



Complaints Procedure

Applicable to:	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
Approval body:	Full Governing Body	

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Clerk to Governing Body (LJ) Business Manager (SH)	19 March 2015	1.0	Final approved version
Changed by	Revision Date		
Business Manager (BW)	28 September 2017	1.1	To reflect updated DfE requirements (June 2017) re: complaints from parents of children with special educational needs
Business Manager (BW)	11 April 2018	1.2	Revised to incorporate changes to NCC model complaints against schools procedure
Business Manager (BW)	4 May 2018	2.0	Final approved version for publication
Business Manager (BW)	19 July 2019	2.1	Minor changes to formatting and expansion of final section to clarify escalation process
Business Manager (BW)	23 September 2021	2.2	Revised to incorporate the Serial and Persistent Complainants Policy in one document and amend the review frequency to annual in line with DfE guidance
Business Manager (BW)	6 October 2021	3.0	Final approved version for publication

1 Scope

- 1.1 The Seaton Valley Federation aims to take all concerns seriously at an early stage. Anyone with a concern is encouraged to try to resolve this informally in the first instance. This may involve approaching the member of staff or governor directly involved in the concern. The formal procedure below may be used if the person remains dissatisfied and wishes to take the matter further.
- 1.2 This procedure is for formal complaints against the school, a member of staff or the governing body. It can be used by parents/carers of pupils, a member of the wider community or an ex-pupil. Arrangements for handling complaints from parents of children with special educational needs about the school's support are within the scope of this complaints procedure. There are separate arrangements laid down by law to cover the following:
- complaints against the curriculum, collective worship and religious education
 - appeals against admissions to schools
 - appeals about statutory assessments and against Educational Health Care Plans (EHCPs)
 - school reorganisation proposals
 - matters likely to require a Child Protection investigation
 - appeals against the exclusion of children from school
 - whistleblowing
 - staff grievance and disciplinary procedures
 - services provided by other providers who may use the school premises or facilities
- 1.3 For further guidance on any of the above, please contact the relevant Head of School.

2 Roles and responsibilities

Governing body

- 2.1 The governing body of a maintained school must by law have a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

Complainant

- 2.2 This term refers to the person making a formal complaint.

Complaints Coordinator

- 2.3 A different person is responsible for the operation and management of each stage of the Complaints Procedure to ensure that it is freshly considered by someone not previously involved in the matter. They need to deal with the complaint in a fair and consistent manner and attempt to resolve it wherever possible. Their role is to:
- establish what has happened so far and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the complainant or contact them (if unsure or further information is necessary);
 - clarify what the complainant feels would put things right;

- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

3 Procedure

- 3.1 Many concerns can be resolved quickly, often by making contact with the class teacher or Head of Year, Key Stage or Student Progress Leader. If this is not possible, or the teacher is unable to resolve the concern, the parent/carer or pupil should contact the Head of School, who will attempt to work with the family to resolve the complaint informally. Most complaints are dealt with in this way.
- 3.2 If pupils, parents or carers are not satisfied with the outcome of the informal investigation, they may wish to make a formal complaint. A Complaint Form is available from the school website or from each school's reception to help the complainant set out their complaint and how they would like it to be resolved.
- 3.3 The complainant will receive a written response from the relevant person at each stage of the Complaints Procedure setting out the decision and the reason for the decision. Complainants will be given five school days to respond in writing if they remain dissatisfied and wish to pursue the matter under the next stage of the procedure.

Stage One: Complaint heard by staff member who is not the subject of the complaint

- 3.4 Stage One complaints will usually be handled by a member of the Senior Leadership Team at the school (but not the Executive Headteacher). The complaint will be acknowledged within three school days of receipt. This stage of the procedure is normally expected to take up to a further five school days to complete but may take longer depending on how complex the issue is and the availability of relevant parties.
- 3.5 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.
- 3.6 If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, the Complaints Coordinator will refer the complainant to another staff member. Where the complaint concerns the Executive Headteacher, or a governor, the Complaints Coordinator will refer the complainant to the Chair of Governors.
- 3.7 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Coordinator may consider referring the complainant to another staff member or governor. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

- 3.8 If a complainant first approaches a governor, he/she should be referred to the appropriate person i.e. the member of staff concerned or the Chair of Governors. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.
- 3.9 It is hoped the majority of complaints can be resolved at this stage and to this end it may be useful to contact the Client Relations Service within the Children's Services Directorate of Northumberland County Council, who are available to advise parents on the complaints process and may on occasion help to facilitate contact with the school. They can be contacted as follows:
- client.relations@northumberland.gov.uk
 - 0800 373 6415 / 01670 622668
 - Text 07766 631 901
 - Client Relations, Children's Services, Freepost NEA15580, Morpeth, Northumberland NE61 1BR

