



# St Edward's School

Unity - Achievement - Faith

## Complaints Policy

St Edward's School is committed to providing the best education for our young people and we want our students to be healthy, happy, safe and successful. We recognise the importance of establishing and maintaining positive and working relationships with parents, carers and the wider community.

**Reviewed and Approved by Business and Premises Committee**

**On: June 2022**

**Reviewed and Ratified at the Full Governing Body meeting**

**On: 14<sup>th</sup> July 2022**

**Next review date: Summer 2025**

**SLT are responsible for the oversight of this policy's implementation.**

## **Introduction**

The Governing Body of St Edward's is aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible. Where complaints are founded, the school will seek to use lessons learned to improve current processes or practices where possible, in order to improve the quality of our provision, and/or prevent a similar concern from arising in future.

From 1 September 2003 all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

This policy is based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

It is expected that all complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents and carers, and the school, in order to help resolve difficulties; but will not be able to become involved if the steps set out below have not been followed.

## **Scope of this complaints procedure**

The procedure covers all informal complaints/concerns and formal complaints other than those set out below. It is for use by parents and carers of students at the school or those who recently attended the school. Consideration can be given to complaints made by parents and carers of students who no longer attend the school, provided the complaint is received within six months of the student ceasing attendance at the school.

Formal complaints in the following areas will be dealt with under the relevant procedures, some of which are statutory procedures.

- Admissions to schools.
- Exclusion of students from school.
- Statutory assessments of special educational needs.
- School re-organisation proposals subject to statutory procedures.
- Complaints against individual members of staff in relation to their behaviour or competence, including the Headteacher.
- Matters likely to require a Child Protection Investigation.
- Complaints about services provided by other providers, such as contractors and other Council service units.

Policies of the school are the responsibility of the Governing Body and it is the responsibility of staff to implement them. All policies are accepted by virtue of parents choosing for their child to be educated at St Edward's. Complaints regarding policies will be heard directly by a panel representing the Governing Body solely where there is a challenge to the legal foundation of the schools policies. Alleged misapplication of school policies can be dealt with via the ordinary complaints procedure from Step 1 onwards.

## **Procedures when dealing with complaints**

The complaints procedure is based on the following principles:

- Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable\*
- fair
- proportionate
- Confidentiality should be respected.
- Give and expect both courtesy and consideration.
- Communication is the key to solving disputes and disagreements.
- Concerns and complaints will be dealt with fairly and as speedily as possible.
- Complainants will be kept informed at every stage.

\*- To challenge the reasonableness of a decision is to determine whether a decision is so unreasonable no reasonable decision maker could have arrived at it, under the circumstances, whether or not the person is a professional, has training or experience. Would another school make a similar decision or act in a similar manner or is the decision so perverse that no reasonable educational organisation would act or decide thus in a similar situation.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the SENCo, Mr David Dawson, they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

#### **Anonymous complaints**

It will be left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants its investigation.

#### **Responsible Person or Complaints Co-ordinator**

Every school will have a person to receive, record and monitor formal complaints. This is the Clerk to the Governors, Mrs Beth Stannard or Personal Assistant to the Headteacher, Mrs Shirley O'Mahony.

#### **Step 1 - Informal concerns/complaints**

The majority of parent/carer concerns/complaints can be resolved informally and speedily. If you have a concern about what the school has done, or not done in the first instance, the complainant should raise the complaint/concern with the relevant member of staff, Teacher or Director of Learning. This is usually the best and quickest way of resolving issues.

It is recommended that the complainant makes an appointment to speak to the Teacher or Director of Learning as soon as possible, as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.

The purpose of the meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem. The Teacher or Director of Learning will make a brief written record of the concern raised and any actions agreed.

#### **Step 2 – A Second Informal Meeting**

If the complainant feels dissatisfied with the outcome of discussions with the Teacher or Director of Learning, they should ask for an appointment to meet with the Deputy Headteacher.

The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the Teacher so far and any actions arising from the initial meeting. It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly.

However, it may be that the Deputy Headteacher will need to look into what has happened since the

initial meeting before they can suggest how the complainant's concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact the complainant to let them know the outcome of their enquiries and what actions they have taken/propose to take. The Deputy Headteacher may delegate aspects or all of the investigation if this will give a swifter resolution.

