

# **COMPLAINTS POLICY**

Codsall Community High School – Bilbrook CE (VC) Middle School – Perton Middle School

Codsall High Federation of  
Schools

## **COMPLAINTS POLICY**

**March 2022**

(Review Date: August 2023)

Codsall High Federation of Schools (CHFS) views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person (complainant) that has made the complaint.

Our policy is:

- To provide a fair complaints policy which is clear and easy to use for any person wishing to make a complaint; whether it be from parents and carers of children at the school to members of the general public who wish to raise concerns about the provision of facilities or services that the school provides.
- To publicise the existence of our complaints policy so that people know how to contact us to make a complaint
- To make sure all complaints are investigated fairly and in a timely way
- To make sure all complainants are treated respectfully during the course of the complaint.
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do.

### **Stage 1 - Expressing Concerns**

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about in order for reassurances to be sought. Our complaints policy is not intended to replace the normal informal discussions that take place between parents/carers and teaching staff.

If your concern is more serious you may prefer to make an appointment to discuss it with the member of staff concerned, a member of the school's leadership team, the Head of School, or, ultimately, the Executive Headteacher. All staff will make every effort to resolve your problem promptly at this informal stage.

### **Formal Complaints**

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution.

In most cases it will be your choice as to whether to mount a formal complaint, but CHFS reserves the right to utilise the formal complaint policy where the

CHFS feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the school will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to CHFS you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but CHFS will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint. A form for submitting your complaint is attached to this policy as Appendix 1.

Please be aware that CHFS reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the CHFS within 8 weeks of the alleged incident occurring. However, CHFS will consider any complaint outside of that timescale in certain circumstances.

### **Monitoring and Recording of Complaints**

All complaints will be given a unique reference number, and recorded on the complaints log CHFS will ensure that the relevant letters are sent, deadlines are met and accurately record the details of each complaint.

### **Stage 2 - Complaint to the Executive Headteacher/Head of School or Chair of Governors**

If your complaint has not been solved through informal discussion, or it is considered to be of a sufficiently serious nature, then it will be investigated through the formal stage of the policy i.e. Stage 2.

This will involve either;

- a) Investigation by the Executive Headteacher or Head of School (where the Executive Headteacher or Head of School is not part of the complaint). The Executive Headteacher or Head of School may delegate the investigation to another member of staff but not the decision on the action being taken.  
Or
- b) Investigation by the Governors (where the Executive Headteacher or Head of School is part or subject of the complaint)

If the complaint is about the Executive Headteacher or Head of School it will be considered by the Chair of Governors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the Executive Headteacher /

Head of School and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

Where the complaint is about the Chair of Governors then you should submit your complaint to the Clerk of Governors.

If the complaint is about the Governing Body, please refer your complaint to the Secretary of State. Contact details can be found at the end of this policy.

When we receive your complaint, a letter of acknowledgment will be sent to you within 5 school days. We will arrange to meet with you to explore your complaint and what can be done to resolve your issues.

If CHFS are unable to resolve your complaint in an initial meeting with you then CHFS may carry out an investigation of your complaint.

On completion of this Stage 2 investigation, when all relevant persons have been given the opportunity to give their response, we will send you a formal written outcome. CHFS will endeavour to respond, in writing to a Stage 2 complaint within **four to six weeks** after receiving the initial complaint.

Where concerns cannot be resolved by the Executive Headteacher or Head of School (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body's Complaints Committee (**Stage 3**). The attached form **Appendix 1** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

### **Stage 3 - Governing Body Complaints Committee**

You should write to the Chair of Governors if you consider your complaint remains unresolved through the earlier stages. You should do so stating the grounds for your appeal, within 10 school days of receiving the outcome of the investigation at Stage 2.

When a formal complaint is received by the Chair of Governors, a letter of acknowledgement will be sent to you within 5 school days to confirm the appeal process.

If a complaint has been referred to a governing body complaints committee ("the Panel ") then the Panel will arrange to meet to consider the complaint. The Panel will endeavour to provide you with a written response within **14 calendar days** after the meeting.

