

# Foulds School

## Complaints Policy



Updated: Summer 2021  
Review date: Summer 2022

**Purpose:** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

**Scope:** This is a general complaints procedure. 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.

**Please Note:** The Headteacher or Chair of Governors may choose to delegate their responsibilities as outlined in this procedure, either to a member of their senior management team, or to another Governor as appropriate.

**General Principles:**

- o To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event subject to complaint will not be considered, save in exceptional circumstances.
- o Investigation of any complaint or review request will begin within 10 school working days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- o All stages of the complaints procedure should be investigatory rather than adversarial.
- o All complaints will be treated with a high degree of confidentiality, which should be respected by both parties to the complaint.
- o Details of complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

**Anonymous Complaints**

Anonymous complaints will not be investigated.

The reasons for this are that it is impossible to investigate such complaints thoroughly and fairly and to resolve these to the satisfaction of those involved. It is noted that such complaints may have been made simply in order to intimidate or harass staff.

The Headteacher reserves the right to explore any allegations made against staff. The Headteacher and Chair of Governors will be made aware of anonymous complaints.

**Unreasonable Complaints**

Any complaints deemed to be spurious will be dealt with under the school's policy for handling unreasonably persistent, harassing or abusive complainants.

**Complaints not in scope of the policy**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs (SEN)</li> <li>School re-organisation proposals</li> <li>Matters likely to require a Child Protection Investigation Concerns should be raised direct with local authorities (LA).</li> </ul>	<p>Concerns should be raised directly with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school.</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff.</p> <p>Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p>

### **Part A: Complaining about the actions of a member of staff**

This relates to members of staff only and does not relate to complaints about the Headteacher – see **Part B** for complaints about the actions of the Headteacher.

#### **1) Informal Stage**

It is anticipated that most concerns which may lead on to complaints can be resolved through a calm discussion between the adults involved. Many concerns have been resolved by simple clarification or the provision of additional information. The informal stage is therefore crucial and must be attempted before matters can be considered under the formal stage.

If you have a complaint, you should either arrange to communicate your concerns to the member of staff in person at the earliest opportunity through making an appointment, or if that is not possible, then to communicate with them by telephone or in writing via the school office. It may sound unduly formal to arrange an appointment but an appointment means that you will have an adequate amount of time to explore your concerns with the member of staff in full and undisturbed by interruptions. You are strongly urged to discuss the matter in person as this can avoid misunderstandings or problems arising from perceived tone which can affect written communications.

## **2) Formal Stage**

If the complaint cannot be resolved at the informal stage then the complainant, that is the person making the complaint, can make a formal complaint and send this to the Headteacher. Where possible this complaint should be put in writing or details provided on the form attached to this complaints policy. Where necessary the school will make reasonable adjustments to enable complainants to make complaints in other formats.

A complaint form is provided to assist you.

You must indicate in the complaint that you have attempted to resolve the matter through the informal stage and you should include any details which 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 much more difficult to proceed.

The Headteacher may, at this point, refer the complainant back to the informal stage if this stage of the process has not been completed.

The Headteacher will be responsible for the investigation of the complaint.

The Headteacher will collect such other evidence as they deem necessary. The Headteacher may wish to meet with the complainant to clarify the complaint. The Headteacher may wish to interview the member of staff, who is the subject of the complaint, and when this happens that member of staff may be accompanied by a friend or recognised union representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome.

There are a number of possible outcomes for this investigation and these include that:

- The concern was substantiated in part or in full. Some details may then be given of action the school is taking. Any information relating to the application of disciplinary procedures is strictly confidential.
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The complaint appears to be unreasonable.

Having been informed of the outcome, consideration of the complaint is completed.

For those who wish to pursue the complaint further, there are two bases for this: first, that the conclusion of the Headteacher is perverse or unreasonable; second, that the process followed by the Headteacher in handling the complaint was flawed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher

under **Part B** of this procedure within 2 weeks of receiving the outcome. Complaints received outside of this timescale will be considered in exceptional circumstances.

