



# **Foxmoor School**

## **Raising Concerns and Resolving Complaints Policy and Procedures**

### **2018**

From time to time parents, and others connected with the school, will become aware of matters that cause them concern. To encourage the resolution of such situations the Governing Body has adopted a 'School Complaints Procedure'. This procedure is devised with the intention that it will:

- + usually be possible to resolve problems by informal means;
- + be simple to use and understand;
- + be non-adversarial;
- + provide confidentiality;
- + allow problems to be handled swiftly through the correct procedure;
- + address all the points at issue;
- + inform future practice so that the problem is unlikely to recur.

We wish to re-assure a complainant that, at Foxmoor, confidentiality is respected and the identity of a complainant will be protected where necessary.

The school will not generally respond to anonymous complaints unless the Headteacher and/or Chair of Governors consider that the case is exceptional and that:

- + the issue and the fear of identification are genuine; and/or
- + the issue is one of child protection.

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### Introduction

The Department for Education (DfE) guidance defines the difference between a concern and a complaint as:

- ✚ 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.'

Any person, including those not connected to the school, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions, please see below).

Our school mission is:

*to provide the best learning and working environment possible, where every member of the school community feels happy and safe, is given the opportunity to succeed and knows their contribution is valued.*

The Headteacher, staff and governors endorse this wholeheartedly and we work very hard to build positive relationships with all parents and the local community.

However, from time-to-time parents or members of the public might have a concern or complaint about some aspect of the facilities or services that the school provides. It is in everyone's interest that these concerns are resolved at the earliest possible stage and we urge complainants to come into school and discuss their concerns with us. At Foxmoor, we take all informal concerns seriously and make every effort to resolve them quickly, fairly and amicably.

We try to resolve concerns or complaints by informal means wherever possible but where this is not possible, we will follow the formal procedures set out below.

## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- ✚ *be impartial and non-adversarial;*
- ✚ *facilitate a full and fair investigation by an independent person or panel, where necessary;*
- ✚ *address all the points at issue and provide an effective and prompt response;*
- ✚ *respect complainants' desire for confidentiality;*
- ✚ *treat complainants with respect;*
- ✚ *keep complainants informed of the progress of the complaints process;*
- ✚ *consider how the complaint can feed into school improvement and evaluation processes.*

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website [www.foxmoorschool.co.uk](http://www.foxmoorschool.co.uk).

We wish to work in partnership with our parents and the community that surrounds us so we will endeavour to work through these procedures openly, honestly and transparently to the satisfaction of all concerned. We will use this process to re-evaluate our facilities and services and make amendments/changes where necessary and appropriate to benefit the majority of the school community without disadvantage to any.

## 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have, and make available, a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) concerning dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage, however, there may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- ✚ *admissions;*
- ✚ *Statutory Assessments of special educational needs (SEN);*
- ✚ *safeguarding matters;*
- ✚ *exclusion;*
- ✚ *whistleblowing;*
- ✚ *staff grievances;*
- ✚ *staff discipline.*

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints about the school's support from parents of children with Special Educational Needs &/or Disabilities (SEN&D), are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints

policy. Our SEN&D policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities must be directed to the provider concerned.

#### 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- ✚ *what has happened;*
- ✚ *who was involved;*
- ✚ *what the complainant feels would put things right.*

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises, and no later than 3 months afterwards. 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.

#### 5. The Stages of complaint (excluding complaints against the Headteacher or a governor)

##### The Initial Stage: raising a concern.

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

We urge that the matter should be raised as soon as possible with the relevant member of staff, or the Headteacher, as appropriate, either in person or by letter, telephone or email. If the concerned person is unclear who to contact or how to contact them, s/he should contact the school office. There is a Meeting Request Form in **Appendix 1**.

The school will acknowledge informal concerns within 5 school working days, and investigate and provide a response within 10 school working days from the date of the initial concern being raised.

The Informal Stage will involve a meeting between the complainant and the class teacher, the Headteacher and/or the subject of the complaint, as appropriate.