The Deputy Headteacher will make a brief written record of the concern discussed and what has been agreed and write to the complainant summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

### **Step 3 - Formal Complaint Letter to the Headteacher**

If the complainant feels that the concern/complaint raised has not been resolved through the informal process and they wish to pursue it further the complainant may raise it through the formal procedure. To do this the complainant must put their complaint in writing. Formal complaints must be in writing, either in a letter, email or on the form at the bottom of this document. Support is available for this if needed. It should be made clear that it is a formal complaint.

The complainant's letter should set out clearly the concern/complaint which has previously been discussed and why the complainant feels that the issue is unresolved. It is also helpful if the complainant can set out in their letter what resolution they are seeking. This stage of the process will only be implemented if Step 1 and Step 2 have been followed fully.

Formal complaints should be addressed to the Headteacher. If they are addressed to the Chair of Governors, an individual Governor or member of staff they will be passed to the Headteacher.

The Headteacher or complaints co-ordinator will record the date the complaint is received and will acknowledge in writing (or by email) receipt of the complaint within 3 school days.

The Headteacher or complaints co-ordinator will investigate the complaint and respond to the complainant within 10 school days of the date of receipt of the complaint.

NB: At any time during the course of the investigation the complainant can withdraw the complaint or ask for it to become an informal complaint/concern. This must be done in writing by the complainant and will be acknowledged in writing by the Headteacher or complaints co-ordinator.

At all times the school will seek to find a resolution to the issue and negotiate an agreement as to how this can best be achieved.

The Headteacher will consider the complaint and in doing so should:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet or contact the complainant if they need further information;
- clarify what the complainant feel would put things right if this has not been set out in the complainant letter;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- Keep notes of any interview for the record.

The Headteacher will keep in mind ways in which a complaint can be resolved. If the school or one of its representatives is found to have been at fault it might 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 admission that the situation could have been handled differently or better (this is not an admission of negligence);
- an assurance that the event complained of will not reoccur

Complainants must be aware that one outcome of the investigation may be that their complaint is not upheld, due to lack of evidence or some other reasonable reason.

Where the complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher. If the complainant feels that the complaint has not been resolved the complainant should move to Step 4 of the procedure.

#### **Step 4 - Formal Complaints to Governing Body**

The complainant is entitled to request a review of the decision taken at step 3 and the actions taken. The review is carried out by a panel of the governing Body at a meeting convened by the Clerk to the governing Body.

Requests for a review of the decision taken at step 3 should be made in writing to the clerk, this can be by email, [clerktothegovernors@st-edwards.poole.sch.uk](mailto:clerktothegovernors@st-edwards.poole.sch.uk), no later than 4 school weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of step 3 and the outcome they are seeking. This should be done using the relevant form attached to this policy.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting.

The following steps are taken at this stage:

The clerk will acknowledge the written request for the complaint to be reviewed no later than ten school days (not including the school holidays) after receiving it.

The clerk will convene a panel of three school governors to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.

The review meeting will take place within 20 school days following the written acknowledgement from the clerk.

The panel **may** decide to invite the following to attend the review meeting:

- the complainant
- the headteacher
- relevant persons involved in the complaint
- persons who, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at step 3.

Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to

attend the review meeting. These meetings are not a form of legal proceedings.

We recognise, however, that there are occasions where legal representation may be appropriate for example if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

If a complainant commences legal action against the school in relation to their complaint, or where parallel processes are being undertaken by third parties, consideration should be given to suspend the complaints procedure, until those proceedings have concluded.

Where further investigations are necessary or there is a need to seek specialised advice and the timescales cannot be met, then new time limits will be set. The complainant will be sent details of the new deadline explaining the delay.

***Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.***

The Governors will endeavour to make the hearing as informal as possible, as its aim will be to resolve the concern. At the meeting, the complainant and the Headteacher (or their representative) will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered. The Panel will aim to ensure a fair hearing throughout, and will write to all parties within 5 school days of the hearing, with its decision.

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.

The decision of the panel, is final and the matter closed. The school's complaints procedure at this stage will have been exhausted.

#### **Formal Complaint about the Headteacher**

If the complainant has a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then the complainant must write a formal letter of complaint to the Chair of Governors. The school will provide the complainant with the Chair of Governors' name and the complainant should write to him or her at the school address, marking the envelope 'urgent, private and confidential'. Alternatively this can be emailed to the Clerk to the Governors. Email address: [clerktothegovernors@st-edwards.poole.sch.uk](mailto:clerktothegovernors@st-edwards.poole.sch.uk)

The Chair of Governors will acknowledge receipt of the letter within 5 school days. The Chair of Governors will appoint another Governor (or undertake the role themselves) to investigate the issues of complaint following guidance in step 3. Complaints can progress to a Governor panel following guidance in step 4.