Stage Two: Formal Consideration of Complaint

- 3.10 If the complainant is dissatisfied with the way the complaint has been handled at Stage One and wishes to pursue their initial complaint, the Executive Headteacher (or Chair of Governors) may delegate the task of investigating the complaint to another staff member or another governor. The Executive Headteacher (or Chair of Governors) may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external consultant.
- 3.11 The person making the complaint will be informed that an investigation is underway and that they will receive a response within 25 school days, or a letter explaining the reason for any subsequent delay.
- 3.12 Once the relevant facts have been established the Executive Headteacher (or Chair of Governors) will relay the decision, and the reason for the decision, in writing to the complainant.

Stage Three: Complaint heard by Governing Body Appeals Committee

- 3.13 If the complainant is still dissatisfied with the outcome he/she should write to the Executive Headteacher (or Chair of Governors) giving details of the complaint within 10 school days of receipt of the decision letter. The chair or another nominated governor will convene a governing body complaints committee if they consider it appropriate after considering the report of the investigating officer.
- 3.14 The committee will consist of a minimum of three governors with delegated powers. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. The appeals committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:
- convene a hearing at which the complainant will be invited to put forward their case - this should be held within 20 working days of the decision to hold a hearing
 - dismiss the complaint in whole or in part
 - uphold the complaint in whole or in part

- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur
- 3.15 In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the local authority. If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision of the committee within five school days.
- 3.16 It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the federation or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation. If a complainant should decide to commence legal action against the federation in relation to their complaint then the federation would consider suspending the Complaints Procedure until such legal proceedings had concluded.
- 3.17 If, after following the federation's Complaints Procedure, the complainant is dissatisfied with the outcome at Stage Three, or if there are reasons why they cannot use that procedure - for example, they feel that their complaint has not been or will not be given a fair consideration due to a conflict of interest - they can forward their complaint to the Department for Education, using the online [school complaints form](#).
- 3.18 Making a complaint to the Department should only happen once all other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education. More information about making a complaint can be found on the [DfE website](#).
- 3.19 If a complaint has been made by a number of parents and it is about whole school issues, they may, at any stage of the procedure, ask the Chief Inspector of Schools to investigate their complaint. The Chief Inspector may or may not require the federation's Complaints Procedure to be exhausted before they decide whether or not to investigate.
- 3.20 However, should the school become the focus of a complaint campaign, receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the federation then the federation reserves the right to deal with these complaints by means of either a template response or a general response posted on the federation's website.

4 Serial and persistent complainants

- 4.1 The federation will do its best to be helpful to people who contact our schools with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider our position after a decision is made, the federation would need to take the appropriate actions.
- 4.2 Once the federation has done everything it can in response to a complaint then any complainant will need to be informed by the Chair of Governors that the procedure has been completed and the matter now closed. Should a complainant contact the federation again on the same issue, then the correspondence may be viewed as serial or persistent and the federation may choose not to respond. The federation will always ensure that the complainant has exhausted the Complaints Procedure before such a decision is taken.

- 4.3 With respect to the recognised term ‘vexatious’ in the context of Freedom of Information (FOI), this can be defined as “manifestly unjustified, inappropriate or improper use of a formal procedure”. An exemption therefore exists in section 14(1) of the Freedom of Information Act 2000, although this is to be applied to the requests themselves and not the individuals.
- 4.4 The federation will take the decision to stop responding only when all of the following apply:
- The federation has taken every reasonable step to address the complainant’s needs.
 - The complainant has been given a clear statement of the federation’s position and their options (if any).
 - They are contacting the federation repeatedly but making substantially the same points each time.
- 4.5 Additional weight is added if any of the following also apply:
- The federation has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
 - The communications are often or always abusive or aggressive.
 - The individual makes insulting, personal comments about or threats towards staff.
- 4.6 Where necessary, further advice and guidance will be sought from the Governance Support Team at Northumberland County Council.
- 4.7 The federation is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 4.8 The federation defines unreasonable complainants as “those who, because of the frequency or nature of their contacts with our schools, hinder our consideration of their or other people’s complaints”.
- 4.9 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 cooperate 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 the federation’s Complaints Procedure
 - insists on the complaint being dealt with in ways which are incompatible with the federation’s 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 with tenuous links to the subject of their complaint 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 a complaint where the federation's Complaints 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

4.10 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 threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false or using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

4.11 Complainants should limit the number 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.

4.12 Whenever possible, the Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

4.13 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, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

4.14 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 our schools.

5 Barring from the school premises

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

5.2 If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Executive 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.

5.3 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.

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