*For example, a parent might be concerned about a child's progress, the curriculum, friendships etc.*

*We hope that these issues are brought to the class teacher's attention early so that they can be dealt with before they become more serious.*

*We ask parents to remember that, although they might have been thinking about an issue for some time, the class teacher, or Headteacher, may well not know about it, so it's always sensible to make an appointment and give an indication of the concern so that the teacher can do some research in advance of a meeting.*

*Similarly, if someone from the local community, without necessarily a direct link to the school, has a concern we urge her/him to bring it to the attention of the Headteacher, who will take it seriously and endeavour to resolve it quickly and fairly.*

If, after the above, the complaint is not able to be resolved informally, it will be escalated to a formal complaint. The school procedures for this are listed below. There is also a simplified flow chart of these procedures in **Appendix 5**.

## **The formal complaints procedure.**

**Stage 1: inform the Headteacher in writing:** there is a 'School Complaint Form' for your convenience, which can be found in **Appendix 2**.

This letter should provide details such as relevant dates, times, and the names of witnesses of the events, alongside copies of any relevant documents. The complainant should also state what s/he feels would resolve the complaint.

The complainant will receive a response within 5 school working days of the receipt of this letter. The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school, in advance, of the identity of her/his companion.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct her/his own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school working days of the receipt of the written formal complaint.

If the complainant wishes to proceed to the next stage of the procedure, then s/he should inform the Chair of Governors in writing within 10 days of the Stage 1 outcome.

### **Stage 2: inform the Chair of Governors in writing.**

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what s/he feels would resolve the complaint, and how s/he feels the previous stage of the procedure has not addressed their complaint sufficiently.

The complainant may be invited to a further meeting, after which the investigation will take place. The written conclusion of this investigation will be sent to the complainant within 10 school working days of the receipt of the letter to the Chair.

If the complainant is not satisfied with the way in which the complaints process has been followed then, s/he should inform the Chair of Governors in writing within 10 days of the Stage 2 outcome.

### **Stage 3: submit the complaint to the review panel;** there is a 'School Complaint Review Request Form' in **Appendix 3**.

The review panel consists of 3 members of the Governing Body. The panel will review the original the complaint on the original complaint form and will have access to the existing record of the complaint's progress (see section 9).

The complainant will be given reasonable notice of the date of the review panel meeting, which will be within 15 school working days of the receipt of the Review Request Form. The review panel reserve the right to convene at their convenience rather than that of the complainant. Present at the review panel meeting, will be the complainant and appropriate representatives from the school. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the panel hearing and be accompanied by a suitable companion if s/he wishes.

At the meeting, each individual 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 the panel will then consider the evidence.

The panel will review the complaint on the original letter/complaint form and then, within 5 school working days, will report its findings and recommendations from the case, in writing. The panel will provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy available for inspection by the Headteacher.

## 6. Complaints against the Headteacher or a governor

Complaints made against the Headteacher must be made in writing to the Chair of Governors. This may include a complaint about the actions or lack of actions of the Headteacher in investigating a complaint. The Governing Body will consider appointing a designated governor to investigate the complaint as a Stage 1 complaint. Where a complaint is about the conduct of the Headteacher, the Chair of Governors will seek advice from the school's Human Resources (HR) support.

Where there is a complaint against the Chair of Governors or any member of the Governing Body, it must be made in writing to the clerk of the Governing Body in the first instance. If the complaint is about a governor the Chair will lead the investigation, if it is about the Chair then the Vice Chair will lead. In all cases the investigation will start at Stage 1 of the school procedures. If the informal stage fails to bring a satisfactory outcome then further procedural advice and guidance will be sought from the National Governors Assoc. or the Governor Services at the LA.

## 7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, s/he can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school adhered to its complaints policy and any other relevant statutory policies that the school holds. The SCU 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, see the following webpage:

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

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted, and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- ✚ *the school has taken every reasonable step to address the complainant's needs;*
- ✚ *the complainant has been given a clear statement of the school's position and their options (if any);*
- ✚ *the complainant is contacting the school repeatedly but making substantially the same points each time.*

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- ✚ *we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience;*
- ✚ *the individual's letters/emails/telephone calls are often or always abusive or aggressive;*
- ✚ *the individual makes insulting personal comments about, or threats towards, school staff.*

Unreasonable behaviour that is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, by either letter or email.

