



Excellence for All

## COMPLAINTS' POLICY

### Rationale

The Governing Board and Leadership Team of Manor Green School recognise the statutory requirement under Section 29 of the Education Act 2002 to have in place and implement when necessary a policy and procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful.

We are aware that under the Education Act 2002 parents have the right to complain directly to the Local Authority about any matter relating to the school's curriculum and any issue relating to the general education that we provide.

We believe that we can keep complaints to a minimum by forging strong positive relations with everyone connected with the school and by having in place very good lines of communication.

Complaints from staff fall outside of this policy and will be dealt with in accordance with the school's Grievance Procedure.

### Aims

- a) To deal with any external complaint against the school or any individual connected with it by following the correct procedures.
- b) To deal with all external complaints thoroughly and by being open, honest and fair when dealing with the complainant.
- c) To work with other schools to share good practice in order to improve this policy.

This policy sets out to ensure the complaints procedure

- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation by an independent person where necessary
- respects people's desire for confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the Leadership Team so that the services can be improved.

## Complaints

### 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 the school provides, unless separate statutory procedures apply. The school does not limit complaints to parents or carers of students that are registered at the school.

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

## Complaints' Procedure

### The Procedure

A complaint can be made in person, by telephone, or in writing ([head@manorgreenschool.co.uk](mailto:head@manorgreenschool.co.uk)). A member of the public who does not have a student attending the school may make a complaint directly to the Headteacher at Stage 2 below. The PA to the Headteacher will keep brief notes of who made the complaint, the complaint, the date, and agreed next steps, any emails or letters will also be kept. The complaints' procedure will be followed and is divided into the following stages.

### Stage 1 – Informal

Any concerns about the school or the education provided should be discussed with the student's class teacher or Head of Department at the earliest opportunity.

- a) The School considers any concerns very seriously and most problems can be resolved at this stage, including asking the complainant at an early stage what they think might resolve the issue.
- b) To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- c) Should the matter not be resolved within 15 school days or in the event that the class teacher and the parent fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their concern in accordance with Stage 2 procedures.

### Stage 2 – Headteacher's investigation

The complainant should speak to or write to the Headteacher, who will look into their concern.

- a) The Headteacher will decide, after considering the complaint, the appropriate course of action. If the complaint is about the Headteacher, the complaint will be passed directly to the Chair of the Governing Board. If the complaint is about the Chair of Governors or any individual Governor, the complaint will be passed in writing directly to the Clerk of the Governing Board, who will follow procedures in accordance with governance guidelines.
- b) In most cases, the Headteacher will contact the complainant within 5 school working days of receiving the complaint, to discuss the matter. If possible a resolution will be reached at this stage.
- c) It may be necessary for the Headteacher to carry out further investigations, in which case a definitive answer will be given within 10 further school working days (15 days in total).
- d) To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- e) . The complainant will be provided with copies of any minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.
- f) Once the Headteacher is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Headteacher will give reasons for the decision.

- g) If the complainant is still not satisfied with the decision, they should write to the Chair of Governors. The letter should be marked '*private and confidential*' and handed in to the School.
- h) Stage 3 will commence.

### **Stage 3 – Chair of Governor’s investigation**

The complainant should speak to or write to the Chair of Governors, who will look into their concern or arrange for another governor to do so.

- a) The Chair of Governors will decide, after considering the complaint, the appropriate course of action. If the complaint is about the Chair of Governors, the complaint will be passed to the Clerk of the Governing Board
- b) In most cases, the Chair of Governors will respond to the complainant within 5 school working days of receiving the complaint. If further investigation is needed, a response will be given within 15 further school working days (total of 20 days)
- c) The Chair of Governors will keep written records of all meetings and interviews held in relation to the complaint. The complainant will be provided with copies of any minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.
- d) Once the Chair of Governors is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Chair of Governors will give reasons for the decision.
- e) If the complainant is still not satisfied with the decision, they should write to the Clerk of the Governing Board. The letter should be marked '*private and confidential*'.
- f) Stage 4 will commence.