If the complaint is about a Governor or the Chair of Governors it should be directed to the Clerk to the Governors. A suitably skilled and impartial Governor will handle the complaint process in this situation.

### **Duplicate complaints**

If the school has resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may, at its discretion, respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply as long as they fall within the scope of this policy.

### **Record Keeping**

The School Office Manager, Head's PA, Director of Learning and the Deputy Headteacher, where appropriate, will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. These will be recorded on SIMS.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing Body in case a review panel needs to be organised at a later point.

Where the governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing Body, who will not unreasonably withhold consent.

### **Complaint time limits**

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the

last 12 months. The complainant's complaint will not usually be able to be considered if the child no longer goes to the school, unless received within six months of leaving.

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **Complaints received outside of term time**

Complaints delivered to the school outside of term time will be deemed to have been received on the first day the school returns from its break. Emails can go astray, and if a complainant has not received acknowledgment of their complaint within the required timeframe once school resumes, they are invited to contact the school in order to check that the original communication was received.

### **Complaints not resolved through the formal process**

If the complainant believes that the school has not properly followed its complaints procedure or has not acted fairly or reasonably in responding to the complaint the complainant may refer the matter to the Local Authority. The Local Authority has no legal right or duty to deal with most complaints about schools but will provide advice to the parent/carer and Governing Body in the event that a complaint which has been considered under the formal procedure remains unresolved or if the complaint is specifically about the Headteacher. The complainant will need to write to the Local Authority giving the details of their complaint, what action they have already taken to try and resolve their complaint and attaching a copy of the written response from the school.

The Local Authority will contact the complainant to confirm the details of their complaint and seek further information where necessary.

Initial consideration will be given to the circumstances of the complaint and the procedure followed by the school.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

Finally, if on conclusion of all 4 steps of this procedure, the complainant feels that the school or the school's Governing Body has acted unreasonably, the complainant may make a complaint in writing to the Secretary of State for Education. The complainant may contact the Department for Education by writing to:



Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

or by telephoning: 0370 000 2288

Alternatively the complainant may contact Ofsted:

Telephone : 0300 123 1231 or by completing the online form at  
<https://www.education.gov.uk/help/contactus>

Formal complaints will be logged and reviewed annually by the full Governing Body.



**Step 3 Formal Complaint Form – St Edward's School**

Please complete and return to the Headteacher who will acknowledge receipt. Step 3 will only be implemented if Steps 1 and 2 of our policy have been followed fully.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime telephone number:	
Email Address:	
Please give details of your complaint:	
I confirm that Step 1 has been followed <input type="checkbox"/> Name of Director of Learning involved:.....	
I confirm that Step 2 has been followed <input type="checkbox"/> Date of meeting with Deputy Headteacher:.....	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	

**Official Use:**

Date Acknowledgement sent:	
By Who:	
Complaint referred to:	
Date:	



Please complete and return to Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Students name (if relevant):**

**Your relationship to the student (if relevant):**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have been through steps 1,2 and 3 of the policy.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT IN SCHOOLS**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

### **Aims of the Policy**

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including Governors and parents and carers.
- deal fairly, honestly and efficiently with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

### **Human Rights In implementing this policy**

The School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

### **Parent/Carers Expectation of the School**

Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to regularly communicate to parents and carers in writing:

- a) how and when problems can be raised with the School
- b) the existence of the School's complaints procedure, and
- c) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- d) respond within a reasonable time
- e) be available for consultation within reasonable time limits bearing in mind the needs of the students/students within the school and the nature of the complaint.
- f) respond with courtesy and respect
- g) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- h) keep complainants informed of progress towards a resolution of issues

Attention is also drawn to the Governing Body's Policy: Building mutually respectful communication with parents, carers and callers.

### **The School's expectations of parents/carers/members of the public**

The School can expect parents/carers/members of the public who wish to raise problems with the school to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of students and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure

### **Who is a Persistent Complainant?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the school remit because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they appear to be targeted over a significant period of time on one or more members of school staff causing ongoing distress to individual member(s) of school staff and/or have a significant adverse effect on the whole/parts of the school community and/or/are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### **The School's actions in cases of persistent or vexatious complaints or harassment**

In the first instance the School will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing.

