



Farnborough Road Infant School.

Complaints Procedure

“Learning, Caring and Achieving Together”

The School must publish details of their school's complaints procedure from parents of children with special educational needs (SEN) about the support the school provides. This must comply with [Section 29 of the Education Act 2002](#). This policy complies with the guidance on [developing your school's complaints procedure](#) March (2019).

The DFE also recommends ParentKind Guide To School Complaints
https://drive.google.com/file/d/10kMQcWh72w2aZbj_kNzlejDjAXMOFpsR/view

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 Farnborough Road Infant 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.

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. Farnborough Road Infant School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

At this point please contact the school office to arrange a face to face meeting with the Headteacher to discuss your concerns.

If the face to face discussions with the Headteacher have not resolved your concerns you may wish to raise your concerns by way of a formal written complaint. Please use the Farnborough Road Infant School complaint form set out in Appendix 1.

In this case, Farnborough Road Infant School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a formal, written complaint

A formal complaint should be made using the Farnborough Road Infant School format see Appendix 1. The complaint form can be completed by a family member or friend acting on behalf of a complainant, as long as they have appropriate consent to do so. You can also ask third party organisations like the Citizens Advice to help you.

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints during this procedure.

The complaints form should be emailed/handwritten to the Headteacher via the school office. Please mark them as Private and Confidential. The Headteacher will be the investigator at Stage One. The complainant may not request an alternative investigating officer at this stage.

Unless,

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. The school will ensure that this is delivered confidentially.

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.

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 such as a safeguarding concern.

If a complaint is received shortly before the end of a term such that there is insufficient time to resolve the complaint before the end of term, school holidays will not be included in the time scales set out in this policy.

The timescales in this policy will be strictly adhered to as there is a duty to be mindful of the wellbeing of all parties concerned and that there is certainty for all parties when the complaint has been resolved.

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.

Scope of this Complaints Procedure

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

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Sefton Local Authority
• 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 or the Multi-Agency Safeguarding Hub (MASH).

Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i> See the school website for Farnborough Road Infant 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. 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.
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
Complaints about collective worship	Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to: - the local authority - the local Standing Advisory Council on Religious Education - any other relevant body

Complaints about the delivery of the curriculum

Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

Withdrawal from the curriculum

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

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 Farnborough Road Infant School in relation to their complaint, we will suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Farnborough Road Infant 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 a complainant wants to withdraw their complaint, this should be confirmed in writing. This will be acknowledged by the school.

Stage 1

A formal written complaint must be made to the Headteacher (unless they are about the headteacher), via the school office.

If an informal meeting with the Headteacher has not taken place this must be done before proceeding to a Stage One investigation. In this event, the Headteacher will contact the complainant to arrange an informal meeting to discuss and try to resolve your concerns. Please refer back to page 1 of the policy.

If this meeting does not resolve the concerns the complainant WILL be required to resubmit the written complaint form to clarify which issues have not been resolved and should inform the Headteacher or the school office that they wish to proceed to stage one of the complaints procedure.

Once a formal written complaint has been made, all further correspondence must be made in writing to preserve confidentiality. No reference to the complaint should be made to any school staff.

If the meeting with the Headteacher has already occurred, the Headteacher will record the date the written complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Headteacher will conduct the investigation.

During the investigation, the Headteacher 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 will provide a formal written response within 15 school days of the date of receipt of the complaint in the form of the template in Appendix 2 to form the basis of the written response.

The Headteacher / investigator is entitled to make findings of facts and reach their conclusions based on these.

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 Farnborough Road Infant 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 body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If there are related complaints against more than one member of staff each complaint will be dealt with separately and more than one response will be prepared. Whilst we will use our best endeavours to ensure related complaints will be dealt with by the same investigator, this may not always be possible. The timescales will apply separately to each individual complaint.

The complainant will be offered a further meeting with the investigator to discuss their findings.

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 body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

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 their investigation, the independent investigator will provide a formal written response using the format set out in Appendix 2.

