



Falconhurst School

Complaints Policy

This policy was approved on 20th June 2019 by Finance, Staffing and Premises Committee for a period of four years.

Purpose

We want all pupils and their families to be happy with the education we offer and the policies and procedures we follow. We aim for all concerns to be dealt with promptly, openly, fairly and without prejudice. Most concerns can be resolved through discussion or by providing clarification or further information. However, when a more serious concern is raised, the school has adopted a procedure that explains how to complain and what to expect in response.

The purpose of this procedure is to ensure, for all parties, a fair and consistent approach to dealing with complaints.

Principles

Concerns or complaints should be raised as soon as possible. They will be dealt with:

- fairly, thoroughly and promptly;
- safely - nobody will be victimised as a result of a complaint being made;
- efficiently and helpfully.

As part of any investigation, all relevant parties will be given an opportunity to comment.

Scope of this complaints procedure

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

| Exceptions | Who to contact |
|---|---|
| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of special educational needs • School re-organisation proposals | <p>Concerns about admissions, statutory assessments of special educational needs or school reorganisation proposals should be raised with Milton Keynes Council</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>Call 01908 253169/70 or email children@milton-keynes.go.uk</p> |
| <ul style="list-style-type: none"> • Exclusion of children from school* | <p>Please see the Behaviour Policy. Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>https://www.falconhurstschool.co.uk/policies.php</p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. See the Whistleblowing Policy.</p> <p>The secretary of state for education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the local authority or the DfE (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |
| <ul style="list-style-type: none"> • National curriculum - content | <p>Please contact the DfE at www.education.gov.uk/contactus</p> |

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|--|---|
| <ul style="list-style-type: none"> • Collective worship | Please contact either: Milton Keynes Council or Janet Cleghorn at SACRE (the Standing Advisory Council on Religious Education) at Janet.gleghorn@milton-keynes.gov.uk |
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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 you commence legal action against Falconhurst School in relation to your complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any member of the public may make a complaint to Falconhurst School about any provision of facilities or services that the school provides.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this 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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Falconhurst 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, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

Confidentiality

Complaints will be dealt with in confidence by those investigating, and we expect you to observe confidentiality as well.

If at any stage it is decided that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head

Teacher and/or the individual's line manager. You will be told that action is being taken and the eventual outcome of any such action, but you are not entitled to take part in the proceedings or receive any detail about them.

How to raise a concern or make a complaint

Raising concerns

If you need to raise a concern, in the first instance, you should do so with the relevant member of staff who will try to find a solution. At this point, concerns will not be treated as a formal complaint. It is always best to try to deal with concerns informally and quickly.

But if you are not satisfied with the response to your concern and you believe the issue has not been resolved, you should use the procedure detailed below to make a formal complaint.

A formal complaint will not be considered unless you have raised the concern informally first.

Formal Complaints

You 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 (please see below – Stages in the formal complaints process).

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office. Please mark them as 'private and confidential'.

Complaints that involve or are about the head teacher 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 body should be addressed to the clerk to the governing body via the school office. Please mark them as 'private and confidential'.

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

The school reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place.

Anonymous complaints

The school will not normally investigate anonymous complaints. However, the head teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. They will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from those not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

Timescales

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

Complaints received outside of term time

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

Resolving complaints

At each stage in the procedure, Falconhurst 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.

Withdrawal of a complaint

If you want to withdraw your complaint, we will ask you to confirm this in writing.

Stages in the formal complaints process

Stage 1

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person, in writing (preferably on the complaint form), or by telephone. The head teacher 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**, stating who will investigate the complaint.

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (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;
- where the complaint is about a member of staff, the investigator may arrange an informal mediation meeting between the you and the member of staff to see if a resolution can be reached.

At the conclusion of their investigation, the head teacher will provide a formal written response within **20 school days** of the date of receipt of the complaint. If the head teacher is unable to meet this deadline, they will provide you 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 Falconhurst School will take to resolve the complaint.

The head teacher will advise you of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1. If the complaint is about the head teacher or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the head teacher or member of the governing body must be made to the clerk, via the school office.

If the complaint is jointly about the chair and vice chair, or the entire governing body, or the majority of the governing body, Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of its investigation, the independent investigator will provide a formal written response.

Stage 2

If you are dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

You should write to the Clerk to the Governing Board within **20 school days** of receiving the Stage 1 outcome, stating that you wish to appeal against the outcome at Stage 2, and setting out:

- why you are not satisfied with the outcome at Stage 2;
- what actions you want the school to take to resolve your complaint.

The School Office will give you the contact details for the Clerk to the Governing Board.

Where the complaint is about a governor, you can ask that the appeal is heard by an entirely independent panel. This is at the discretion of the Governing Board. Where an independent panel is required, timescales may be affected while the school finds appropriate individuals to sit on the panel.

The Clerk to the Governing Board will write to you within **5 school days** to acknowledge receipt of your appeal, the process of which is as follows:

1. Working with you and the school, the clerk will arrange the time and date of the appeal hearing, to be held **within 20 days** of acknowledging receipt of your appeal.
2. The Clerk will invite all the attendees, compile all the relevant documentation and distribute this five days in advance of the meeting.
3. You will receive a copy of all documentation provided to the Appeals Committee.
4. The members of the Appeals Committee will have no prior knowledge of the content of the complaint.
5. You will be invited to the hearing to present your complaint and to answer questions from the Appeals Committee. You will be able to bring a friend or colleague.
6. Where the complaint is about a member of staff, the staff member who is the subject of the complaint will be invited to attend the hearing. That staff member may also bring a friend or colleague with them.
7. The Stage 1 investigator will attend the hearing to answer questions, and the Appeals Committee may ask any other relevant members of staff to attend.
8. If any pupils are required to attend the hearing, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at a hearing.
9. No party is able to bring legal representation with them.
10. The clerk will record the proceedings in the form of minutes.

