

## ADVICE & GUIDANCE

# A model complaints procedure for maintained schools

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In January 2019, NAHT described the key changes in the Department for Education's (DfE's) guidance on a school's complaints procedure. Within that best practice guidance, the DfE includes a model complaints procedure policy as well as a model policy for managing serial and unreasonable complaints.

Here, we suggest a few additions to the policy that we feel will strengthen it and provide schools and complainants with an effective and easily understood guide through the procedure.

1. We've added information about **duplicate complaints**. It has come to our attention that, in some schools, complainants who had been through the full complaints procedure themselves were trying to revive the complaint by having another family member attempt to bring the same issue to the school's attention. The DfE added a comment about this unacceptable practice in its guidance, but not in its model policy
2. We've added information about **complaint campaigns** into the policy. Again, the DfE mentions campaigns in its guidance, but not in the model policy. Unfortunately, it is our experience that there has been a significant increase in the number of multiple complaints that can be defined as campaigns, and it should be very clear in the policy that the school will deal with campaigns separately from complaints
3. We've added the model policy for managing **serial and unreasonable complaints** into the body of the complaints procedure.
4. We've added a section on a communication strategy for **persistent correspondents** because, in our experience, many schools have to deal with complainants who refuse to engage with the complaints procedure. Some schools have felt at a loss as to how to deal with complainants of this nature, so this addition to the policy provides them with a way of managing them
5. While you may wish to allow children to use your school's complaints procedure, we've added a statement suggesting that **children's complaints** follow a separate and more appropriate procedure, using the common principles for a child-friendly complaints process outlined by the Children's Commissioner.



## Complaints Procedure

### Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any member of the public may make a complaint to Hayfield Cross Church of England School about any provision of facilities or services that the school provides.

Children who attend Hayfield Cross Church of England School have their own complaints procedure, which was drawn up using the common principles for a child-friendly complaints process outlined by the Children's Commissioner.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

### The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Hayfield Cross Church of England School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, then the Head Teacher will refer you to another staff member, usually the Phase Leader in the first instance. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior, but that does not have to be the case. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Hayfield Cross Church of England School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. A third party acting on behalf of a complainant, as long as they have appropriate consent to do so, may also lodge a complaint.

You should raise any concerns with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at stage two of the procedure.

Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as 'private and confidential'.

Complaints that involve or are about the Head Teacher should be addressed to the chair of governors, via the school office. Please mark them as 'private and confidential'.

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing body) via the school office. Please mark them as 'private and confidential'.

For ease of use, a template complaint form is at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third-party organisations, such as Citizens Advice, to help you.

In accordance with equality law, we will consider making reasonable adjustments if required to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints**

The school will not normally investigate anonymous complaints. However, the Head Teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Complaint campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending on the nature and scale of the complaint:

1. Send the same response to all complainants.
2. Publish a single response on the school's website.

## Timescales

Complainants must raise the complaint within three months of the incident or, where a series of associated incidents occur, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the school day after the holiday period.

## Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Hayfield Cross Church of England School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of special educational needs</li><li>• The school's reorganisation proposals.</li></ul>	<p>You should raise concerns about admissions, statutory assessments of special educational needs or the school's reorganisation proposals with North Northamptonshire Council <a href="https://www.northnorthants.gov.uk/contactus">https://www.northnorthants.gov.uk/contactus</a></p>
<ul style="list-style-type: none"><li>• Matters that are likely to require a child protection investigation.</li></ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)</p> <p>Northamptonshire Safeguarding Board <a href="http://www.northamptonshirescb.org.uk/">http://www.northamptonshirescb.org.uk/</a></p>
<ul style="list-style-type: none"><li>• Exclusion of children from school*.</li></ul>	<p>You can find further information about raising concerns about exclusion at <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*You can lodge a complaint about the application of the behaviour policy through the school's complaints procedure.</p>

<ul style="list-style-type: none"> <li>Whistleblowing.</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The secretary of state for education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p> <p>You may also be able to complain directly to the local authority or the Department for Education (DfE) (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff members' grievances.</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff members' conduct.</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by others who use the school's premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>National curriculum – content.</li> </ul>	<p>Please contact the DfE at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p>

If other bodies are investigating aspects of the complaint, for example, the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales in this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hayfield Cross Church of England School in relation to the complaint we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **Resolving complaints**

At each stage in the procedure, Hayfield Cross Church of England School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or part.

In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained about will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales in which any changes will be made
- An undertaking to review the school's policies in light of the complaint
- An apology.

## **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### Stage one

- Formal complaints must be made in writing to the headteacher (unless they are about the headteacher), via the school office. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

During the investigation, the headteacher (or investigator) will do the following:

- If necessary, interview those involved in the matter or those complained about, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and a revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hayfield Cross Church of England School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage one. If the complaint is about the head teacher or a member of the governing body (including the chair or vice-chair), a suitably skilled governor will be appointed to complete all the actions at stage one.

