



## Complaints Policy

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2		

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## **Introduction and Scope**

### **We care about what you think**

The policy of Parbold Douglas C of E Academy is to work in partnership with parents/carers and the wider community. We try hard to do our best for all our pupils. One of our principals we abide by is 'We Care Deeply'. Your views matter and help us plan for the future. We like to know when things are going well as well as encouraging parents/ carers to share their worries, concerns or complaints as soon as possible. It is much easier for the school to sort out a recent problem than something that happened some time ago.

### **Our commitment to you**

- We will deal with your concern or complaint in a professional manner.
- It will be investigated thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the school has made a mistake.
- We will tell you what we are going to do to put things right.

### **What to do first**

If you have a concern about anything we do, you can tell us by telephone, in person, email or letter. If any of these are difficult for you, a friend or advocate can speak to the school on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining our actions to you. Try to go to the member of staff involved or your child's class teacher who will either deal with your issue or pass you on to someone who is more able to help.

Please remember that the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time.

In considering concerns or complaints, we will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out later in this policy will be followed. Where your concern or complaint is considered sufficiently complex or serious, the school may choose to investigate formally from the outset.

### **What is a concern or a complaint?**

A concern or a complaint is defined as:

- An expression of dissatisfaction about the conduct/operation of Parbold Douglas C of E Academy.
- The conduct of, actions or lack of actions by, a member of staff/the Governing Body/an individual governor.
- Unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

These procedures do not cover:
Child Protection
Collective Worship
Functions of the County Council
Content of the National Curriculum (complaints should be raised <a href="#">here</a> )
Pupil Exclusions
Reports under Freedom of Information or data protection*
School Admissions
School re-organisation proposals
Services provided by other organisations on the school site or through the school. These organisations must have their own complaints procedures
Staff grievance and discipline procedures
Unauthorised absence fines

(\*Where the concerns or complaints still exist following review.)

**Note:**

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table above is not exhaustive, and separate procedures may exist for other categories. For complaints regarding governors, the school will follow this Policy to resolve the issue.

**Anonymous Complaints**

Parbold Douglas CE Academy will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered.

**Unreasonable Complaints**

There is a right to raise a complaint against a school and an expectation that the individual will exhaust the school’s procedures. If the individual contacts the school again with the same issue, this could be seen as unreasonable, and the school may choose not to respond.

**Making a complaint**

The school expects that the majority of complaints to be made within three months of the incident being complained of. The school will consider complaints beyond this time frame in exceptional circumstances only. Dependent on the type of complaint, the following table is a guide to whom it should be referred to:

Type of complaint:	Contact the:
Something that has happened, or failed to happen, in school.	Class teacher
The actions of the class teacher	Class teacher or Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Vice Chair via the School.
The actions of the Governing Body	Clerk to the Governing Body via the School.

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Parbold Douglas C of E Academy/ Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

Parbold Douglas C of E Academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the school staff or governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

### The Complaint Procedures

#### Stage 1 – Informal concern made to a member of staff

Parbold Douglas C of E Academy will seek to resolve complaints informally by email, telephone call or brief meeting as appropriate. If the complaint is unable to be resolved at this stage, the school will ask you to put your concerns or complaint in writing and the 'Formal Stage' of the procedures will commence from the date that the letter is received by the school.

If the school has not heard from you by 20 school days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the School. Under the Data Protection Regulations, the school is not permitted to provide the personal details of the Chair of Governors, but the School will forward the envelope to the Chair as soon as possible.

#### Stage 2 – Formal complaint made to the Headteacher

This stage will commence when the:

- Informal complaint has not been resolved to the satisfaction of the complainant.  
**Or**
- Complainant has indicated they wish to go straight to the formal stage.  
**Or**
- School feels that the complaint is inappropriate for an informal resolution.

The Headteacher will:

**Note:** If the complaint is regarding the Headteacher or a governor, this will be investigated the Chair of Governors, or nominated governor if the Chair has previously been involved.

- Following receipt of the written complaint, formally acknowledge receipt of the complaint and ensure the complainant receives an up-to-date copy of the School's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if not clear in the correspondence. (**Note:** It is acceptable for someone else to write the complaint on behalf of the complainant)
- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: the School's Adviser; Clerk to the Governing Body; Legal Services; Schools' HR Team; Finance Officer or Pupil Access Officer)
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and School's Policy and Procedures.
- Arrange and complete a full investigation of the complaint.
- Prepare a report following the investigation; consider what actions need to be taken and whether it be

substantiated or unsubstantiated.