Stage 2

Stage 2 will be a meeting of the first 3 impartial governors available. This is the final stage of the complaints procedure.

A written request to escalate to Stage 2 must be made via the school office, within 3 school days of receipt of the Stage 1 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. This should be considered by the committee prior to convening.

If there are related complaints against more than one member of staff timescales will apply separately to each individual complaint.

The complainant must detail in writing what aspect of the complaint or investigation process remains in dispute using the form in Appendix 3 including any exceptional circumstances to be considered. This is to assist the stage 2 committee.

The Office Manager/The Clerk to the governors will record the date the Stage 2 request form is received and acknowledge receipt of the Stage 2 request form in writing (either by letter or email) within 3 school days.

If the form is not completed with details to enable the committee to consider. The complainant will be given a further 7 days to complete the form in Appendix 3.

If the form in Appendix 3 is not received within this timescale then the process will be treated as concluded and the meeting of the committee will not proceed.

The panel will aim to convene within 14 working days of receipt of the Stage 2 request. This meeting will consist of the members of the committee to consider the complaint, the response, the Stage 2 request.

At this stage the committee will decide whether they are able to resolve the complaint at this stage or whether they need to request parties to attend a further meeting.

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 Farnborough Road Infant School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

If the committee decides they want to hear from the complainant, the investigating officer or both the Clerk/Complaints Coordinator will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days. If this is not possible, the Clerk/Complainants coordinator will provide a date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk/Complaints Coordinator 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 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 7 school days before the meeting, the Clerk 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
- if the committee wish to see the evidence relied upon by the investigating officer at Stage 1 this should be made available to the committee at least 5 school days before the second meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The meeting will be held in private. Recording of the meeting will be made in accordance with the policy.

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 Farnborough Road Infant School with a full explanation of their decision and the reason(s) for it, in writing, within 15 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 Farnborough Road Infant School.

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.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

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 Farnborough Road Infant School. They will consider whether Farnborough Road Infant 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.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- carefully read the complaints policy and adhere to the stages and deadlines of the process
- explain the complaint in full using the completed complaints forms provided.
- co-operate with the school in seeking a solution to the complaint at all stages
- respond promptly to requests for information
- Seek assistance as needed e.g meeting with the Headteacher, friend or family member supporting the reading of the policy or filling in the forms provided or Citizen's Advice
- treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator – Stage One – Headteacher / Nominated Governor

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive response to all aspects of the complaint raised (see report format) that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Investigator will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator / or nominated Clerk

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with the Headteacher, Chair of Governors/ Nominated Governor, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support.
- keep records.
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair – Stage Two

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

All committee members have had access to the Complaint, the response and the Stage 2 request

- Chair the initial meeting to determine whether the Stage 2 request can be resolved at this meeting
- If the complaint can not be resolved, consider what further information they need to reach a conclusion
- If it is determined that there is a need for a further meeting, this meeting is conducted in a formal manner, is not adversarial, to discuss the information provided if in the event that parties are invited to attend, everyone is treated and expected to treat everyone with respect and courtesy. Verbal abuse, aggressive or violent behaviour will not be tolerated towards governors and staff at Farnborough Road Infant School. The chair of the committee reserves the right to ask the complainant to leave the meeting and/or the school site.
- the format of the committee is explained to the complainant.
- Any non-legal representative in the meeting should be reminded that they are present in an observer capacity only and should not participate or bring documents to the meeting.
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR and should be returned at the end of meeting.
- If a new complaint arises governors should consider whether this has any relevance on the initial complaint and whether this is a separate complaint that needs to return to stage 1 of the complaints process. Governors reserve the right to adjourn the meeting to consider additional information.
- the issues are addressed

- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk / Complaints co-ordinator.

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or the complainant or member of staff is known to them personally.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- 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 welfare of a child is paramount.

