



## Complaints Procedure

### Reviewed in line with the DfE ‘Best Practice Advice for School Complaints Procedures’

#### What is 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”*.

#### 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). Schools must not limit complaints to parents or carers of children that are registered at the school.

#### Recording Complaints

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record;
- The individual schools will record the progress of the complaint and the final outcome. The Co-Headteachers are responsible for these records and hold them centrally;
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- The Co-Headteachers will include information in their Co-Headteachers report to governors if any complaints have been made against a school.

#### The stages of the Complaint

##### Stage 1 (informal) – Complaint heard by staff member

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Within 5 days the School will ask the complainant what they think might resolve the issue. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. All staff are made aware of the procedures and will know what to do when they receive a complaint. The Federation respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with



a particular member of staff. In these cases, the complaints co-ordinator (Co-Headteacher) can refer the complainant to another staff member. If the complainant is not satisfied with Stage 1 response they need to inform the school within 10 working days.

Where the complaint concerns the Co-Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**Stage 2 (formal) – Complaint heard by Co-Headteacher**

The Co-Headteacher’s influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Co-Headteacher may delegate the task of collating the information to another staff member or the other Co-Headteacher (the investigator) but not the decision on the action to be taken. Where a complaint is made by a governor about a fellow governor, the complaint should be referred to the Chair of Governors and the complaints procedure should be followed from Stage 3. This will be done within 3 working days. If the complainant is not satisfied with Stage 2 response they need to inform the school within 10 working days.

**Stage 3 (formal): complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the Co-Headteacher or the complaint is about the Co-Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further. If the complainant is not satisfied with Stage 3 response they need to inform the school within 10 working days.

**Stage 4 (formal) – Complaint heard by Governing Bodies Complaints Appeal Panel**

The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel. The complainant can also send a copy the letter to the Education Complaints Officer at the Town Hall (01628 796721). The letter should explain the complaint in full, so that it can be investigated on the complainant’s behalf. If possible copies of all correspondence should be included. The letter should be acknowledged within 5 working days and a detailed response should be posted within 10 working days of the acknowledgement letter.

The governors’ appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body at any stage, 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 governing body may nominate a number



of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals is detailed below; see “Checklist for a panel hearing”. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

### **The remit of The Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so.
- b) No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- c) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- d) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- e) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child’s parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- f) The governors sitting on the panel need to be aware of the complaints procedure.



## **Roles and Responsibilities**

### **The role of the Clerk**

Any panel of governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel’s decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **The role of the Chair of the Governing Body or the nominated governor**

The nominated governor’s role is to:

- check that the correct procedure has been followed;
- keep records of all documents considered, including any meeting notes;
- if a hearing is requested, notify the clerk to arrange the panel.

### **The role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



### **Notification of the Panel’s decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel’s decision, in writing, with the panel’s response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and that the complaint can be escalated the Head of Children and Young People Services in writing. They will acknowledge receipt of the letter within three working days.

The Head of Children and Young People Services will review the matter and will expect to send a written response within 10 days.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education, 2nd Floor,  
Piccadilly Gate,  
Manchester  
M1 2WD

### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- 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, and be followed by their witnesses.
- the Co-Headteacher may question both the complainant and the witnesses after each has spoken.
- the Co-Headteacher is then invited to explain the school’s actions and be followed by the school’s witnesses.
- the complainant may question both the Co-Headteacher 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 Co-Headteacher is then invited to sum up the school’s actions and response to the complaint.
- both parties leave together while the panel decides on the issues.
- the Chair explains that both parties will hear from the panel within a set time scale.

### Policy for Unreasonable Complainants

Cookham, Maidenhead and The Lawns Nursery School Federation 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. We do not expect our staff to tolerate unacceptable behaviour, however, and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Cookham, Maidenhead and The Lawns Nursery School Federation 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 Co-Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an “unreasonable” marking.

If the behaviour continues the Co-Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the individual schools 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.

Where all reasonable steps have been taken to satisfy a complaint, but the complainant still repeatedly contacts the school(s) regarding the same complaint, the complaint can be closed and the Chair of Governors will write a closure letter to the complainant.

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 Nursery School(s).

### **Banning from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Cookham, Maidenhead and The Lawns Nursery School Federation will therefore act to ensure it remains a safe place for children, staff and other members of their community.

If an individual’s behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Co-Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, Cookham, Maidenhead and The Lawns Nursery School Federation will explain their reasons in writing and explain how the decision can be appealed. The individual will be given the opportunity to formally express their views on the decision to ban in writing.



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The decision will then be reviewed and either confirmed or lifted. If the decision is confirmed the individual should be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being banned can do so, by letter or email, to the Co-Headteacher(s) or Chair of Governors. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.





## Appendix

### Roles and Responsibilities

#### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### The Complaints Co-ordinator (or Co-Headteacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Co-Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support – this may be needed by complainants when making a complaint including interpretation support.

#### The Investigator (senior member of staff or the other Co-Headteacher)

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator’s role can include:

- 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;
  - consideration of records and other relevant information;
  - interviewing staff and children and other people relevant to the complaint;
  - analysing information;



- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond;
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

**The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel’s decision;
- liaise with the complaints co-ordinator.

**The Panel Chair**

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;



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- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

## Panel Member

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. It must be recognised, however, that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.



## Interviewing Best Practice Tips

### Interviewing Children

Children 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/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.

Care should be taken in these circumstances not to create an intimidating atmosphere and the interview format should be agreed with parents, e.g. as part of their play.

### Interviewing Staff/Witnesses

Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

Use open, not leading questions.

Do not express opinions in words or attitude.

Ask single not multiple questions, i.e. one question at a time.

Try to separate “hearsay” evidence from fact by asking interviewees how they know a particular fact.

Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.

Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/Co-Headteacher/Chair of Governors the option of a meeting between the conflicting witnesses.

Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.



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**Approved by:** Teaching and Learning Committee

**Signed by Chair of Governors:** .....

**Date:** 3<sup>rd</sup> July 2019

**Review Date:** June 2022