If the behaviour is not modified, the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) inform the complainant in writing that their behaviour is now considered by the School to be unreasonable and or unacceptable and, therefore, fall under the terms of this policy
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only

- d) in the case of physical or verbal aggression the school will refer to Joint Local Authority-Police Guidance for Schools, 'Dealing with Abuse, Threats and Violence Towards School Staff', and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. Guidance on this matter will be taken from the Area Education Manager
- e) advice may be sought from the Local Authority on pursuing a case under Antiharassment legislation

Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

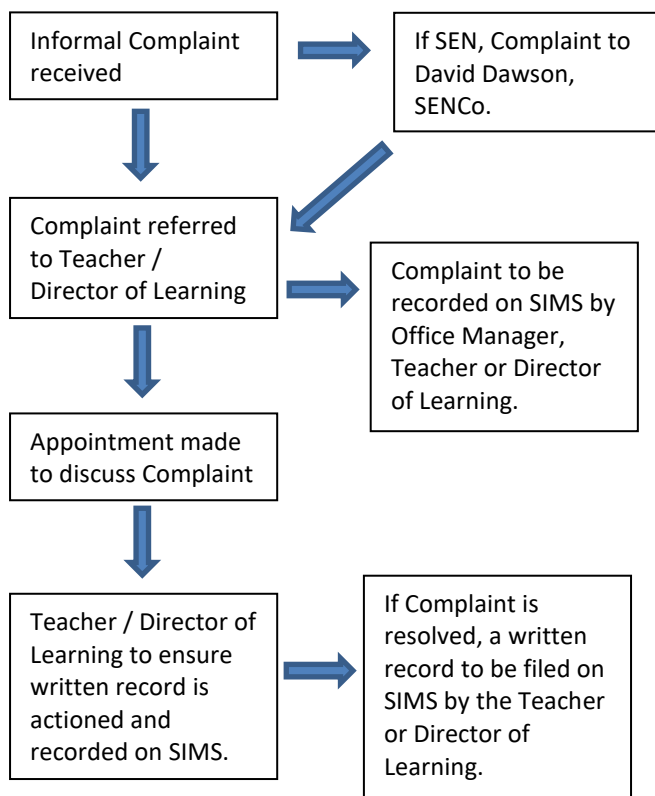
If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

### **Review**

The School will review as appropriate, and at a minimum once in every three school years, this policy.