Duplicate complaints

After closing a complaint at the end of the complaints procedure, if a duplicate complaint is received from:

- a spouse
- a partner
- a grandparent

If the complaint is about the same subject, the new complainant is informed that the school has already considered that complaint and the school's process is complete and they need to liaise with the original complainant. The Headteacher will advise the new complainant to contact the Department of Education if they are dissatisfied with the school's handling of the original complaint.

The headteacher should take care not to overlook any new aspects to the complaint that has not been previously considered and that they have ensured that they have investigated and dealt with the full extent of the complaints procedure.

Complaint campaigns

If the school becomes the focus of a campaign and receive large volumes of complaints:

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

It is recommended that

- a template response is sent to all complainants
- or a single response is published on the school's website

If complainants remain dissatisfied with the school's response they will be directed to the DFE.

Third parties

The School will make sure that any third party providers have their own complaints procedures in place if they are using school premises or facilities to offer:

- community facilities
- services

Parental responsibility

Conflict between estranged parents over the application of parental responsibility will be dealt with using [Understanding and dealing with issues relating to parental responsibility](#)

Complaints about the Headteacher or Governing Body

If the subject of the complaint is:

- the Headteacher
- a member of the Governing Body
- the entire Governing Body

There may be occasions when it's necessary or reasonable to deviate from the published complaints procedure. This includes not doing something the procedure states you will, should or may do. The school will document any deviation from the published procedure.

If the complaint is escalated to the DFE for consideration and complaint is about any deviation from the published policy, the DFE will ask the school for an explanation for doing this, unless one is already included in the evidence provided. If the DFE does not consider the explanation reasonable, or the deviation justified, the DFE may ask the school to revisit the complaint and comply with the published complaints procedure.

Publishing your procedure

Under [Section 29\(1\)\(b\) of the Education Act 2002](#), the school must publicise your complaints procedures.

Following changes to the School Information (England) Regulations 2008, since 1 September 2016, maintained schools must publish their complaints procedures on their websites.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible.

When reviewing the schools' complaints procedures or the handling of a complaint, The DFE may recommend that schools amend their time limits if they are unreasonably excessive or restrictive.

Realistic and reasonable time limits

The School's procedure should set realistic and reasonable time limits for each action within each stage.

Where further investigations are necessary and it's clear published timescales cannot be met, the school will:

- sets new time limits
- sends the complainant details of the new deadline and explain the delay
- allows a reasonable timeframe for complaints to be raised after an incident arises

3 months is considered to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances.

Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
- rational
- reasonable
- fair
- proportionate

Decision-makers should also be mindful of [The 7 Principles of Public Life](#).

The school must not have 'blanket' policies of refusing to consider any complaints not lodged, or escalated, within the stated period.

Blanket policies are where all cases are treated in the same way, with no allowances made for individual circumstances – this also goes against the principle of 'objectivity' as set out in the [The 7 Principles of Public Life](#).

It is for schools to determine what constitutes exceptional circumstances.

Informal resolutions

The DFE recommends that complainants and schools attempt informal resolution before making a formal complaint, if it's appropriate to do so.

If the complainant wishes to raise a formal complaint, the school should not attempt to prevent this by insisting on informal resolution first.

Legal representation

In the event that a complaint progresses to a committee of members of the school governors, neither the complainant nor the school should bring legal representation. These committees are not a form of legal proceedings. The aim of the governors committee should be:

- reconciliation
- to put right things that may have gone wrong

The school recognise there are occasions where legal representation may be appropriate.

Example If a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

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

Mediation / Initial Informal Meeting with the Headteacher

The school will choose to include a mediation stage in our complaints procedures, however we recognise there are times when it may not be the most appropriate course of action.

Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

Mediation will not be used as a substitute for an investigation during the formal stages of the complaints procedure.