### **Stage 4 – Governors’ Appeal Panel**

The Chair of Governors will convene a panel of Governors to review the complaint. This panel will be clerked and will consist of three Governors who have no prior knowledge of the complaint. It will consider written and verbal submissions including from the complainant, the Headteacher and Chair of Governors.

- a) The panel will then acknowledge the complaint and schedule a hearing to take place as soon as practicable within 10 school working days.
- b) To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school’s ICT system and, where appropriate, encrypted.
- c) If the panel deems it necessary, it may require that further particulars of the complaint and any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 4 working days prior to the hearing.
- d) The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- e) If possible, the panel will resolve the complaint immediately without the need for further investigation.
- f) Where further investigation is required, the panel will decide how it should be carried out. After due consideration of all the facts they consider relevant, the panel will reach a decision and may make recommendations, which it shall complete within 5 school working days of the hearing.
- g) The panel will write to the complainant informing them of the final decision and the reason for it.
- h) The panel’s findings and, if any, recommendations will be sent in writing to the complainant, the Headteacher, the Chair of Governors and, where relevant, the person complained of.

The complainant will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

### **Final Stage**

If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the school will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate
- to maintain professional relationships

### **Confidentiality**

- Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the school by section 162A of the Education Act 2002; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.
- The school will not investigate anonymous complaints or allegations, but confidentiality will be respected.

### **Recording Complaints**

Written records will be kept of all formal complaints, and of whether they were resolved at a preliminary stage or proceeded to a panel hearing. Records will be maintained by the PA to the Headteacher and copies will be kept on the school premises available for inspection. Individual complaints may be revealed to the Secretary of State as well as inspectors operating under section 162A of the Education Act 2002.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

## **Responsibilities**

### **Governing Board**

Responsible for:

Manor Green School  
Complaints Policy  
Ratified May 2021

- adopting the policy and procedures in this document
- appointing where necessary an independent panel to hear complaints, when the complainant is not satisfied with the school response
- receiving reports and findings from the panel
- receiving reports from the Headteacher and advising the Headteacher

### **Appeal Panel**

Responsible for:

- making all parties aware of and understand the procedures involved
- ensuring the issues are addressed
- ensuring key findings of fact are established
- ensuring the hearing is conducted as informally yet professionally as possible
- ensuring the panel have an open-mind and act independently
- ensuring no member of the panel has a vested interest in the outcome, or has been involved in the issues previously
- ensuring all parties have the chance to be heard
- ensuring any written material is seen by all parties involved in the complaint
- ensuring findings are communicated to the complainant and school within 5 days of the hearing

### **Clerk to the Governing Board**

The Clerk must act as the reference point for the complainant when the complainant has not been satisfied with the school's response.

Responsible for:

- setting convenient dates, times and venues for hearings
- collating any written material and forwarding it to the parties involved
- meeting and welcoming the parties
- recording the proceedings
- notifying the parties of the decision

### **Headteacher**

Responsible for:

- the overall internal management of the procedures
- ensuring that there is both an informal and formal procedure
- ensuring that the written policy and procedures are available to parents, students and members of the public on request
- hearing complaints at the second stage
- ensuring that the procedures are monitored and reviewed with regular reports made to the Governing Board

### **Class Teachers/Heads of Department**

Responsible for:

- dealing with and where possible resolving concerns/complaints concerning any students in their class group
- reporting any complaints to senior staff

### **All Staff**

Responsible for:

- hearing concerns brought to them by parents and students and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff; informing the relevant member of staff of the concerns
- passing on any complaints received from other people who are not parents or students to the Headteacher.

## **Complainant**

Responsible for:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

## Complaints not covered by this policy

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to the school</li> <li>• Statutory assessments of Special Educational Needs and Disabilities (SEN+D)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with the Local Authority.</p> <p>Complaints about school admissions should be directed to the appropriate admissions authority.</p> <p>Complaints about admissions appeals should be addressed to the Local Government Ombudsman</p>
<ul style="list-style-type: none"> <li>• Exclusion of students from school</li> </ul>	<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>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Follow the school's whistleblowing procedure. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>
<ul style="list-style-type: none"> <li>• Complaints about child protection matters will be handled in line with the school's Safeguarding Policy and in accordance with statutory guidance</li> <li>• Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH)</li> </ul>	<p>Head of Wellbeing and Safeguarding</p>
<ul style="list-style-type: none"> <li>• This complaints' policy is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The Headteacher will ensure all third-party suppliers have their own complaints' procedure in place and all complaints concerning this should be directed to the service provider</li> </ul>	
<ul style="list-style-type: none"> <li>• Requests for information and issues with the school's processes for dealing with FOI requests will be dealt with in accordance with the school's Publication Scheme</li> </ul>	

