



Springwell Park

Complaints about Maintained Schools

Introduction

In accordance with Section 29 of the Education Act 2002, 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, including children's centres.

Purpose

The following seeks to define what may be considered as a concern or complaint and to lay out the roles and responsibilities of staff and governors and the procedures for dealing with complaints in a fair and appropriate manner and where possible ensure matters are dealt with speedily and effectively,

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 generally defined as '*an expression of dissatisfaction, however made, about actions taken or a lack of action*'.

The school will endeavour to resolve concerns and complaints at the earliest possible stage in an informal manner. On occasions where complainants wish to raise their concerns formally then the school will invoke its formal procedure and work through the relevant stages to reach a resolution **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 a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Certain complaints are not in the scope of the School's Complaints Procedures as they have separate statutory procedures. These are outlined below;

- School admissions
- Exclusions
- Statutory assessment of Special Educational Needs and Disabilities
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Allegations that a member of staff has acted in a way that has or could have harmed a child • Whistleblowing
- Staff grievance or disciplinary proceedings

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any 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.

Springwell Park Complaints Procedure

STAGE ONE

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The first member of staff contacted should clarify the nature of the concern and reassure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Head Teacher. [In some schools, the Head Teacher may wish to delegate responsibility for co-ordinating complaints to another member of staff].

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head teacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

If the member of staff can't resolve the concern, they will make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff will then refer the complaint to the Head Teacher, or designated Deputy. The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. safeguarding or personnel.

If the concern involves an allegation that a child has been harmed by a member of staff, the Head Teacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Head Teacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of pupils, parents and staff.

The complainant should receive a response as soon as possible, and within a maximum of 10 school days. At this stage the response may be given verbally or in writing.

Where the first approach is made to a governor, the governor should refer the complainant to the appropriate person and advise them about the complaints procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at an early stage in case they are needed to sit on a panel at a later stage.

STAGE TWO

Complaints should be made to the Head Teacher. If the complaint is about the Head Teacher the Chair of Governors will deal with the matter using this procedure. If the complainant is made verbally a written record of the complaint must be made and checked with the complainant. The Head may delegate the task of collating information to another staff member but not the decision on the action to be taken.

The school would expect a complaint to be made as soon as possible following the issue that has given rise to the complaint. This will normally be within 12 months. If a complaint is made after 12 months, the Head Teacher will give consideration to whether it is still possible to carry out an effective investigation.

The complaint must be acknowledged within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 10 school days. If this date cannot be met, the complainant must be contacted and given a reason for the delay and a revised target date.

The Head Teacher may wish to contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It must be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher will make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed 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. Again, care should be taken in these circumstances not to create an intimidating atmosphere. Pupils should be told what the interview is about and that they can have someone with them.

It is important that the Head Teacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he may delegate responsibility for investigating the complaint to another member of the management team, the Chair of Governors or a Head Teacher from another school.

The Head Teacher (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head Teacher must provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint. The complainant must be provided with details of how to contact the Governing Body if they are not satisfied with the response.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation.

STAGE THREE

A request for Review by the Governing Body should be addressed to the Clerk of the Governing Body. If the request is made verbally, the Clerk will make a written record and check this with the complainant. A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual governor must be passed to the Chair of Governors within 3 school days.

If Stage 2 was investigated by the Chair of Governors the request will be passed to the Vice-Chair.

In the case of a written complaint received directly by the governing body, the Chair of Governors should ensure that

- The complaint has first been dealt with at Stage Two
- The complaint is covered by the school's complaints procedure not other procedures e.g. personnel or safeguarding

If the governors cannot hear the matter, it should be referred back to the Head Teacher and the Clerk to the Governors should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation the Clerk to the Governors will send a written acknowledgement within 3 school days. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given. This should be at least 5 days before the hearing.

The Head Teacher must also be invited to submit a written report for the committee. This may be a copy of the stage two response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The Clerk to the Governors will convene the complaints committee elected from the governing body. The committee will comprise 3 or 5 governors who have had no previous involvement with the complaint. The complaint must not be heard by the entire governing body as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complaints committee will set a timetable for the hearing and notify the complainant of this. The hearing will normally take place within 20 school days of receiving the request. If this cannot be met then the reasons must be clearly recorded and the complainant informed.

The Clerk must write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days' notice. All documents submitted should be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors should ensure that the review panel meeting is minuted.

The Governors' review hearing is the last school-based stage of the complaints process. The panel must be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

The hearing will be held in private. Any witnesses (other than the complainant and the Head Teacher) will only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Head Teacher or the parent be left with the complaints committee without the other being present.

The committee should remember that the complainants may not be used to formal meetings and may feel inhibited in addressing the committee. It is recommended that the Chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel should explain to the complainant and the Head

Teacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Head Teacher should then leave.

The committee should then consider the complaint and all the evidence presented. The panel can

- uphold the complaint, in whole or in part
- dismiss the complaint, in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar difficulties on the future.

A written response detailing the decisions, recommendations and the basis on which these have been made must be sent to the complainant within 15 school days. The Complainant must be notified of their right to refer their concerns to the Secretary of State for Education if they are dissatisfied with the way their complaint has been dealt with. A copy should be provided to the Head Teacher.

The school should retain a copy of all correspondence and records of meetings.

Springwell Park Unreasonable Complaints Policy

Springwell Park 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.

Springwell park 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 [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 [School].

Information for Parents

STAGE ONE

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher or Head of Year. If this is not possible, or the teacher is unable to resolve your concerns, you should contact the Head Teacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve

- Mediation and conciliation
- Explaining policies or decisions
- Helping the pupil to express their views to another person
- Review of educational provision
- Review of support services
- Making changes to the way things are done

Most complaints will be dealt with in this way.

