

## **PROCEDURES FOR DEALING WITH COMPLAINTS**

TWGGGS is committed to providing the very best education for young people and the school wants pupils to be healthy, happy and safe and to do well. The school recognises the importance of establishing and maintaining good relationships with parents, carers and the wider community, and is aware that there may be occasions where people have concerns or complaints: the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible. These procedures have been drawn up in the light of guidance from the DfE Best Practice for School Complaints Jan 2016 and Local Authority advice (Kent County Council's Model School Complaints Policy for Kent maintained schools).

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following lists specific topics and the correct policy to refer to should there be a concern or complaint. These policies can be accessed on the school website or from the school office.

- Pupil Admissions: please see the school's admissions policy or contact Kent County Council Admissions team
- Pupil Exclusions: please see the school's *Behaviour and Discipline policy*
- Special Educational Needs: this policy can be used to complain unless a child has an Education, Health and Care Plan and parents/ carers wish to appeal against a decision that the local authority has taken. If this is the case, they need to contact the local authority.
- Staff grievance, capability or disciplinary: these are covered by separate school policies and procedures
- Anonymous complaints: refer to the school's Whistleblowing Policy. Anonymous complaints which do not fall under the remit of the Whistleblowing Policy may not be investigated.
- Subject Access Requests and Freedom of Information Requests: please see the school's Data protection and Freedom of Information Policies

### **Aims and principles of the policy**

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Where concerns are raised, the school intends for these to be dealt with fairly, openly and promptly. The governing body has approved the following procedure which explains what people should do if they have any concerns about the school.

Where appropriate, the school may offer mediation to resolve a concern or complaint at any stage of the process. The school may also use someone independent from the school to investigate a complex issue and to report back to the Headteacher, Chair of Governors or Governor Complaints Panel (depending on which stage of the process the complaint is being dealt with).

If someone wishes to make a complaint, Appendix D provides a simple explanation of how to do this.

## **Raising Concerns**

The majority of concerns can be dealt with without resorting to the complaints procedure. Where there is a concern or query about any aspect of the school or a child's education or wellbeing, this should be raised with the child's form tutor or Director of Achievement in the first instance. Ideally they will be able to address the concerns immediately or can arrange a meeting to discuss the issue. All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

## **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the school asks that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the school and TWGGS expects complainants to observe confidentiality also.

## **Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint, it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

## **Complaints about the Headteacher or the Governors**

Where a complaint concerns the Headteacher, the complainant should first approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, he or she should notify the Clerk to the Governors that they wish to take a complaint forward. The Stage 3 process will then commence and the Chair of Governors will take the process forward.

Where a complaint concerns a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors the procedure at Stage 3 will apply but the Vice Chair will take the process forward.

## **Support for staff**

Staff complained about must be treated fairly. They should have the opportunity to put their case and receive appropriate support; a colleague may accompany them at any stage but it would not be appropriate to involve someone from outside the school from whom confidential pupil information should be withheld. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant will be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

## **Staff Awareness and Confidentiality**

All staff are aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. All staff also have clear information about individual staff roles and responsibilities so that parents do not get continually passed from one to another. It is very important to treat all concerns and complaints with discretion. It is vital that

parents feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

## **The Stages of the Complaints Process** *(flowchart of process at Appendix 2)*

### **Stage 1 – Informal Complaint**

Initially, the class/ form tutor or Director of Achievement should be told about the concern. This is usually the best and quickest way of resolving issues. In some cases the class/ form teacher may feel it more appropriate to refer to a more senior or experienced member of staff who will try to resolve the concern informally.

- It is recommended that an appointment to speak to the class teacher or form tutor is made as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- It is good practice for the class teacher or form tutor to make a brief written record of the concerns raised and any actions agreed
- They may need to carry out an investigation or talk to others before they can respond. A timescale for a response will be given, where possible five working days

### **Stage 2 – Formal Written Complaint** (non- parental complaints are likely to go straight to this stage)

If dissatisfied with the outcome of discussions with the class teacher or form tutor, or the Director of Achievement, the Headteacher should be contacted either by arranging an appointment to see them, or by putting the complaint in writing. There is advice on this in Appendix D. The concern should be set out clearly, including why it is felt that the issue has not been resolved through informal channels. It is also helpful if the preferred resolution sought is identified.

- The Headteacher or Deputy Headteacher will consider the complaint and in doing so will:
  - Establish what has happened so far, and who has been involved
  - Meet or contact the complainant if further information is needed
  - Clarify what the complainant feels would put things right if this has not been set out in the letter
  - Interview those involved in the matter and those complained about, allowing them to be accompanied if they wish
  - Conduct any interviews with an open mind
  - Keep notes of any interview for the record
- The Headteacher or Deputy Headteacher will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - an apology
  - an explanation
  - an acknowledgement that the situation could have been handled differently or better. (Please note this is not an admission of negligence)
  - an assurance that the event complained of will not recur
  - an explanation of the steps that have been taken to ensure that it will not happen again
  - an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher or Deputy Headteacher will discuss the outcome with the complainant and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, the complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where a complainant is unhappy about the decision the Headteacher or Deputy Headteacher has made about the complaint, this does not become a complaint about the Headteacher or staff member concerned. However, he or she will be advised of the entitlement to take the original complaint to the next stage by writing to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened.

### **Stage 3 – Governor Panel**

If the complainant is not satisfied with the response of the Headteacher, or has a concern or complaint that is specifically about the Headteacher which has not been resolved informally, then he or she must write to the Clerk to the Governing Body (via the school) as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened and marking any envelope or email “urgent, private and confidential”.

- The Clerk to the Governing Body will acknowledge receipt of the letter within five school days. The acknowledgement will inform the complainant that three members of the school’s governing body will hear the complaint within twenty working/ school days of receiving the complaint. The letter will invite the complainant to attend and also explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support.
- For complaints specifically about the Headteacher, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator.
- A meeting of the Governor Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An experienced governor will chair the panel meeting. The chair/clerk of the Complaints Panel will contact the complainant with the arrangements.
- Once the panel has been held, the complainant and the school will be informed of their decision within five working/ school days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at Appendix C.

### **Stage 4 – Escalation to Secretary of State for Education**

If the complainant remains unsatisfied by the outcome of the governor’s panel, he or she will be advised to contact the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably.

The School Complaints Unit considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. They will look at whether the school’s complaints policy and other relevant statutory policies were adhered to. They will also check whether the school’s policy adheres to education legislation. However the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by going online at:

[www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

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

## **Policy for unreasonable complainants and complaints**

TWGGGS is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The school will not normally limit the contact complainants have with the school. However, the school does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder consideration of their or other people's complaints'*.

### **Example: 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.

The school defines unreasonable complaints as those which, because of the frequency or nature of the contacts with the school or governing body, hinder the efficient leadership and management of the school. Features of an unreasonably persistent and/or unreasonable complaint are described in Appendix E, although the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be considered as being in this category.

### **Example: 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 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. It may require all meetings with a member of staff to be conducted with a second person present. (In the interests of all parties notes of these meetings may be taken.) The school may inform the complainant that, except in emergencies, the school will only respond to written communications and that these may be required to be channelled through the local authority. 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 premises, or, as a last resort, a managed move of the complainant's child(ren) to another local school.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the 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 any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Timeliness**

It is reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (such as gathering further information to support their complaint or not being fully aware of the implications of an incident until a later date). TWGGS will not usually consider complaints made more than three months after the incident/situation, therefore, if a complaint is made about an issue that is prior to that period, the Headteacher will usually write to the complainant explaining this is the case. However, the school recognises that there can be exceptions; should a complaint be made after three months, the reasons for the delay should be identified by the complainant and these will be considered on a case by case basis. There is not a blanket policy of refusing to consider any complaints not lodged within the stated period.

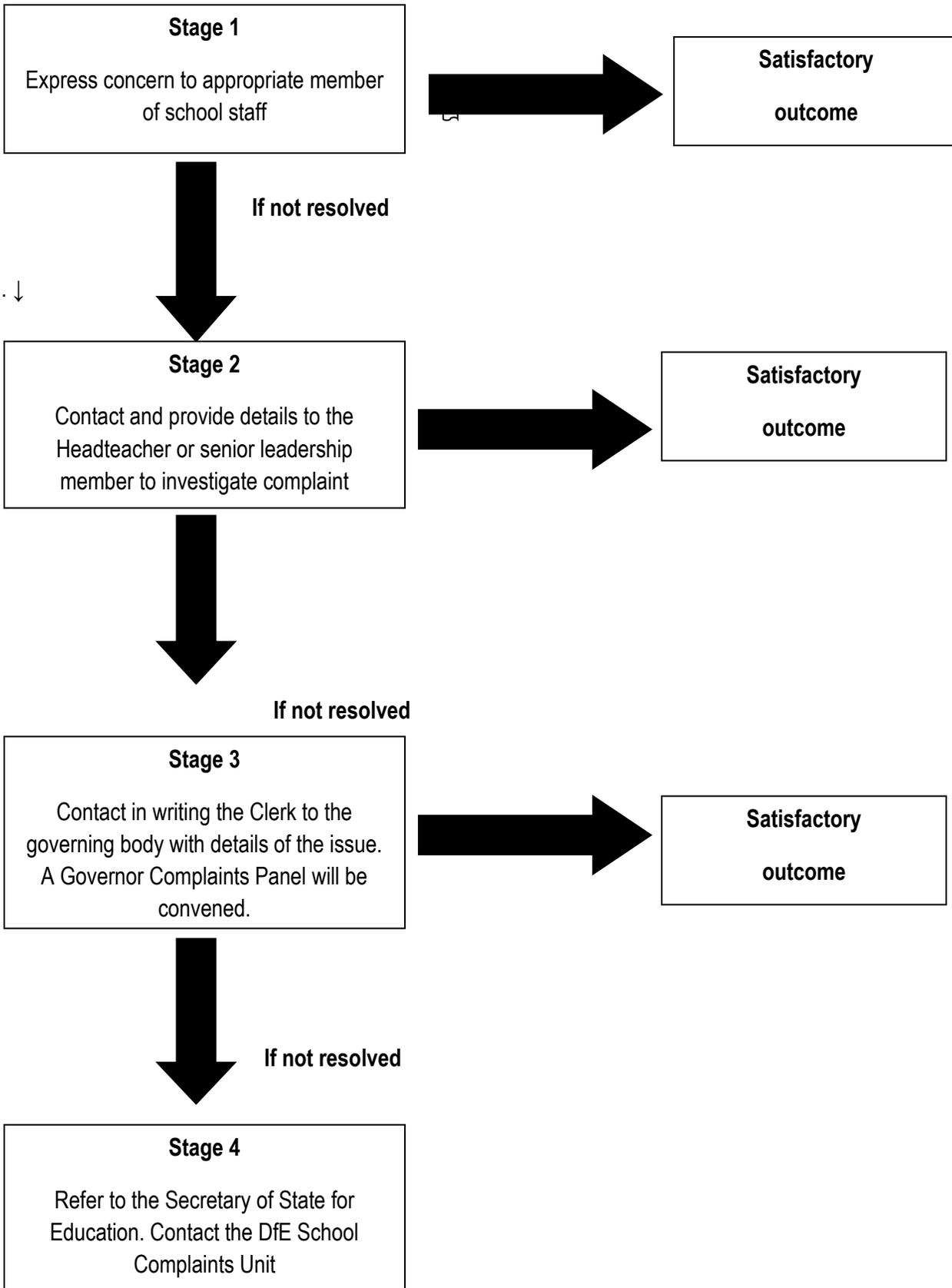
## Appendix A - How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

