



Complaints Procedure

Agreed by Governors February 2017
Review date February 2020

Introduction

Under 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.

This complaints procedure and guidance takes into account Department for Education 2016 best practice advice.

The difference between a concern and a complaint

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'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Falcon Junior School takes informal concerns seriously and we will make every effort to resolve matters as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, our school's formal procedure should be invoked through the stages outlined in this document.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Falcon Junior School provides, unless separate statutory procedures apply, as detailed in the following section.

Exceptions to this procedure

This complaints procedure covers all complaints about any provision of facilities or services that Falcon Junior School provides with the exceptions listed in the table below, for which there are separate (statutory) procedures.

Exceptions to this procedure	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with Norfolk County Council.</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Falcon Junior School has an internal whistleblowing procedure for our employees and voluntary staff.</p> <p>Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Falcon Junior School's complaints procedure

Falcon Junior School is committed to resolving concerns and complaints as quickly and efficiently as possible and we recommend that an informal approach is tried first. Please do not delay in raising any concerns with us.

Whilst we encourage you to try an informal approach first, you have the right to make a formal complaint, and go straight to stage 3 of the process, at any time.

Stage 1: Informal

In many cases the most appropriate staff member with whom to raise concerns will be the class teacher or an Assistant Headteacher. The person with whom you raise your concern should clarify the nature of your concern and should reassure you that our school wants to hear about it. They may need to refer you to another person with responsibility for the particular issue raised.

- It is recommended that you make an appointment to speak to the class teacher or Assistant Headteacher 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.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher or the Assistant Headteacher to make a brief written record of the concern raised and any actions agreed.

Stage 2: Informal escalation

If you feel dissatisfied with the outcome of your initial discussions please ask for an appointment to meet with the Headteacher or an Assistant Headteacher.

If a resolution to the issue is proving difficult to find, the Headteacher or Assistant Headteacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from a Children's Services representative from Norfolk County Council. The issue that is the focus of the complaint will determine the person contacted, the Customer Service Centre will be able to offer information on 0344 800 8020 or e-mail: information@norfolk.gov.uk.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed so far and any actions arising from the initial meeting.

- It is in everyone's interest, particularly any child or children affected, for concerns to be sorted out quickly and smoothly. However, it may be that the Headteacher or Assistant Headteacher will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- It is good practice for the Headteacher or Assistant Headteacher to make a brief written record of the concern discussed and what has been agreed and to write to you with a summary.

It is hoped that most concerns will have been resolved by this stage.

Stage 3: Formal complaint to the Headteacher

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further you may raise it through the formal procedure.

To do this please write a formal letter of complaint to the Headteacher. Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you include in your letter what resolution you are seeking. **If you need help with writing this letter please let the school know so we can seek to organise this.** You can, if you prefer, make a formal complaint in person or by telephone. Please note the section below on communication preferences and recording complaints.

- **Moving to the formal complaints procedure is a serious step.** In consideration of future relationships everyone concerned should concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.
- The Headteacher will acknowledge receipt of the complaint within five school days.
- The Headteacher will consider the complaint and in doing so will:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet or contact you if they need further information;
 - clarify what you feel would put things right if this has not been set out in your 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. 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 (please note this is not an admission of negligence);
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

- The Headteacher will discuss the outcome of their consideration of the complaint with you and will in most cases send a detailed written response within 10 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Concerns or complaints about the Headteacher

Where you are unhappy about the decision the Headteacher has made about a complaint, this does not become a complaint about the Headteacher. However, if the complaint is about the conduct of the Headteacher, and you feel that it has not been resolved at the informal stage then you should write a formal complaint to the Chair of Governors.

Our school office can provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the correspondence 'urgent, private and confidential'.

The Chair of Governors will acknowledge the complaint within 5 school days and will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in stage 3 to be followed.

Concerns or complaints about the Chair of Governors or an individual governor

A complaint about the conduct of the Chair of Governors or any other individual governor of Falcon Junior School that has not been resolved at the informal stage should be made in writing to the Clerk of Governors. Our school office can provide you with contact details. Such a complaint may need to be dealt with outside this procedure.

Stage 4: Formal complaint requesting a Governors' Complaints Panel hearing

If you are not satisfied with the response of the Headteacher, or Chair of Governors in the case of complaints specifically about the Headteacher, then you should write to the Chair of Governors, requesting a Governors' Complaints Panel hearing. Your letter should include the nature of the complaint that has previously been formally discussed under stage 3 and explain how the matter is not resolved. **If you need help with writing this letter please let the school know so we can seek to organise this.**

Our school office can provide you with our Chair of Governors' name and you should write to him or her at the school address, marking the correspondence 'urgent, private and confidential'.

