



**COLMERS SCHOOL**  
& SIXTH FORM COLLEGE

Whole School Policy:

Complaints Policy

Written By:

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## **INTRODUCTION**

This procedure should be used in conjunction with the: -

- Colmers Schools and Sixth Form College Complaints Policy Summary as on the school web site.
- DfE Best Practice Advice for School Complaints Procedures 2016.
- Colmers School and Sixth Form College Home/School Agreement.

Since 1<sup>st</sup> September 2003 Governing Bodies (GBs) of all maintained schools in England have been required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints from: -

- Parents and carers of pupils relating to their school.
- The wider community relating to any community facilities or services that the school provides.

The law also requires the procedure to be published.

In practice the majority of issues raised are concerns rather than complaints.

Colmers School and Sixth Form College is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures.

However, depending on the nature of the complaint, complainants may wish or be asked to follow Colmers School and Sixth Form College formal complaints procedure below.

## **COMPLAINTS PROCEDURE**

The prime aim of Colmers School and Sixth Form College policy is to resolve the complaint as fairly and speedily as possible.

Complaints will be dealt with in a sensitive, impartial and confidential manner.

Complaints **not** in the scope of this policy are detailed at **Appendix A**.

The following details outline the stages that can be used to resolve complaints.

**The Colmers School and Sixth Form College Procedure has up to 4 stages, which might not all need to be invoked, as follows: -**

- Stage 1 (informal) – Concern Heard by an Appropriate Staff Member.
- Stage 2 (formal) – Complaint Heard by Headteacher.
- Stage 3 (formal) – Complaint Heard by Chair of Governors.
- Stage 4 (formal) – Complaint Heard by Governing Board Complaints Appeal Procedure.

### Stage 1 – Concern Heard by an Appropriate Staff Member

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their pupil's Head of Year.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within 2 school working days. The vast majority of concerns will be satisfactorily dealt with in this way.

However, if the complainant is not satisfied with the result at **Stage 1**, please write to or call the school within 10 school working days. The school will then look at your complaint at the next stage.

### Stage 2 – Complaint Heard by Headteacher

The Headteacher may delegate the task of collating the information to another staff member **but not the decision on the action to be taken.**

The Headteacher will arrange for the complaint to be acknowledged within 5 school working days of receiving it.

This **may** include, if considered appropriate, a meeting convened with the complainant to discuss the matter further but this will **not always** be deemed to be necessary.

Following the investigation the Headteacher will aim to provide a written response within 10 school working days of sending the acknowledgement.

However, if a complaint is more complex to review, this can be extended to a maximum of 20 school working days.

The school will provide the complainant with details of the new deadline and an explanation of the delay.

If the complainant is not satisfied with the result at **Stage 2** please write to or call the school within 10 school working days of receiving the response.

### Stage 3 – Complaint Heard by Chair of Governors

If the matter has not been resolved at Stage 2 or the complaint is about the Headteacher, then the complainant will need to write to the Chair of Governors c/o the school as detailed on the Colmers School and Sixth Form College web site.

The Chair of Governors will arrange for the complaint to be acknowledged within 5 school working days of receiving it.

The Chair of Governors or Other Nominated Governor will conduct an investigation.

This **may** include, if considered appropriate, a meeting convened with the complainant to discuss the matter further but this will **not always** be deemed to be necessary.

Following the investigation, the Chair of Governors or Other Nominated Governor will aim to provide a written response within 10 school working days of sending out the acknowledgement.

However if a complaint is more complex to review this can be extended to 20 school working days.

The school will provide the complainant with details of the new deadline and an explanation of the delay.

If the complainant is dissatisfied with the result at **Stage 3**, please write or call the school within 10 school working days of getting the response.

#### **Stage 4 – Complaint Heard by Governing Body Complaints Appeal Procedure**

If the matter has still not been resolved at **Stage 3**, then the complainant will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the Governing Body Complaints Appeal Procedure.

The complainant will be acknowledged within 5 school working days of receiving it.

Another nominated Governor impartial to the complaint will conduct a Complaints Appeal Procedure investigation. This will **not** be the Chair of Governors or Other Nominated Governor at **Stage 3** having been involved at any previous **Stage 3** in the process.

This **may** include, if considered appropriate, a meeting convened with the complainant to discuss the matter further but this will **not always** deemed to be necessary.

The investigation on the basis of the **Stage 3** process will normally take place within 10 school working days of sending the acknowledgment.

The aim of the Complaints Appeal Procedure investigation is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

All parties will be notified of the outcomes of the investigation in writing within 5 school working days after the investigation.

#### **THE GOVERNORS APPEAL PROCESS IS THE LAST SCHOOL BASED STAGE OF THE COMPLAINTS PROCEDURE.**

If the complainant wishes to take the matter further they can raise the issues with the Local Authority School and Governor Support Service in order to discuss the matter further and from them to broker a resolution.

If this is not successful the complainant can request support via the Schools Complaints Unit in the Department for Education (see next section).

#### **THE ROLE OF THE SCHOOL COMPLAINTS UNIT (SCU)**

If a complaint has completed the local procedures as above and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State.

The Secretary of State has a duty to consider all complaints raised but will only intervene where a Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and procedures and any other relevant statutory policies were adhered to.

The SCU also looks at whether statutory policies adhere to education legislation.

However, the SCU will not normally re-investigate the substance of the complaint – this remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct.

Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to: -

For further information and advice regarding this Model School's Complaints Policy please contact the School's Information Officer in the Education Improvement Service on 0121 704 8536.

### **POLICY FOR UNREASONABLE COMPLAINANTS**

Colmers School and Sixth Form College is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain.

Colmers School and Sixth Form College will not normally limit the contact complainants have with the school.

However, Colmers School and Sixth Form College do not expect any staff member to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Colmers School and Sixth Form College defines unreasonable complainants as: -

*'those who, because of the frequency and 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 complainant:-

- 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 procedures 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 and/or unsubstantiated comments and complaints about any staff member who are trying to deal with the issues, and seeks to have them replaced.
- Makes unjustified and/or substantiated comments and complaints about any staff member they are complaining about.
- 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 any staff member 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 complainant does either face-to-face, by telephone, in writing or electronically:-

- Act maliciously.
- Act aggressively.
- Use threats, intimidation or violence.
- Use abusive, offensive or discriminatory language.
- Knows it to be false.
- Uses falsified information.
- Makes allegations without evidence or foundation.
- Publishes unacceptable information in a variety of media such as 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, Colmers School and Sixth Form College will endeavour to discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher, Chair of Governors or Other Nominated Governor will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Colmers School and Sixth Form College creating a significant level of disruption, Colmers School and Sixth Form College 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 Colmers School and Sixth Form College (see next section).

### **BARRING FROM THE SCHOOL PREMISES**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Colmers School and Sixth Form College 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, Colmers School and Sixth Form College 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 Colmers School and Sixth Form College premises has been temporarily revoked subject to any representations that the parent may wish to make. Colmers School and Sixth Form College will 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 or Other Nominated Governor.

However, complaints about barring cannot be escalated to the Department for Education. Once Colmers School and Sixth Form College own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**APPENDIX A**

<b>EXCEPTIONS</b>	<b>WHO TO CONTACT</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: - <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: - <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
<ul style="list-style-type: none"><li>• Allegations against members of staff</li></ul>	The Chair of Governors or the Headteacher must report to LADO without delay and seek advice with regards to a referral. A complaint and/or referral to LADO may or may not result in a suspension of a member of staff. (ref Section 5 of the School's Disciplinary Policy).