- Advise the complainant, in writing, of the outcome of the investigation.

Should the complaint remain unresolved:

- If the Headteacher/Chair has undertaken the investigation, the complainant can request a review to the Complaints Review Committee. The request **must** be received within 20 school days of the notification and set out the grounds as to which matters remain unresolved.  
**Note:** If the Clerk to the Review Committee does not hear from the complainant within 20 school days of the notification of the outcome of the investigation, the complaint will be closed.
- The Headteacher/Chair of Governors should make a record in the Complaints Register of the complaint and its outcome. The Complaints Register should be available for Ofsted Inspection purposes.

### **Stage 3 – Investigation by the Chair of Governors**

The complainant should submit any complaint in respect of the Headteacher's investigation in writing to the chair of governors. The chair of governors will carry out an investigation and consider all available evidence.

The complainant and the headteacher will be informed of the outcome within 20 school days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options, e.g. escalation to stage four, and will be provided with details of this process. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

### **Stage 4 - Complaints Review Committee**

In very exceptional circumstances where the complaint has not been resolved by the Headteacher/Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request **must** be made in writing to the Chair of Governors via the school. The request for the review **must** clearly set out the grounds as to which matters remain unresolved.

The Clerk to the Review Committee will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene, but the Clerk to the Committee will update the complainant as appropriate.

Neither the school nor the complainant should bring legal representation to the proceedings; however, there are occasions where legal representation may be appropriate, e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

At least three people not involved in the complaint, one of whom is independent of the management and running of the school. The independent panel member will not be a member, trustee or employee of the school. Governors are not eligible to be independent panel members. Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced. Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.

Five days' notice will be given to all parties attending the meeting, including the complainant.

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Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
- The complainant to question the headteacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the headteacher.
- Final statements to be made by both parties involved.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and UK GDPR.

Following the review, the Chair of the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the findings of the Complaints Review Committee. In addition, the Chair of the Committee will ensure that the matter in general terms and any recommendations be reported to the Governing Body.

### **Final Stage – Appeal**

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.
- There are exceptional circumstances to the provisions outlined in 5.44. These are outlined later of this policy.

### **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).

All records are made available for inspection on the school premises by the headteacher. The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point. Recording devices will not be used without the prior consent of all parties.

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.

### **Managing unreasonable requests**

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.

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 complaints 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, 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
- By 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, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school. The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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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 premises.

### **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 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.

### **Withdrawal of a Complaint**

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

### **Social Media**

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

### **Calculation of time**

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

### **Next stage**

Complainants who remain unsatisfied with the outcome may refer their complaint to the Secretary of State for Education.

National Helpline: **0370 000 2288**

Online: **[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, Manchester, M1 2WD

The role of the Secretary of State is to review that the school has followed their published procedures. The Secretary of State (via the Department of Education) does not facilitate a rehearing of a complaint.

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### **Availability**

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

### **Monitoring and review**

The complaints procedure will be **reviewed annually**, taking into account any legislative changes and the latest guidance issued by the DfE and approved by the **Trust Board**. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.



**Appendix A: Complaints Procedure Form**

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the chair of the governing board.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

**Appendix B: Example Letter to Complainant for a Stage Three Complaint**

Address line one

Address line two

Town

County

Postcode

Date

**RE: Stage three complaint**

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the headteacher's response to your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a Complaints Review Committee to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the chair of the committee will advise, in writing, how the panel intends to consider your complaint.

Yours sincerely,

Chair of the governing board

**Appendix C: Example Letter for Complaints Against the Headteacher**

Address line one

Address line two

Town

County

Postcode

Date

**RE: Complaint against the headteacher**

Dear addressee's name,

I have received your complaint against the headteacher of Parbold Douglas CE Academy.

I write to let you know that I have forwarded a copy of your complaint to the headteacher, with a request that they respond to the issues raised in the complaint within 10 school days.

A copy of the headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the headteacher's response, I will arrange for a Complaints Review Committee to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the chair of the Complaints Review Committee will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the governing board