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 your 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.

1. 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.

2. The chair of the committee will provide you and Falconhurst School with a full explanation of their decision and the reason(s) for it, in writing, within **5 school days**.

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 Falconhurst School will take to resolve the complaint.

If the complaint is jointly about the chair and vice chair or the entire governing body or the majority of the governing body, Stage 2 will be heard by a committee of independent governors.

Next steps

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

Please note that “unreasonable” is defined legally, and means acting in a way that no reasonable school or authority would act in the same circumstances. For more information, visit www.gov.uk/complain-about-school.

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

You can refer your complaint to the DfE 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

Unreasonable complaints

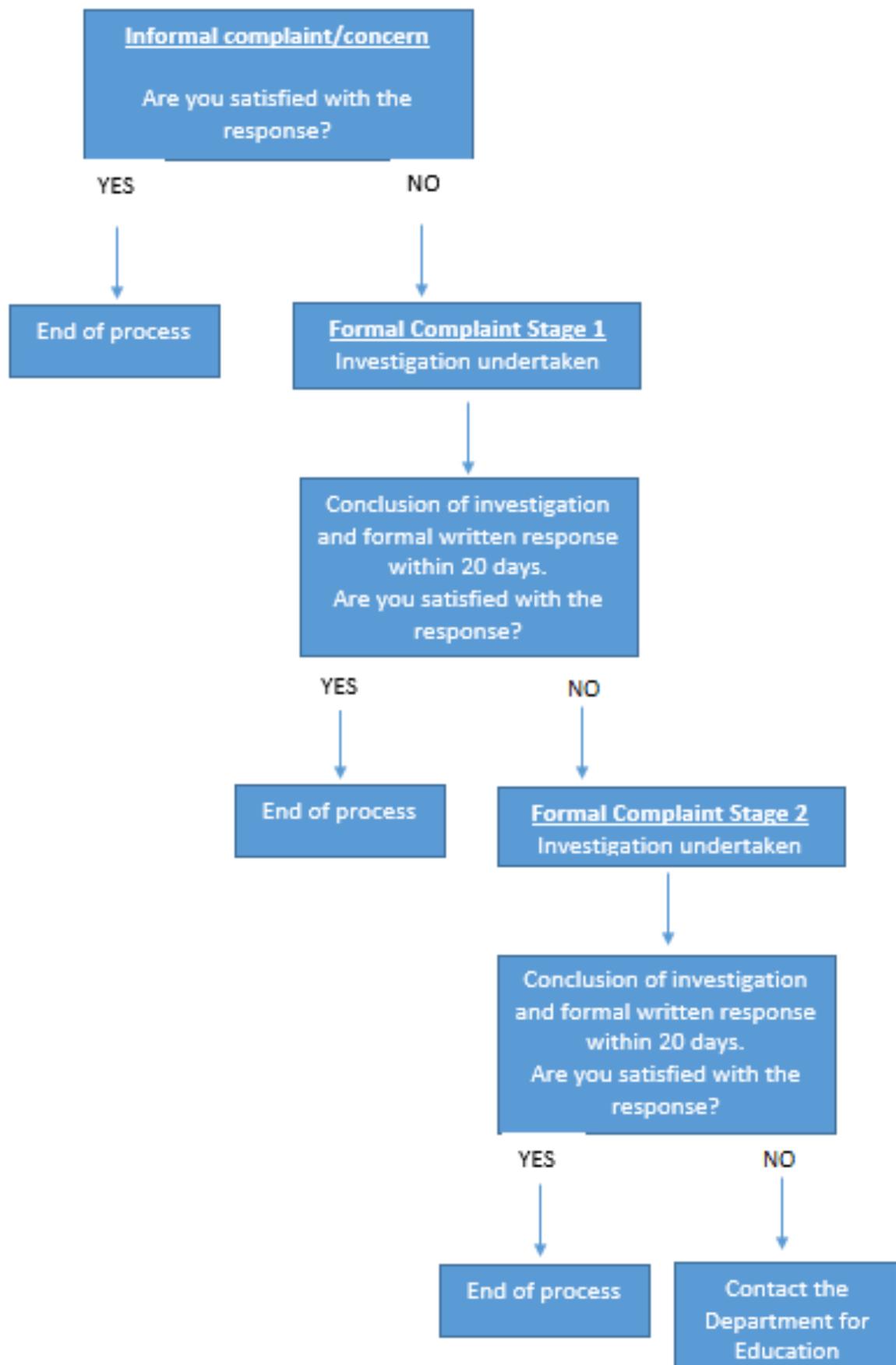
The school may decide that a complaint is unreasonable if:

- you refuse to co-operate with the school’s procedure;
- you change the basis of the complaint as the complaint progresses;
- you seek an unrealistic outcome;
- unreasonable demands, intended to aggravate, are made on the time of staff and governors;
- you act in a way that is abusive or offensive.

The Head Teacher may use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the Chair of Governors will be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate, they can redirect the Head Teacher to investigate the complaint. The full complaints procedure will then be followed.

If the Chair upholds the Head Teacher’s decision not to investigate the complaint, you may complain to the Department for Education.

Falconhurst Complaints Process Overview



Falconhurst Complaint form

Please complete and return to the Headteacher or The Clerk to the Governing Board (please see Stage 1 in the **Stages in the formal complaints process**), who will acknowledge receipt and explain what action will be taken.

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|--|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Daytime telephone number: Evening telephone number: |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it. |

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: