GOVERNING BOARD

COMPLAINTS PROCEDURE & POLICY FOR MANAGING SERIAL AND UNREASONABLE COMPLAINTS

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APPENDIX

In accordance with Section 29(1) of the Education Act 2002, the Governing Board has adopted the following Procedure.

Executive Summary

This Complaints Policy and Procedure outlines Springside School approach for dealing with and responding to complaints. The procedure sets out what will happen when a complaint is received at either the informal or formal stage or the timescale that will be used to respond to the complaint. It also details how to escalate concerns if a complainant remains dissatisfied after receiving a response to their complaint.

A complaint must be submitted within 3 months of the incident, being complained about, occurring. After the informal stage there are 2 further stages:

- ✓ Stage 1 – Formal complaint to the Headteacher or Chair of Governors if the complaint is about the Headteacher. This should be submitted within 5 school days of any informal approach, unless there are exceptional circumstances.
- ✓ Stage 2 – A meeting with the Governing Board's Complaints Committee. This should be submitted within 10 school days of the receipt of the stage 1 outcome, unless there are exceptional circumstances.

The policy and procedure also provides:

- Guidance on Governor involvement in complaints, how they shouldn't be approached and when Governors will consider a complaints
- How anonymous complaints will be dealt with
- The timescales involved in the complaints process
- Information relating to complaints and social media
- Details on the scope of the procedure as to what elements will not be considered under the procedure as other statutory procedures exist
- An explanation of roles and responsibilities for those involved in the procedure
- Information on how a school will deal with a complaint where there is shared parental responsibility
- Information on how the school will deal with complaint campaigns
- Details of how the school will manage serial and persistent complainants and barring from school premises
- Details of the informal, 2 formal stages of the procedure, and how a complainant can raise their concerns with the DfE following completion of the schools procedure, if they believe the school did not handle the complaint in line with its procedure or acted unlawfully or unreasonably

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 Springside 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.

Throughout the process, the school will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Duplicate complaints

After closing a complaint at the end of the complaints procedure, the school may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, the new complainant will be informed that the school has already considered that complaint and the local process is complete. The complainant will be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

The school should take care not to overlook any new aspects to the complaint that may not have previously been considered. These should be investigated and dealt with to the full extent of the complaints procedure.

The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be 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. Springside School takes concerns seriously and will make every effort to resolve the matter 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 or the Complaints Administrator if one is used. 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, Springside 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 of a complainant, as long as they have appropriate consent to do so. This consent should be provided as part of the complaint process (see appendix 1).

Concerns should be raised with either the Class Teacher or 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. If a Governor is approached directly, they should not discuss the matter and should advise the complainant of the schools procedure.

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

Complaints about the Chair of Governors, any individual Governor or the whole Governing Board should be addressed to the School Based Clerk to the Governing Board via the school office. Please mark them as Private and Confidential. Where a complaint concerns the Chair of Governors, the individual should contact the School Based Clerk to the Governing Board. Informal resolution will be sought, but where this fails, the complaints procedure at the formal stage will take immediate effect. The Vice Chair or an Independent Investigator will mediate any proceedings.

For ease of use, a template complaint form is included at appendix 1. 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.

Time scales

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 only consider complaints made outside of this time frame if exceptional circumstances apply. Any escalation of your complaint between stages must be within the timescales specified within this procedure unless there are exceptional circumstances. It will be for Springside School to determine what constitutes exceptional circumstances.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss any concerns or complaints publically via social media such as Facebook and X (formerly Twitter). All concerns raised will be taken seriously. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

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.

APPENDIX

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Springside School.

Complaints that are dealt with under other statutory procedures, including those listed below, will not be considered under the School's Complaints Procedure and any complainant will be advised accordingly.

Exceptions	**Who to contact**
Admissions to schools	Concerns about admissions Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs Email: Iain.Calderbank@rochdale.gov.uk Phone number: 01706 925055
School re-organisation proposals	Concerns about school re-organisation proposals should be raised with Rochdale Borough Council Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Email: LADO@Rochdale.Gov.UK Phone: 0300 3030350 Or the Early Help and Safeguarding Hub (EHASH) Email: ehash@rochdale.gov.uk Phone: 0300 3030440
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* Link to school behaviour policy
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints
	procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.

Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. The details of these procedure will remain confidential to the Headteacher and/or the individual's Line Manager. The complainant is not entitled to participate in the proceedings and will not be informed of any disciplinary action taken against an individual as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
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 direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 Springside 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, Springside 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 event 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

Roles & Responsibilities

An outline of the roles and responsibilities in the complaints process can be found at appendix 2.

Parental responsibility

Where Springside School receives a complaint relating to the application of parental responsibility we will refer to the DfE Guidance DfE Guidance - Understanding and dealing with issues relating to parental responsibility.

Withdrawal of a Complaint

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

Complaint campaigns

If Springside School becomes the focus of a campaign and we receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school.

We will respond by either:

- sending a template response to all complainants
- publishing a single response on the school's website

Our response will depend on the nature of the issue being complained about and, depending on the circumstances, may vary from the above due to the nature of the complaint.

Managing serial and persistent complaints

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, please refer to the policy for managing serial and unreasonable complaints towards the end of this policy.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. A person visiting school premises does so subject to a condition that they will behave in an appropriate manner. Headteachers and Governing Boards will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community. School Leaders and Governors should refer to Local Authority advice on Handling Anti-Social Behaviour on School Premises.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. This is often the most effective action to take but the school may only do this when it is necessary and proportionate in all the circumstances. When incidents occur they need to be responded to quickly. The action required will clearly depend upon the particular circumstances of the incident. It may, for example, be possible to resolve a matter by simply reassuring an upset parent who is behaving inappropriately. At the other extreme it may be necessary to call the Police. The Headteacher or nominated person should consider the circumstances to determine this. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors (complaints committee at stage 2)

The review should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

Once the school's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

Stage 1

If the complainant remains dissatisfied that the matter has not been concluded informally, and they wish to take it further, the complainant can submit a formal complaint. This should be within 5 school days of the informal approach. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (on the Complaint Form), or by telephone. Where this is done in person or over the telephone the Complaint Form should be completed by the Headteacher.

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 5 school days. A template acknowledgement letter can be found at appendix 4.

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, if this information has not been provided on the Complaint Form. 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, or independent party. Where the investigation has been delegated it should be reported back to the Headteacher to make any final decision.

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 their investigation, the Headteacher (or investigator once the Headteacher has made any final decision) will provide a formal written response. Where possible, this will be within 20 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they 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 Springside 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 Board (including the Chair or Vice Chair), a suitably skilled Governor or independent party will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Board must be made to the School Based Clerk to the Governing Board, via the school office, marked as private and confidential.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board

Stage 1 will be considered by an independent investigator appointed by the Governing Board or Salford Diocese / Manchester Diocese*. Support in appointing an independent investigator can be provided by the Governor Support Team where the school purchases the full service. At the conclusion of their investigation, the independent investigator will provide a formal written response, where possible, within 20 school days. A template letter can be found at appendix 5.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Board'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 School Based Clerk to the Governing Board, via the school office, within 10 school days of receipt of the Stage 1 response. In addition to this request, the complainant should submit any documents they intend to rely in at the complaints committee meeting. The complainant should also indicate if they intend to call any witnesses to the proceedings and make the arrangements themselves.

The School Based Clerk to the Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. A template acknowledgement can be found at appendix 6.

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

The School Based Clerk to the Governing Board will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting, where possible, within 20 school days of receipt of the Stage 2 request. If this is not possible, the School Based Clerk to the Governing Board will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the School Based Clerk to the Governing Board 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 (Maintained Schools) / two School Governors/Academy Trustees and one independent member (Academy Schools) 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 Springside School available, the School Based Clerk to the Governing Board will source any additional, independent Governors through another local school or through the Governor Support Team (where the full service has been purchased), in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2 with Governors sourced through another local school or through the Governor Support Team (where the full service has been purchased).

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, they 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, they 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 10 school days before the meeting, the School Based Clerk to the Governing Board 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 that the respondent (the person responsible for providing an outcome from an investigation at stage 1) provides their response (although this may be delivered verbally on the day), any documents they intend to rely in at the complaints committee meeting. The complainant should also indicate if they intend to call any witnesses to the proceedings and make the arrangements themselves.

The documents/information to be collated and shared with Governors for the complaints committee meeting should be those determined by either party as relevant to the complaint being considered, the school's investigation or response, for example (not exhaustive):

- formal notes of meetings
- contemporaneous notes
- reports
- witness interviews
- witness statements
- school polices/procedures/guidance
- extracts of statutory information

It is the responsibility of both parties to ensure that the information they are sharing is compliant with data protection / GDPR and contains appropriate redaction or permission from any third parties.

A template letter is available at appendix 7 outlining the details of the meeting and information exchange.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting; a template letter is available for use at appendix 8. 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 hearing schedule can be found at appendix 3.

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 provide the complainant and Springside School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

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

If the complaint is:

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

Stage 2 will be heard by a committee of independent Governors with Governors sourced through another local school or through the Governor Support Team (where the full service has been purchased).

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 Springside School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied. A template letter is available at appendix 9.

At any stage in the process where the school based Clerk to Governors is referred to, the school may choose to request additional support from the Local Authority Governor Support Team.

APPENDIX

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, they 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 Springside School. They will consider whether Springside 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, by telephone on: 0370 000 2288 or by writing to:

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

APPENDIX

Policy for managing serial and unreasonable complaints

Springside 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.

Springside 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 Springside 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.

APPENDIX

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 Springside School.