



**CANSFIELD**

ACHIEVING EXCELLENCE TOGETHER

# Complaints Procedure

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<u>Policy Review Date</u>	September 2023
<u>Chair of Governors</u>	<i>Laches</i>
<u>Headteacher</u>	<i>ER</i>

## 1. Purpose of the Complaints Procedure

This procedure aims to reassure parents and others with an interest in Cansfield that:

- any complaint against Cansfield will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- Cansfield recognises that a willingness to listen to comments and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

## 2. Scope of the Procedure

The procedure takes account of the *Best Practice Advice for School Complaints Procedures* (2021).

Complainants may be anyone with an interest in the work of the school e.g. parents, carers, guardians, grandparents, neighbours. However, it is expected that it will be mainly parents or guardians who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term, but the procedure also applies in relation to any other type of complainant.

A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work.

This procedure covers all complaints about the provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures:

Exceptions	Who to contact
Admissions to schools	Concerns should be raised directly with local authority: LA Admissions Team 01942 489013
Statutory assessments of Special Educational Needs and Disability	Concerns should be raised directly with local authority: LA SEND Team – 01942 486136
School reorganisation proposals	School re-organisation – contact details will be stated in any re-organisation proposal consultation document.
Safeguarding	Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. It is not for the school to investigate or make a judgment about possible abuse or neglect, but they must refer any concerns they may have to the appropriate organisation. Further information on safeguarding referrals can be found at: <a href="https://www.wiganlscb.com/home.aspx">https://www.wiganlscb.com/home.aspx</a> .
Allegations of professional abuse	Allegations of abuse or inappropriate conduct, or concern, regarding a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. Further information about managing allegations of professional abuse can be found at <a href="https://www.wiganlscb.com/home.aspx">https://www.wiganlscb.com/home.aspx</a> .
Staff grievances and disciplinary procedures	These matters will be dealt with through the school's internal disciplinary or grievance procedures. Complainants will not be informed of the outcome of any investigation.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a> .
Whistleblowing	The school has an internal whistle-blowing procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted.
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. They should be contacted directly.

### **3. General**

The complainant may request advice or guidance from Wigan Council's People Directorate: Children and Families on the application of these procedures. However, it is the responsibility of the school to investigate the complaint and make any decisions on the outcomes.

At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the school's records, but be held separate from individual pupil records.

If at any stage in the procedure it becomes apparent that the complaint falls outside the remit of these procedures, parents will be informed.

Complaints should be made as soon as possible after an incident arises and usually within three months, however, exceptions may be granted in extenuating circumstances.

Extensions to timelines will be at the discretion of the Chair of the Governing Body.

### **4. 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.

### **5. Serial or Persistent Complaints**

If the complainant contacts the school repeatedly about the same matter, then such communications may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must not mark a complaint as 'serial' before the complainant has completed the procedure. The decision to stop responding should never be taken lightly. A 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 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;
- their letters / emails / telephone calls are often or always abusive or aggressive;
- they make insulting personal comments about or threats towards staff.

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

Where the Headteacher and / or Chair of Governors judges a complaint to be serial or persistent they should take appropriate action which may include rejecting the complaint and / or restricting contact between the complainant and the school.

The Headteacher or Chair of Governors, as appropriate, should write to the complainant and explain this decision and the reasons for it and what action will follow, if applicable.

Where a complainant seeks to reopen a matter which is the same as, or similar to, a matter previously considered under the procedure, the Headteacher or Chair of Governors has the right to inform him / her that the procedure has been exhausted and the matter is closed.

The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information requests, 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of a formal procedure'. An exemption therefore exists in Section 14(1) of the FOI Act. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

## **6. Banning from School Premises**

Schools are private places; the public has no automatic right of entry. If an individual's behaviour is a cause for concern, a school can ask them to leave school premises.

In serious cases, the Headteacher or the local authority can notify them in writing that their implied permission to be on school premises has been temporarily removed subject to a later review. If this decision is taken, schools are advised to always put it in writing and explain how the decision can be appealed. Schools should also give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision should then be reviewed and either confirmed or lifted. If the decision is confirmed, the individual should 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 procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **7. Withdrawal of Complaints**

Complaints may be withdrawn at any stage by the complainant by giving notice in writing.

## **8. Stage 1: Informal Stage**

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information, or has misunderstood a situation. Regardless of this, we will aim to resolve the concern at this point in a speedy and effective way.

However, if the concern is not resolved immediately and the parent confirms they wish the matter to be dealt with as a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Headteacher, Head of Faculty, member of the pastoral team.

In the case of a complaint against the Headteacher, the complainant should, whenever possible, discuss their concerns with the Headteacher in the first instance. However, should the complainant be unable to do this, then they may proceed directly to Stage 2 of the procedure by writing to the Chair of Governors via the School Office, marking the letter 'Private and Confidential'.