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The Executive headteacher / Head of School and Chair of governors will not be members of this panel, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint. You have the right to request an

independent panel, if you believe there is likely to be bias in the proceedings. Your request will be considered and the Governors will make the final decision as to the membership of the panel.

You will be given the opportunity to attend the complaints meeting to make representations in person, and you will have the right to bring a friend/family member or other supporter. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it may be held in your absence.

The Panel may request the services of a Clerk.

### **Governing Body Complaints Committee (the Panel) – Procedure**

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. In normal circumstances the Executive Headteacher/Head of School and/or Chair of governors may also attend the meeting, but will not take any part in the decision-making process. A typical complaints meeting may adopt the following structure:

- The meeting will be as informal as possible.
- Witnesses may be required to attend but only for the part of the meeting in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
- The Executive Headteacher / Head of School / Chair of Governors may ask questions of both you and your witnesses after each has spoken.
- The Executive Headteacher / Head of School / Chair of Governors will then be invited to explain CHFS' actions and will be followed by CHFS witnesses.
- You may ask questions of both the Executive Headteacher / Head of School / Chair of Governors and the witnesses after each has spoken.
- The Panel may ask questions at any point.

- You will then be invited to sum up your complaint.
- The Executive Headteacher / Head of School / Chair of Governors will be invited to sum up CHFS' actions and response to the complaint.
- The panel chair will explain that both parties will hear from the Panel in writing within a set time scale.
- Both parties leave together while the panel remains to decide on the issues and reach a conclusion.

The above procedures for the complaints meeting may vary with the approval of all parties, for example you may wish to meet the Panel without the Executive Headteacher or Head of School being present. Where this is the case you should be aware that it will still be necessary for the Panel to meet with the Executive Headteacher or Head of School as part of the process.

### **Outcomes of Investigations**

Whether the complaint has been investigated by the Executive Headteacher, Head of School, Chair of Governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation, detailing how the conclusion has been reached, and enclose a copy of the minutes. The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided.

The Complaints Committee may reach the following conclusions:

- 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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

### **Persistent or Vexatious Complaints**

CHFS is committed to dealing with all complaints fairly and impartially, and to provide a high quality of service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

CHFS 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 12 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:

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- 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 Executive headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

### **The Role of Staffordshire County Council (Local Authority)**

The Local Authority does **not** have a statutory duty to consider school complaints and you do **not** have a right of appeal to the Local Authority should you disagree with a decision of the governing body. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the governing body followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

If you wish to raise the matter with Staffordshire County Council please write to:

Commissioner for Learning and Skills  
Wedgwood Building  
Tipping Street  
Stafford ST16 2DH

In your letter please explain:

- what your complaint to the governing body was;
- what response they have made to it;
- why you think that the governing body has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint.



## **The Role of the Secretary of State for Education (the Department for Education)**

If the complaint is about the Governing Body or; if you have followed our complaints procedure and you still remain dissatisfied and feel that the Federation has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the **School's Complaints Unit (SCU)** within the Department for Education at the address below:-.

The Schools Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor Piccadilly Gate  
Manchester  
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action.

### **Monitoring and Review**

The Governing Body will review this complaints policy on a regular basis. The School log will log all formal complaints received by the school and will record how they are resolved. Governors will examine the complaints log on a regular basis and will consider the effectiveness of the complaints policy, the handling of complaints received and improvements that are required by the policy or other school procedures.

**Appendix 1**



**Codsall High Federation of Schools**

**Complaint Form**

**Please complete and return to .....(Mr Neil Eveson)  
who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**E-Mail address:**

**Please give details of your complaint.**

**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 might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Appendix 2 - 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**

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, Executive Headteacher, Head of School, 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:-

- o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- o consideration of records and other relevant information;
- o interviewing staff and children/young people and other people relevant to the complaint;
- o analysing information; 16

- 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 (this could be Clerk to the Governors or the Complaints Coordinator)**

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; 17
- 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. 18 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.