The Chair of Governors, or if the Chair has been involved at any previous stage in the process another nominated governor, will then make arrangements to convene a hearing by a Governors' Complaints Panel.

On conclusion of the hearing by the Complaints Panel the Panel's decision is regarded as final and all stages of our school's complaints procedure are completed.

The Chair of Governors' or nominated governor arranging the Complaints Panel hearing will appoint a Panel Clerk (usually the Clerk of Governors) to provide administrative support. The Chair or nominated governor will ensure that the Headteacher is given a copy of the complainant's letter and will request written documentation regarding the complaint from the school.

The appointed clerk will send both the complainant's letter and the school documentation to the Panel members, the complainant, the Headteacher (and anyone else involved in the hearing) at least five school days before the hearing date.

The complainant and Headteacher will be invited to attend the Governors' Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support/represent them if they wish.

At the meeting

The complainant and Headteacher (or their representatives) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and headteacher (or their representatives) have provided all the information they wish, the Panel Chair will ask all parties to leave except the panel members and the clerk.

After the meeting

The Panel Chair will write to all concerned within 10 school days to explain the Panel's decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

Timescales for stage 4

Acknowledgement of complaint letter by Chair of Governors	Within 5 school days of receipt of receipt of complainant's letter
Governors' Complaints Panel hearing	Within 15 school days of receipt of complainant's letter unless this goes into school holidays*
Written documentation provided to Panel members, complainant and Headteacher	At least 5 school days before the hearing date
Governors' Complaints Panel decision communicated to all concerned	As soon as possible and within 10 school days of the hearing date

*If the letter requesting a Governors' Complaints Panel is received within 14 school days of the end of term or half-term it may not be possible to organise a Panel hearing. In this case the hearing will be arranged within 10 school days of the school reopening.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact a Children's Services Officer for assistance. In this case he/she should ring Customer Services on 0344 800 8020 who will arrange for an officer to get back to him/her.

Please also refer to the later section on the role of the School Complaint Unit.

Timeframe for complaints

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, unless there are exceptional circumstances, complaints made under this procedure will ordinarily be rejected if they are not brought within three months of the incident or action which is the reason of the complaint. Exceptional circumstances will be determined by the Headteacher/Chair of Governors on a case-by-case basis.

Ensuring independent review of the complaint

In case an Complaints Panel needs to be organised, complaints will not be shared with the whole governing body, except in very general terms.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, we will arrange for an independent panel to hear the complaint. We may approach a different school to ask for help, or the local authority Governor Services team.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. We will consider any such request, but ultimately the decision is made by our governors.

Concerns, complaints and school improvement

The process of listening to and resolving concerns and complaints can contribute to school improvement. When individual complaints are heard, we may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating our school's performance. The governing body may use complaints and will review their handling at regular intervals to inform school improvements and the effectiveness of the complaints procedure.

Communication preferences, and recording complaints

Whilst Falcon Junior School prefers that formal complaints are made in writing, we recognise that some complainants may have communication preferences due to disability or learning difficulties. Our school will at all times comply with its obligations under the Equality Act 2010 to ensure our complaints procedure is accessible to all.

- A complaint may be made in person, by telephone, or in writing.
- In order to prevent any later challenge or disagreement over what was said, we will keep brief notes of meetings and telephone calls and a copy of any written response. Where there are communication difficulties, we may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

- We will record the progress of the complaint and the final outcome. Our Headteacher is responsible for these records and will hold them centrally.
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts. Requests for copies should be addressed to our Headteacher.

Policy for unreasonable complainants

Falcon Junior 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Falcon Junior 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 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.

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 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 Falcon Junior 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 Falcon Junior School.

Barring from the school premises

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

If a parent's behaviour is a cause for concern, Falcon Junior School can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify the parent 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. Falcon Junior School will always give the parent the opportunity to formally express their views on the decision to bar in writing.

Any 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.

The role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

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

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or to provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

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

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

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Appendix – Roles and responsibilities

The complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The complaints co-ordinator (or Headteacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The investigator

The investigator is the person involved in Stages 1 and 2 of the procedure. The investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk

The clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;

- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Further information

Useful resources and organisations

- [Norfolk County Council - information on school complaints](#)
- [Complain about a school or childminder - government advice](#)
- [Citizens Advice](#)
- [National Governors Association](#)
- [Information Commissioner's Office](#)
- [Ofsted](#)
- [Department for Education](#)

Relevant departmental advice and statutory guidance

- [Section 29 of the Education Act 2002](#)
- [Department for Education 2016 best practice advice](#)
- [Governors Handbook](#)
- [Understanding and dealing with issues relating to parental responsibility](#)