

### **Additional Information for clarification**

#### **Unreasonable Complaints:**

For the purpose of this policy, "**unreasonable complaints**" include:

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

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.

### **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 in the school's log held confidentially in the HT's office 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 regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

**The headteacher, or where the complaint is against the headteacher, the chair of governors, is 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.

**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, yet still sets 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 that 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.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

### **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 understands 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.

### **Recording A complaint**

A written record shall 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.

We strongly discourages complainants to record meetings, if this is insisted upon the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses

- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked.

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall 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 are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

### **Barring from the premises**

School premises are 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.

### **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.

### **Complaints not covered by this procedure**

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND
- School re-organisation 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 procedure outlined in the Exclusion Policy.

### **What this policy takes account of.**

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

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

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

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

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Exclusion Policy

- Whistleblowing Policy