## **Part B: Complaining about the actions of the Headteacher**

This relates to the Headteacher only and does not relate to complaints about other members of staff – see **Part A** for complaints about the actions of other members of staff.

### **1) Informal stage**

It is anticipated that most concerns which may lead on to complaints can be resolved through a calm discussion between the adults involved. Many concerns have been resolved by simple clarification or the provision of additional information. The informal stage is therefore crucial and must be attempted before matters can be considered under the formal stage.

If you have a complaint, you should either arrange to communicate your concerns to the Headteacher in person at the earliest opportunity through making an appointment or, if that is not possible, then to communicate with them by telephone or letter. It may sound unduly formal to arrange an appointment but an appointment means that you will have an adequate amount of time to explore your concerns with the member of staff in full and undisturbed by interruptions. You are strongly urged to discuss the matter in person as this can avoid misunderstandings or problems arising from perceived tone which can affect written communications.

If the matter is not resolved, then if both parties agree, a neutral third party may be invited to act as a mediator at a further meeting. While the selection of a third party is a matter for the person bringing the complaint and the Headteacher, it may be helpful to ask a member of the school's governing body to act in this capacity.

### **2) Formal Stage**

If the complaint cannot be resolved at the informal stage then the complainant must put the complaint in writing and send this to the Chair of the Governing Body. You must indicate in that complaint that you have attempted to resolve the matter through the informal stage and you should include any details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The Chair may, at this point, refer the complainant back to the informal stage if this stage of the process has not been completed.

If the Chair determines that the complaint should be dealt with under the general complaints procedure then the Chair will arrange for its investigation. The complainant may be invited to meet with the Chair to present oral evidence or to clarify the complaint. The complainant may be accompanied at this meeting by a friend. If it is established that the friend is expected to act in some kind of legal capacity, the Chair reserves the right to terminate the meeting. The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, they may submit a written response. The Headteacher may be invited to meet with the Chair to present oral evidence or to clarify their response. The Headteacher may be accompanied at this meeting by a friend or recognised union representative.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the Headteacher, will be informed in writing of the outcome.

There are a number of possible outcomes for this investigation and these include that:

- The concern was substantiated in part or in full. Some details may then be given of action the school is taking. Any information relating to the application of disciplinary procedures is strictly confidential.
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld,
- The concern is not substantiated by the evidence.
- The complaint appears to be unreasonable.

Having been informed of the outcome, consideration of the complaint is completed.

For those who wish to pursue the complaint further, there are two bases for this: first, that the conclusion of the Chair is perverse or unreasonable; second, that the process followed by the Chair in handling the complaint was flawed.

If the complainant considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the Chair's decision.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Chair in handling the complaint. Requests made on this basis must include a statement specifying any perceived failures to follow the procedure.

Requests made on either basis must be **made in writing within 2 weeks** of receiving notice of the outcome from the Chair. Requests made outside of the two week time limit will only be considered in exceptional circumstances.

The review procedure described in **Part C** of this procedure will be followed for requests of this nature.

### **Part C: Review Process**

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations may be considered.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a written response to the complaint.

The panel will also have access to the records kept of the process followed.

The investigation will begin as soon as possible and when it has been concluded, the complainant, the Headteacher or Chair, will be informed in writing of the outcome.

There are a number of possible outcomes for this investigation and these include that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of action the school is taking. Any information relating to the application of disciplinary procedures is strictly confidential.
- The complaint appears to be unreasonable.

Having been informed of the outcome, consideration of the complaint is completed.

### **Complaints about the governing body**

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

### **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

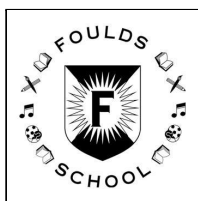
The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again. If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit 2nd Floor,  
Piccadilly Gate  
Store Street  
Manchester M1 2WD



### Foulds School Complaint Form

Please complete this form and return it to Headteacher / Chair of the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure. If you require assistance completing this form, please contact the school office.

Your name: .....

Relationship with school [e.g. parent of a pupil on the school's roll]:

.....

Pupil's name [if relevant to your complaint]: .....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =



What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			