## Exceptional Circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

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

## **Serial or Persistent Complaints**

The school will help and support those who contact them with a complaint or concern or request information. Sometimes, however, the school may be repeatedly contacted with regard to the same information and points asking for the school to reconsider the position or decisions made. If the complainant tries to repeatedly re-open the same issue once the procedure has been completed, this will be considered serial or persistent and appropriate action will be taken. The application of a serial or persistent marking will be against the subject or complaint itself rather than the complainant.

The Chair of Governors can inform the complainant that the case has been closed.

The school recognises that all complainants have the democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached.

The school believes the decision to stop responding should never be taken lightly. The school needs to be able to say yes to all of the following:

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

The case to discontinue responding is stronger if the school agrees with one or more of these statements:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The school will continue to respond professionally and will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances, the school will refuse to respond to the subject matter. It is the subject matter that the school can refuse to respond to, not the complainant.

The school will provide parents with the information they are entitled to under The Education (Student Information) (England) Regulations 2005 (S.I. 1437) and subsequent amendments in the School Information (England) Regulations 2008 (S.I. 1471).

However, where an individual's behaviour is causing a significant level of disruption the school may implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of

contacts per term.

The school recognises that complainants have a right to have any new complaint heard, and obstruction by a school could result in the complaint being referred to the Department for Education.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA, who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps.

Once the school has decided that it is right to stop responding, the Headteacher or Chair of Governors will let the complainant know; ideally through a hard copy letter, but an email will suffice.

## Unreasonable Complaints

The School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the School, hinder the School's consideration of their or other people's complaints'*.

A complainant may be regarded as unreasonable who:

- a) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- b) refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- c) refuses to accept that certain issues are not within the scope of this complaints procedure;
- d) insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- e) 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 or to their own timescales;
- f) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- g) changes the basis of the complaint as the investigation proceeds;
- h) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed). For the purpose of this policy, duplicate complaints are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- i) any new details provided by the complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints' procedure.
- j) refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- k) seeks an unrealistic outcome;
- l) 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 complainant may also be considered unreasonable if they make their complaint whether 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;
- using falsified information;
- publishing unacceptable information in a variety of media such as social media websites and newspapers

Complainants should limit the number of communications with the 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.

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 the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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.

## Complaints Campaigns

- a) For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject.
- b) Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website.
- c) If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

- d) If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

### **Banning from the School premises**

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

If an individual's behaviour is a cause for concern, the school can ask him/her to leave the school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, the school will put it in writing and explain how the decision can be appealed. The school will give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision will then be reviewed and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being banned can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about banning cannot be escalated to the Department for Education. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the school website
- the Staff Handbook
- the School Bus Compliance Manager
- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- school events
- meetings with school staff
- Headteacher's reports

### **Training**

We ensure all school staff have equal chances of training, career development and promotion.

Periodic training will be organised for all school staff so that they are kept up to date with new information and guide lines concerning equal opportunities.

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex orientation and sex.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010. As it is fair, it does not prioritise or disadvantage any student and it helps to promote equality at this school.

### **Monitoring the effectiveness of the policy**

- The Headteacher (delegated to the PA) logs all complaints received by the school and records how they were resolved. Governors discuss this log annually.
- A continuous process of self-evaluation by the governors will monitor the process of dealing with complaints.
- Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.

### **Review of Procedure**

This procedure shall be subject to periodic review and may be changed from time to time.

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The Governing Board approved this policy on date: 13<sup>th</sup> May 2021

Signed: Richard Pelly, Chair of Governors

Signed: Joolz Scarlett, Headteacher

**Flowchart**

**Complaints Procedure**