If a parent raises a complaint with a governor, then the governor should refer the complainant to the Headteacher or appropriate member of staff.

The member of staff will discuss the issue with the parent and those involved in school, with the aim of resolving the complaint as soon as possible. The parent will be informed in writing of the outcome of the investigation and what action, if any, the school proposes to take.

It is anticipated that most complaints will be resolved at this stage. However, if the informal process has been exhausted and no satisfactory solution has been found, the parent will be informed by the Headteacher of how to progress the matter to Stage 2 of the school's Complaints Procedure.

### **9. Stage 2: Referral to the Chair of Governors or the Headteacher for Further Investigation**

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher, via the School Office using the form attached at Appendix 4. The form should be submitted within ten school days of receiving the written response at Stage 1. A copy of the form should be retained by the parent.

Where the complaint has been addressed by the Headteacher at Stage 1, Stage 2 will be undertaken by the Chair of Governors. Where another staff member has addressed the complaint at Stage 1, this stage will be heard by the Headteacher.

The Chair of Governors or Headteacher will acknowledge the written complaint within five school days of receipt and provide an opportunity to meet the parent to discuss the complaint within the following ten school days.

Following discussion with the parent, the Chair of Governors or Headteacher will investigate the complaint and a written response will whenever possible be made within fifteen school days of the meeting. Where the parent refuses the offer of such a meeting the Chair of Governors or Headteacher will inform the parent of the outcome of their investigation within fifteen school days of receipt of the written complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised date by which they will respond.

The written response will include full reasons for the conclusions reached by the Chair of Governors or Headteacher and what action, if any, the school proposes to take to resolve the matter. The written response will also inform the parent how to progress the matter to Stage 3 of the school's Complaints Procedure if they believe that the matter has not been adequately resolved at Stage 2.

### **10. Stage 3: Review by the Governors' Complaints Panel**

If the parent remains dissatisfied, they will be advised that, to progress the complaint further to Stage 3, they must notify the Clerk to the Governing Body in writing within ten school days of receipt of the written response at Stage 2, enclosing a copy of the original complaint form.

Except in exceptional circumstances, should the parent not inform the Clerk to the Governing Body of their intention to proceed to Stage 3 within ten school days of receipt of the written response at Stage 2, the complaint will be considered closed.

Complaints only rarely reach Stage 3. However, when the need arises, the Governors' Complaints Panel will consider complaints at this stage (See Appendix 2).

A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the procedure will be sent to the parent by the Clerk to the Governors within five school days.

The letter will inform the parent that the complaint will be heard by the Governors' Complaints Panel (GCP) within twenty school days of receiving the complaint. Any request, by either party, to extend this time limit must be put in writing to the Clerk to the Governing Body. The letter will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk within five school days of receipt of the acknowledgement letter. The right of the parent to be accompanied by a companion of their choice and the right to call witnesses to the meeting, subject to the approval of the Chair of the GCP, will also be explained in the letter. The Clerk to the Governing Body should be informed of the names of any witnesses being called and their relevance to the complaint.

The Clerk to the Governing Body will send a copy of the letter of acknowledgement to the complaint to the Chair of Governors and/or Headteacher and will request that a copy of the written response made at Stage 2, and any other documents for consideration at the hearing, be submitted within five school days of receipt of the letter. The right to call witnesses to the meeting, subject to the approval of the Chair of the GCP, will also be explained in the letter. The Clerk to the Governing Body should be informed of the names of any witnesses being called and their relevance to the complaint.

The Clerk to the Governing Body will then convene a GCP meeting, having consulted with all parties on convenient times. The date, time and venue for the meeting will then be confirmed at least ten school days in advance.

All relevant documents provided by both parties will be forwarded by the Clerk of the GCP to: the parent; the Chair of Governors and / or Headteacher; and each panel member. These will be provided as soon as possible and, in any event, at least five school days prior to the meeting. The meeting will be held following the procedures for hearing a complaint detailed in Appendix 2 and 3.

Failure by the parent to attend the hearing without reasonable cause could result in the hearing going ahead and a decision being made in their absence. The decision to proceed with the hearing without the presence of the parent will be at the discretion of the GCP.

The parent has the right to request that their complaint is heard by an independent panel if they believe there is likely to be bias in the proceedings. Governing Bodies should consider the request, but the final decision is theirs.

A written decision will be sent to the parent and the Chair of Governors and / or Headteacher by the Chair of the GCP within ten school days of the hearing. The letter will give details of the decision of the GCP and confirm that the decision of the panel is final.

If the Complaints Procedure has been exhausted 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, however will only act where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The Secretary of State's powers, in respect of Local Authority maintained schools in England, are delegated to the Schools Complaints Unit (SCU). The SCU will examine if the complaint policy and any other relevant statutory policies were followed in accordance with the provisions they set out. The SCU also examines policies to determine if they 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 the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, the school may be required to re-consider the complaint.

