



Complaints Policy and Procedure

Please note that the complaints procedure has been put on hold until School reopens, as per advice given by the DfE and Sandwell's Director of Education

Author	Written / Reviewed	Passed by Governors	Next Review
K Appleby	January 2020	Feb 2020	January 2021

Contents

1.0	Introduction:.....	3
2.0	Complaints about services provided by external bodies using a school's premises.....	3
3.0	Who can make a complaint?.....	4
4.0	Exclusions to the complaints procedure:.....	4
5.0	Complaints received out of term time:	4
6.0	Exclusions to the complaints procedure:	4
7.0	Accessibility.....	5
8.0	Time limit for making a complaint:.....	5
9.0	Recording Complaints:	5
10.0	Keeping people informed	5
11.0	Stages of the complaints process:	6
12.0	Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:.....	7
13.0	Social Media.....	7
14.0	Serial and Persistent Complainants.....	8

Annexe A

Serial & Persistent Complaints - Guidance

9

1.0 Introduction:

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised the school will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with Section 29 of the Education Act 2002, all local authority maintained 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.

Initial concerns should be dealt with by an appropriate member of staff. These should be taken seriously and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the Executive Head Teacher (or to the Chair of Governors, if the complaint is about the Executive Head Teacher).

Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed.

This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that the complaint is justified or not.

If the complaints process is ongoing and further enquiries are received regarding the same subject we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing, which duplicate the issues being investigated.

2.0 Complaints about services provided by external bodies using a school's premises

Where the school has third party providers offering community facilities or services through the school premise, or using school facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The governing body will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

3.0 Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

4.0 Anonymous complaints

We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of Governors, if appropriate, will determine where the complaint warrants an investigation.

5.0 Complaints received outside of term time:

Complaints made outside of term time will be receipted as having been received on the first school day after the holiday period.

6.0 Exclusions to the complaints procedure:

The following issues will not be subject to the school's complaints procedure as they are outside of the school's jurisdiction:

- admission to schools;
- exclusions from school;
- special educational needs (SEN Tribunal)
- statutory proposals for school re-organisation;
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against school staff will be considered, however where it is determined that matters should be dealt with under the school's grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances.

Where complaints concern child protection matters these should be raised with the school but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint the school will write to the complainant to advise them of this and the reason for the decision. The school will confirm the correct process to be followed.

7.0 Accessibility

The school will ensure that the formal complaints procedure:

- is easily accessible and publicised both within the school and available on the school website;
- is simple to understand and use;
- is impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all;

8.0 Time limit for making a complaint:

In general, any matter which is raised more than 3 months after the event being complained of, will not be considered.

9.0 Recording Complaints:

Formal complaints should be made on the form provided by the school, this is to ensure that there is an accurate record of the complaint and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone;
- or in writing.

When a formal complaint is received the school will write to the complainant within five school days to confirm what will happen next and the anticipated timescales.

10.0 Keeping people informed

Each stage of the complaints process has agreed timescales, which should be adhered to. If for any reason this is not possible the School/Governing Body will write to the complainant to explain the reasons and confirm when the action will be completed.

11.0 Stages of the complaints process:

The following outlines the stages of the formal complaints procedure, at the end of each stage of the procedure, complainants will be advised of how to progress to the next stage if they remain dissatisfied with the way in which the investigation has been conducted.

Formal stage one: a formal complaint will be investigated by the Executive Head Teacher or person nominated by the Executive Head Teacher. The investigation will be completed within 15 school days and at the end of the investigation a full written response will be sent to the complainant.

If the formal complaint is about the Executive Head Teacher this will be dealt with by the Chair of Governors.

Formal stage two: if stage one has been completed and the complainant wishes to take the matter further they can escalate their complaint to Stage 2. This will be a meeting with members of the Governing Body's complaints committee, which will be formed by the first three, impartial, Governors available.

The request for stage 2 should be made to the Clerk to Governors within 10 school days of receiving the stage 1 response in writing. The Panel should be heard within 20 school days of receiving the request for stage 2 review. The following timescales are given as an outline for all stages of the complaints process:

Stage	Timescale
Stage 1 Formal Complaint	<ul style="list-style-type: none"> Letter to be sent within 5 days of the school receiving the complaint to confirm how the complaint will proceed with timescales. Full response by school within 15 school days of receiving the complaint.
Request for stage 2 review	<ul style="list-style-type: none"> To be made by complainant within 10 school days of receiving the outcome of the stage 1 complaint.
School to acknowledge stage 2 request	<ul style="list-style-type: none"> Acknowledgement letter to be issued within 5 school days
Panel meeting to hear the complaint	<ul style="list-style-type: none"> Panel to meet within 20 working days of receiving the complaint
Independent stage 2 review panel	<ul style="list-style-type: none"> At least 10 school days before the meeting the Clerk will confirm the date time and venue and ask for any additional information to be provided at least 5 days prior to the panel
Panel decision to be issued	<ul style="list-style-type: none"> Within 5 school days of the panel meeting
Request for LA review of process	<ul style="list-style-type: none"> To be made by complainant within 10 school days of receiving the outcome of the stage 2 review.
Review by LA	<ul style="list-style-type: none"> To be completed within 10 working days of receiving the request to review

The committee will consider the complaint and all the evidence presented. The

committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. The School will consider approaching a different school to ask for help or contact the local Governor Services team commissioned by the LA, or the Diocese. The school will consider any such request but ultimately, the final decision is made by the Chair of Governors.

The complaints panel will decide on whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making the decision they will be sensitive to the complainants needs. If it is agreed to invite parties to a meeting, then all parties should be invited including the stage 1 investigator and the complainant.

12.0 Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:

When stage 2 has been completed this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted, they may ask for a further review of the process by the local authority.

13.0 Social Media:

Individuals who raise concerns are asked to comply with the School's guidance on social media, as a complaint can be undermined by:

- Comments made on social media
- Identifying individuals staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the Police.

14.0 Serial and Persistent Complainants:

The school is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straight forward process and the school values the feedback that we receive on services. We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process.

However, in a minority of cases people pursue their feedback in a way which is inappropriate.

Where the school is contacted repeatedly by individuals making the same point or asking for reconsideration on our position the school will need to take appropriate action. The school will follow the Serial and Persistent Complaints Guidance (Annexe A) for these difficult situations. This guidance sets out what is considered to be unreasonable behaviour and the action that will be taken to address this.

The application of a 'serial' or 'persistent' marking will be made against the subject of the complaint itself rather than the complainant.

Guidance – Serial & Persistent Complainants:

Shenstone Lodge 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 unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Shenstone Lodge 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'*.

The following are a list of issues and behaviours which could be considered to be unreasonable, this list is not exhaustive.

A 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 process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

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

Schools will deal with formal complaints in accordance with the timescales stated in the school complaints policy and will agree the scope of the complaint at the start of the process. Once the complaint is agreed, complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

The application of a 'serial' or 'persistent' marking will be against the subject or the complaint itself rather than the complainant.

If the behaviour continues the Executive Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Shenstone Lodge 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.

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 the School.