When making this decision, the school will ensure that, if the complainant makes any new complaint, s/he will be heard, and that the school will act reasonably and follow the procedures as above.

## 9. Unreasonably persistent complaints

There is a separate policy for defining and dealing with unreasonable complaints: **Appendix 4**

## 10. Record-keeping

The school will record the progress of all complaints, including information about the actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, minutes of meetings and notes relating to informal meetings/conversations and phone calls.

This material will be held centrally and treated as confidential: only those involved in investigating the complaint or who are on the review panel will view it.

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 Request (FIR) or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

The school will keep records of complaints for 6 years.

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 arrange for an independent panel to hear the complaint where this is reasonably practicable.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The Governing Body will make the decision to approve this request and it will not withhold consent unreasonably.

## 11. Learning lessons

Whilst respecting the confidentiality of the people involved, the Governing Body and the Senior Leaders, where appropriate, will review any underlying issues raised by the complaints, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by Headteacher.

The Governing Body will review this policy every 3 years.

At each review, the full Governing Body will approve the policy.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

- ✚ *Child Protection and Safeguarding policy and procedures;*
- ✚ *Admissions policy;*
- ✚ *Exclusions policy;*
- ✚ *Staff grievance procedures;*
- ✚ *Staff disciplinary procedures;*
- ✚ *SEN policy.*

**School Meeting Request Form**

**Appendix 1**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone**

**Evening telephone**

**Email address**

**I wish to meet**

**to discuss the following concern.**

**Brief details of concern to be raised:**

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

**Dates/times when it would be most convenient for a meeting:**

**Signature**

**Date**

**Official use**

**Date form received:.....Date acknowledgement sent:**

**By whom:.....**

**Referred to:.....Date:.....**



**School Complaint Form**

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

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone**

**Evening telephone**

**Email address**

**Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated: -**

(You may continue separate paper if you wish)

**What action, if any, have you already taken to try and resolve your complaint?  
(Whom did you speak or write to and what was the response?)**

**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 form received:.....Date acknowledgement sent:.....**

**By whom:.....**

**Complaint referred to:.....Date:.....**

## **School Complaint Review Request Form**

Appendix 3

*Please complete and return to the Headteacher or Chair of Governors who will acknowledge receipt, explain what action will be taken, and forward this form to the Chair of the Governing Body Complaints Committee.*

**Your name:**

**Address:**

**Postcode:**

**Day time telephone**

**Evening telephone**

**Email address**

Dear Sir/Madam I submitted a formal complaint to the school on.....  
and I am dissatisfied by the procedure that has been followed. My complaint was submitted to  
.....and I received a response from.....  
on ..... I have attached copies of my School Complaint Form and the  
response(s) from the school.  
I am dissatisfied with the way in which the procedure was carried out because

*(You may continue separate paper if you wish)*

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

**If you are attaching any paperwork, please give details:**

***Signature***

***Date***

**Official use**

**Date form received.....Date acknowledgement sent:.....**

**By whom:.....**

**Complaint referred to.....Date:.....**

## Policy for Unreasonable (Vexatious) Complainants

To inform and develop this school policy, the governors have used the model policy in the Department for Education guidance:

### [Best Practice Advice for School Complaints Procedures 2016](#)

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

Foxmoor School 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 School Complaints Unit (SCU) at 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, in writing or electronically:

- maliciously;
- aggressively;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- using a variety of media such as: in social media websites and newspapers to publish unacceptable information.

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 (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 Foxmoor School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

The governors and Headteacher will usually review this after 6 months.

The concerns and actions taken in response to any serious incident of aggression or violence will be put in writing immediately and the police will be informed. This may include banning an individual from Foxmoor School: its grounds and premises.

### **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. The School will always give the parent the opportunity to express their views on the decision to bar, formally, in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will 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.

Signed : Elisabeth Newman

Chair of Governors Date: 13<sup>th</sup> March 2018

## Appendix 5: The Complaints Process Flow Chart