STAGE TWO

If you are not satisfied with the outcome of the informal enquiries, you may wish to make a formal complaint. This should be done in writing to the Head Teacher.

If the complaint is about the Head Teacher, you should write to the Chair of Governors of the school.

The school and its governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete you should receive a written response from the school. This will normally be within 10 school days.

STAGE THREE

If you are not satisfied with the outcome of the investigation and wish to take the complaint further you can refer the matter to the complaints committee of Governing Body. This can be done by writing to the Clerk to the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

Referral to Secretary of State for Education

If all other attempts to resolve the complaint have been unsuccessful you may refer your complaint to the Secretary of State for Education.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to your child.

December 2022

Part C - Resources

Complaints Panel Checklist

- The Hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, outline their desired outcome and be followed by their witnesses
- The Head Teacher may question the complainant and the witnesses after each has spoken
- The Head Teacher is then invited to explain the school's actions, their views on the desired outcomes and be followed by the school's witnesses
- The complainant may question both the Head Teacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head Teacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the panel within 15 school days
- Both parties leave together while the panel decide on the issues
- Panel write to the complainant with their findings and their right to contact the Secretary of State and send a copy to the Head Teacher

School Complaints

Sample Letters

Any letters sent should be as personal as possible. The following examples give guidance on the key information to include.

Stage 2 Acknowledgement (to be sent within 3 school days)

Dear.....

Thank you for your letter / email dated (date). I am sorry to hear that you are not happy with (summary of issues).

Please find enclosed a summary of the school's complaints procedure.

I confirm that I will investigate the issues you have raised at stage 2 of the complaint procedure and aim to respond to you within 10 school days.

As part of this investigation, I would like to offer you the opportunity to meet with me to discuss your concerns. You can bring someone with you for support if you wish. Please contact the school office if you would like to arrange this.

Yours etc

Stage 2 response

Dear

I am writing in response to the complaint you made to me on (date).

- **Begin with a statement of what you have received and when.**
- **State what you have done in investigating the complaint.**
- **Outline the nature of the concerns you are responding to. Acknowledge and accept the feelings of the complainant, whether or not you uphold the complaint itself.**
- **Detail the information you have collected regarding each point. Be as thorough as possible, explaining what decisions were made, when and why.**
- **Be clear about which aspects of the complaint you uphold, and those you reject giving reasons and evidence.**
- **Explain what action has been taken regarding each of the points upheld.**
- **Advise the complainant of their rights if they are not satisfied with your response.**

If you would like to discuss any on the information in this letter, please do not hesitate to contact me. If you are dissatisfied with this response and wish to take your complaint further please contact (name and address) who will ensure that the matters are referred to the Complaints Committee of the Governing Body.

Yours etc

Complaints Committee Acknowledgement (to be sent within 3 school days)

Dear.....

Thank you for your letter / email dated (date). I am sorry to hear that you are not happy with the response you have received to your complaint. I confirm that the matter has been passed to the Complaints Committee of the Governing Body.

Please contact to advise of any dates / times within the next 4 weeks when you would be unavailable.

OR

..... Will contact you to agree a suitable date / time for the meeting.

Yours etc

Complaints Committee - Confirming arrangements

Dear

The Complaints Committee of (name of school) has been convened to consider your complaint on (date and time) at (venue).

The committee members who will be in attendance are

(Names of governors)

You are invited to attend and can bring someone with you for support if you wish.

If you would like to provide any further written evidence please provide this to (name) by (date). To ensure transparency, you and the Head Teacher will be given a copy of all documents being considered by the committee.

If you would like to bring any witnesses please advise (name and contact details)

(Author of stage 2/3 response) will also be in attendance and may call witnesses.

You, the person you bring with you for support and (Author of stage 2 response) will be in attendance for the full meeting. Witnesses will only attend to give their information and views and will then leave.

If you have any questions about the meeting please do not hesitate to contact me

Yours etc

Complaints Committee response

Dear

Thank you for attending the meeting with the Complaints Committee on (date). The committee has considered all the information provided and have drawn the following conclusions.

- **Begin with a statement of what has been considered**
- **Outline a brief summary of the complaint**
- **Outline your findings**
- **Explain what action has been, or will be taken**
- **Advise the complainant of their rights if they are not satisfied with your response**

I hope that you are re-assured that the complaints committee have taken your complaint seriously and have taken reasonable steps to address your concerns for the benefit of all pupils at the school.

If you are not satisfied with the outcome you can refer your complaint to the Secretary of State for Education at

Department for Education
Public Communications Unit,
2nd Floor, Piccadilly Gate
Store Street,
Manchester M1 2WD

Yours etc

Useful Contacts

Sefton Council **0845 140 0845**
Children's Complaints Officer

7th Floor, Merton House, Stanley Road, Bootle, L20 3JA **0151 934 3628**
childrenscomplaints@sefton.gov.uk

Sefton Advocacy **01704 500500**

1st Floor, Gordon House, 3-5 Leicester Street, Southport PR9 0ER

Citizen's Advice Bureau

24 Wright Street SOUTHPORT Merseyside PR9 0TL **01704 531456**

Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF **0151 922 1114**

Ofsted **08456 40 40 45**

www.ofsted.gov.uk

Department for Education

www.education.gov.uk

Public Communications Unit,

2nd Floor, Piccadilly Gate

Store Street,

Manchester M1 2WD

Coram Children's Legal Centre **08088 020 008**

www.childrenslegalcentre.com