<b>Don't pass the buck</b>	<i>Try not to keep transferring an angry person from one place to another. Take the responsibility to ensure the right person deals with it if you cannot deal with it yourself.</i>
<b>Don't be flippant</b>	<i>First impressions count. You and the school may be judged on your immediate reaction.</i>
<b>Treat all complaints seriously</b>	<i>However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. Access to the procedure is a right which should not be restricted by a judgement as to the seriousness of the issue.</i>
<b>Treat every complaint individually</b>	<i>Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.</i>
<b>Be courteous and patient</b>	<i>Be sympathetic and helpful, but do not blame other colleagues.</i>
<b>Say who you are</b>	<i>If you are unknown to the other person, introduce yourself.</i>
<b>Ask for their name and use it</b>	<i>Anonymous complaints are acceptable only where there are special circumstances.</i>
<b>Take time to find out exactly what the problem is</b>	<i>It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. Asking what outcome the complainant seeks is a good way to find out what it is really all about and will help you to know if you can resolve it</i>
<b>Don't take the complaint personally</b>	<i>To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.</i>
<b>Stay cool and calm</b>	<i>Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.</i>
<b>Check you are being understood</b>	<i>Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone 'not in the know'.</i>
<b>Don't rush</b>	<i>Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.</i>

**Appendix B Flowchart of complaints**

**Model Complaints Procedure Flowchart**



## Appendix C - Governor Complaints Panel procedure

- At the panel hearing:
  - The complainant will have the opportunity to present his/ her complaint.
  - The Headteacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
  - The Headteacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had the opportunity to say everything they wish to say.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within fifteen working/ school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and
  - Agree a decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.
- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## **Appendix D How to raise concerns or to make a complaint about the school**

### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible, as it is difficult for us to investigate properly an incident or problem that happened some time ago.

### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with your child's teacher. Any teacher or member of the administrative staff can put you in contact with the right member of staff. If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact her straight away if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the initial response or you do not want to discuss the matter informally, you can make a formal complaint. This will need to be in writing. Contact the school if you need help to put your complaint in writing. If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Contact details are available from the school office or on our website. The school's Complaints Procedure is available from the school office and on the school website. The Headteacher will ask to meet you to discuss the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will arrange for a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

Most complaints are resolved at this stage. However, if you are still not satisfied you have the right to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The Complaints Procedure explains in more detail how these meetings operate.

### **Further Action**

Complaints about school problems are almost always settled within the school but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail in the full Complaints Procedure, on the school's website or on the Department for Education website ([www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)).

## **Appendix E Examples of complaint and complainant behaviours which may be considered unreasonable or unreasonably persistent**

An unreasonably persistent and/or unreasonable complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite requests to do so
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the school to investigate, change or influence (for example members of the public parking near the school)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the school or governing body, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of inappropriate, offensive or racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the school, but at the same time with a Member of Parliament, the Local Government Ombudsman and Secretary of State
- refuse to accept the outcome of the complaint process, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- make complaints in public or via a social networking site