Complaints about the headteacher or member of the governing body must be made to the clerk, via the school office.

If the complaint is jointly about the chair and vice-chair, or the entire governing body, or the majority of the governing body, stage one will be considered by an independent investigator appointed by the governing body or through the Diocese of Peterborough. At the conclusion of its investigation, the independent investigator will provide a formal written response.

### Stage two

If the complainant is dissatisfied with the outcome at stage one and wishes to take the matter further, they can escalate the complaint to stage two – a meeting with members of the governing body's complaints committee, which will be formed of the first three impartial governors available. This is the final stage of the complaints procedure.

A request to escalate to stage two must be made to the clerk, via the school office, within 10 school days of receipt of the stage one response. The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the stage two request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide among themselves who will act as the chair of the complaints committee. If there are fewer than three governors from Hayfield Cross Church of England School available, the clerk will source any additional independent governors through another local school or through their local authority's governor services team to make up the committee. Alternatively, an entirely independent committee may convene to hear the complaint at stage two.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but, in making its decision, it will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the clerk will do the following:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that if the complainant is invited, the dates are convenient to all parties and the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage one of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can do the following:

- Uphold the complaint, in whole or part
- Dismiss the complaint, in whole or part.

If the complaint is upheld, in whole or part, the committee will do the following:

- Decide on the appropriate action to take to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The chair of the committee will provide the complainant and Hayfield Cross Church of England School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by Hayfield Cross Church of England School

If the complaint is jointly about the chair and vice-chair or the entire governing body or the majority of the governing body, stage two will be heard by a committee of independent governors. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hayfield Cross Church of England School will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed stage two.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Hayfield Cross Church of England School. They will consider whether Hayfield Cross Church of England School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE online at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by calling 0370 000 2288 or by writing to the following address:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

# Complaint form

Please complete and return to the Headteacher / Chair of Governors (via the school office) who will acknowledge receipt and explain what action we will take.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Daytime telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:

Official use:
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

## Roles and responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they do the following:

- Explain the complaint in full as early as possible
- Cooperate with the school in seeking a solution to the complaint
- Respond promptly to requests for information or meetings or in agreeing on the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by doing the following:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - Interviewing staff and children/young people and other people relevant to the complaint
  - Consideration and analysis of records and other relevant information.
- Liaising with the complainant and the complaint's coordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should do the following:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note-taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Complaints coordinator

This could be the headteacher/designated complaints governor or other staff member providing administrative support. The complaints coordinator should do the following:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, the headteacher, chair of governors, clerk and local authorities (if appropriate) to ensure the smooth running of the complaints procedure
- Be aware of issues regarding the following:
  - Sharing third-party information
  - Additional support – this may be needed by complainants when making a complaint, including interpretation support
- Keep records.

### Clerk to the governing body

The clerk is the contact point for the complainant and the committee, and they should do the following:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint (for example, stage one paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- Record the proceedings
- Circulate the minutes of the meeting
- Notify all parties of the committee's decision.

## Committee chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure the following:

- That both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- That complainants, who may not be used to speaking at such a meeting, are put at ease
- The remit of the committee is explained to the complainant
- That the written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR – if a new issue arises, it would be useful to allow everyone to consider and comment on it; this may require a short adjournment of the meeting
- That both the complainant and the school are allowed to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- That the issues are addressed
- That key findings of fact are made
- That the committee is open-minded and acts independently
- That no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- That the meeting is minuted
- That they liaise with the clerk (and complaints coordinator if the school has one).

## Committee member

Committee members should be aware of the following:

- The meeting must be independent and impartial, and it should be seen to be so. No governor may sit on the committee if they have had prior involvement in the complaint or circumstances surrounding it
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- Extra care needs to be taken if a child/young person is present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that any child/young person present does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. Where the child/young person's parent is the complainant, the committee should allow the parent to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests
- The welfare of the child/young person is paramount.

## **Policy for managing serial and unreasonable complaints**

Hayfield Cross Church of England 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 our 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.

Hayfield Cross Church of England School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant does the following:

- 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 cooperate 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 that are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be considered 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 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 DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff 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) because 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 ask them to change it. For complainants who excessively contact Hayfield Cross Church of England 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hayfield Cross Church of England School.

### **Persistent correspondence**

If complainants frequently contact the school, causing a significant level of disruption, but refuse to engage with the complaints procedure, Hayfield Cross Church of England School may:

- Restrict the complainant to a single point of contact via an email address
- Limit the number of times the complainant can make contact.

This restriction will be limited to the complainant's capacity to complain. For all other issues, the complainant can contact the school as normal.