

# Complaints Policy and Procedures

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**Formby High School**  
*Determined To Achieve*

## Introduction

The prime aim of this School Policy is to resolve a complaint as fairly and speedily as possible. Complaints will be dealt with in a sensitive, impartial and confidential manner. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

## Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the School.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with the School's Funding Agreement and Articles of Association.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Formby High School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## The difference between a concern and a complaint

The DfE guidance explains 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** is defined as "an expression of dissatisfaction, however made, about actions taken or a lack of action".

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Formby High School takes concerns seriously and will make every effort to resolve the matters as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Formby High School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, the appropriate Middle Leader, the appropriate member of the Senior Leadership Team or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the PA to the Headteacher. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the Clerk to Governors. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to Governors via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints**

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

## **Timescales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

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

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Formby High School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<p>Admissions to schools</p> <p>Statutory assessments of Special Educational Needs</p> <p>School re-organisation proposals</p>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Sefton Council.</p>
<p>Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding policies and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority's Designated Officer (Pauline Trubshaw) on 0151 934 3738 who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) - 0151 934 4013/4481.</p>
<p>Exclusion of children from school*</p>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i></p> <p><a href="https://www.formbyhighschool.com/wp-content/uploads/2019/03/Behaviour-Policy.pdf">https://www.formbyhighschool.com/wp-content/uploads/2019/03/Behaviour-Policy.pdf</a></p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<p>Staff grievances</p>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<p>Staff conduct</p>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

Exceptions	Who to contact
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint (for example the police, Local Authority (LA) safeguarding teams or Tribunals) this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Formby High School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, Formby High School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the incident complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

## Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

### Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the PA to the Headteacher. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's Senior Leadership Team but not the decision to be taken.*

Any written and/or evidentiary material must be provided by the complainant to the school in advance of the investigation. The school will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, he/she will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Formby High School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher or a member of the Governing Body (including the Chair or Vice Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk to Governors, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 1 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, he/she can escalate the complaint to Stage 2 – a meeting with members of the Governing Body's Complaints Committee, which will be formed of the first three, impartial, Governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to Governors, via the school office, within ten school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform him/her of the date of the meeting. He/she will aim to convene a meeting within fifteen school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three Governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Governors from Formby High School available, the Clerk will source any additional, independent Governors through another local school or through the Local Authority's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, he/she may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, he/she may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least seven school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from

Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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.

The Chair of the Committee will communicate the decision of the Committee to the complainant and Formby High School within three school days of the meeting. This will be provided in writing.

The letter will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Formby High School will take to resolve the complaint.

The letter to the complainant will also include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Formby High School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 2 will be heard by a committee of independent Governors. This Committee will be comprised of independent Governors from another local school or through the Local Authority's Governor Services team.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, he/she can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Formby High School. They will consider whether Formby High School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

### **Serial and Unreasonable Complaints**

Any complaint considered serial or unreasonable will be handled in accordance with procedures set out in Appendix 2. Examples of serial and unreasonable complaints are contained within Appendix 2.

### **Learning Lessons**

The Governing Body will review any underlying issues raised by formal complaints with the Headteacher/Senior Leadership Team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar occurrences in the future.

### **Monitoring Arrangements**

The Governing Body will monitor the effectiveness of the Complaints Procedure to ensure that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated above.

This policy will be reviewed by the Headteacher and Governing Body every three years. At each review, the policy will be approved by Governors.



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

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

Signature:	
Date:	
Official use	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Please use continuation sheet if necessary.

## **Procedure for Managing Serial and Unreasonable Complaints**

Formby High 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 our 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.

Formby High School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Formby High 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Formby High School.