The Local Authority has no role in reviewing the application by the school of its Complaints Procedure or in investigating the outcome of complaints (other than those detailed in section 2).

## **11. Complaints Concerning a Governor**

In the case of a complaint made against a governor, the Chair of Governors will investigate the matter and then decide on any appropriate action. Where appropriate this could include making a recommendation to the Governing Body about possible suspension. Where the complaint is against the Chair of Governors, the Vice-Chair will undertake the investigation and reach a decision. The Chair or Vice-Chair will write to the complainant giving details of their decision within fifteen school days of receipt of the complaint.

The complainant can appeal against the decision of the Chair or Vice-Chair within a maximum of ten school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints

committee, or may, where they think it appropriate, appoint three other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Where it is not possible to appoint three governors with no prior involvement of the case School Governance (Collaboration) (England) Regulations 2003 may be utilised to enable the Governing Body to arrange for this function to be discharged jointly with other schools.

## **12. Appendix 1: Policy for Unreasonable Complainants**

Cansfield 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 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. Cansfield High 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of the school's 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 Complaints Procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated, and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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 Cansfield 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 usually be reviewed after 6 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 Cansfield High School.

## **13. Appendix 2: Governors' Complaints Panel**

### **13.1 Role**

The panel has the power to make decisions on behalf of the Governing Body and may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint if the complaint is upheld;
- where appropriate recommend, to the next meeting of the full Governing Body, changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **13.2 Membership**

A pool of governors will be named for this purpose from which three governors will be appointed. Where it is not possible to appoint three governors with no prior involvement in the case the Governing Body may choose to utilise School Governance (Collaboration) (England) Regulations 2003 to arrange for this function to be discharged jointly or wholly by governors from other schools. No member of the General Complaints Panel should have had prior involvement with the complaint or complainant. The Chair of the General Complaints Panel will be agreed prior to the meeting.

The Headteacher will not be a member of the General Complaints Panel. If the Chair of the Governing Body has been involved at an earlier stage in the procedure they also should not be a member of the General Complaints Panel. Their role would be to attend the panel hearing to give evidence of what had been done to address the complaint in earlier stages.

## **14. Appendix 3: Governors' Complaints Panel Procedures for Hearing a Complaint at Stage 3**

The aim of the meeting is to resolve the complaint and achieve a satisfactory outcome for the parent and the school. The Chair of the GCP will ensure that the meeting is properly managed and minuted. Although the meeting will follow the structured order below, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease, given potential sensitivities and anxieties. If new information or witnesses are introduced at the meeting which had not previously been notified to all parties, the panel may adjourn the meeting so that everyone has time to consider and respond to the new information

Order of Meeting:

1. The Chair welcomes the parent and their companion, and the Headteacher and Chair of Governors to the meeting and introduces the GCP.
2. The Chair explains the purpose of the meeting, the procedure, and asks for confirmation that all written evidence has been made available to all parties.
3. The parent (or their companion) will outline their complaint and explain why they are dissatisfied with the school's response to date. The parent may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information. Witnesses may be questioned by all parties.
4. The GCP and Headteacher / Chair of Governors will have the opportunity to ask questions of the parent.



5. The Headteacher and / or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at Stages 1 and 2. The Headteacher and / or Chair of Governors may call any witnesses who will attend the meeting only for the time that they are providing information. Witnesses may be questioned by all parties.
6. The governors and parent will have the opportunity to ask questions of the Headteacher / Chair of Governors.
7. The Headteacher / Chair of Governors then the parent will be given the opportunity to sum up their statements. No new information may be introduced at this stage.
8. In exceptional circumstances the panel may decide at any stage to adjourn the hearing pending further investigation.
9. Both parties will leave the meeting and the panel will then consider the information that has been presented. The Clerk will remain for this part of the meeting in order to clarify anything, if necessary, but the governors' deliberations will not be minuted.
10. The GCP will consider the complaint and must reach a majority decision. The GCP will also decide what action (if any) to take to resolve the complaint and, if appropriate, recommend to the full Governing Body changes to ensure similar complaints are not made in future.
11. When a decision has been made, the Chair first recalls the parent, then the Headteacher / Chair of Governors and each is informed of the outcome and any recommended action to be taken.
12. The Clerk will confirm all outcomes in writing to both parties.

**15. Appendix 4: Form to Notify Formal School Complaint (Stage 2 and / or Stage 3)**

Your name:  
Student's name (if applicable):  
Your relationship to the student (if applicable):  
Address:  
Postcode:

Daytime telephone number:  
Evening telephone number:

Please give details of your complaint (continue on a separate sheet if necessary).

What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?

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

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

Signature:

Date:

**FOR SCHOOL USE:**

Date acknowledgement sent:  
By whom:  
Complaint referred to:  
Date:

Please complete and return to ..... (Headteacher / Chair of Governors c/o the School Office) who will acknowledge receipt and explain what action will be taken.