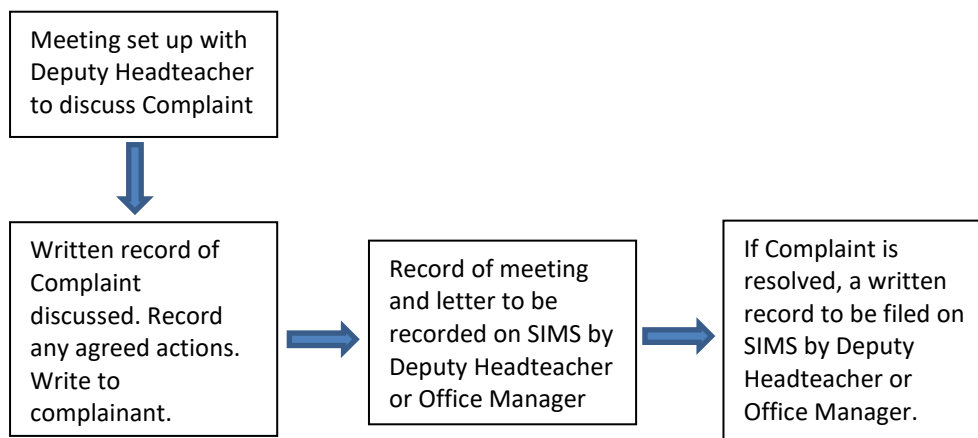
## Flowchart of Complaints Policy

### Step 1



If not resolved at Step 1 then move onto Step 2

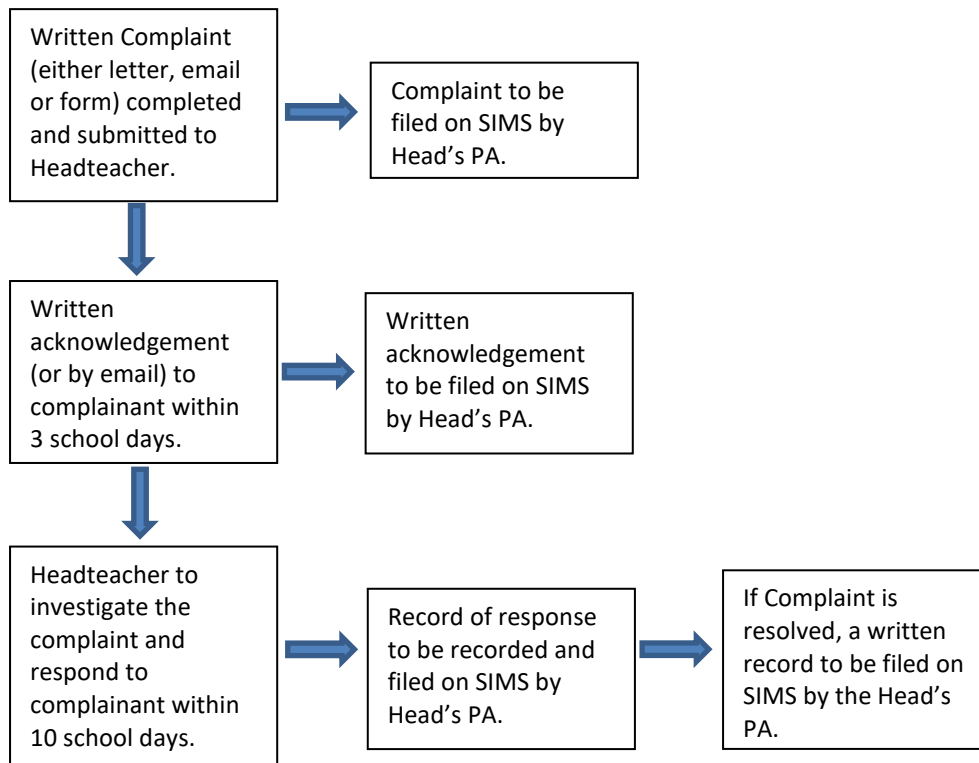
### Step 2



If not resolved at Step 2 then move onto Step 3

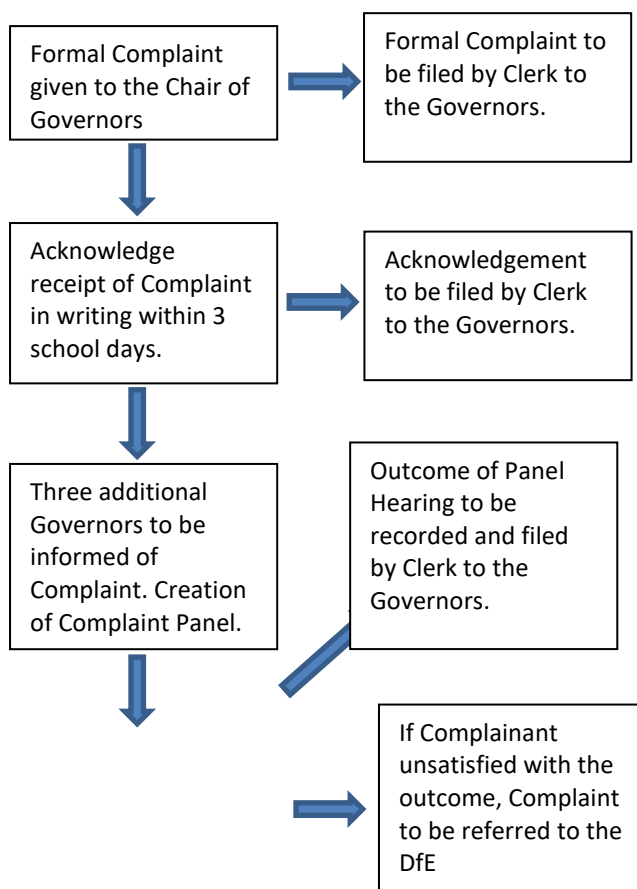


### **Step 3**



If not resolved at Step 3 then move onto Step 4. Straight to Step 4 if the complaint is about the Headteacher.

### **Step 4**





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School  
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**Record of Meeting Form – to be filed on SIMS.**

Name of Complainant:	
Student's Name:	
Staff Name:	
Date:	
Record of the Complaint: <i>Please include details of which Step is being recorded.</i>	
What actions do you feel might resolve the problem at this stage?	
Signature of Complainant:	
Signature of Staff Member:	
Date:	