Complaints about school staff

The school will ensure:

- complaints against school staff are dealt with by the headteacher (stage 1), then a committee of members of the governing body (stage 2)
- complaints against the headteacher are dealt with by a suitably skilled member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)

Complaint about governors

The school will ensure that:

- complaints against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)
- complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint

This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

Independent complaint panels

If an independent complaint panel is formed on an ad-hoc, informal basis, the school will source governors who are:

- suitably skilled
- can demonstrate their independence

You can approach governors from any:

- category of governor
- associate member of another governing body

If appropriate, the clerk could ask for support from the:

- governor services team at the local authority

Recording complaints

The process of listening to and resolving complaints can contribute to school improvement. Governing bodies can use learning identified from across the spectrum of complaint investigations to:

- inform improvements within the school
- improve the effectiveness of the complaints procedure.

The school will ensure it complies with their obligations under the [Equality Act 2010](#). It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

The school will encourage the complainant to provide consent for a family member or friend to act on their behalf in completing the form. If this is not appropriate then the complainant can approach a third party such as Citizen's Advice to help them complete the form in Appendix 1.

Recording of meetings (Please read Farnborough Road Infant School Protocol for Recording of Staff and Parent Meetings)

Audio or video evidence (Please read Farnborough Road Infant School Protocol for Recording of Staff and Parent Meetings)

Recordings made in accordance with this policy will be considered under this policy.

Recording made without consent or in breach of the Farnborough Road Infant School Protocol for Recording of Staff and Parent Meetings WILL NOT be considered under Stage 1 or Stage 2 of the complaints or prior consent of all recorded parties involved.

Written Record of the progress of the complaint

The school will:

- record the progress of the complaint and the final outcome
- determine who is responsible for these records and make sure the data is kept secure

Records of any complaint will be retained for 6 years.

Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

The school will consider that complainants may have a right to copies of these records under the [Freedom of Information Act 2000](#), the [Data Protection Act 2018](#) and GDPR.

Refer to our [Data protection: toolkit for schools](#) or the Information Commissioner's [Guide to GDPR](#) for more information.

Transferring data

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and copies may not be retained. School will hold records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained.

Personal data will only be kept for as long as is necessary for the immediate purpose of processing. The data will be stored securely and, where appropriate, encrypted to maximise security.

Governing body review

At Farnborough Road Infant School we are confident that our governing body will deal with complaints impartially. Details of complaints will not be shared with the whole governing body at any stage while they are still being considered, in case a complaints committee needs to be organised.

The exception to this is when a complaint is made against the whole governing body and they need to be aware of the allegations made against them, to respond to any independent investigation.

If the whole governing body is aware of the significant detail of a complaint (that is not collectively against them) before the final stage has been completed, the school will consider arranging an independent committee to hear the complaint, sourcing governors to serve on a complaints committee from:

- another school
- the local authority's governor services team

Handling complaints fairly

The school will ensure that complainants are treated fairly and offered a chance to state their case in writing, at each stage of the procedure.

Complainants can request an independent complaints committee if they believe there is likely to be [bias in the proceedings](#). Complainants should provide the school with evidence of bias in support of their request, as it is the school's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then the school will grant such requests.

If the school has made reasonable attempts to accommodate complainants with dates for complaint meetings and the complainant refuses or are unable to attend the school will :

- convene meetings in their absence
- reach a conclusion in the interests of drawing the complaint to a close

Communicating the outcome

The school will inform the complainant of:

- the conclusion and reasons for any decisions in writing
- any further rights of appeal

The school will ensure copies of the minutes are issued to the complainant, as failure to do so may lead to a further complaint, subject to any necessary redactions, under the [Data Protection Act 2018](#) and [GDPR](#).

Reviewing the School's Complaints Procedure

The School's Complaints Procedure will be reviewed every 3 years, enabling the school to take into account any:

- legislative changes
- new guidance issued by the DfE

Bias in the proceedings

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest should not take part in the complaints process, including proceedings of governing body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially, they will withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they will also withdraw.

When making decisions, the school must not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done, but be seen to be done.

DfE role in relation to complaints about maintained schools

Anyone can raise a complaint about a maintained school or a member of maintained school staff to the DfE. The DfE expect that complaints will have completed local complaints procedures first. DfE's [contact form](#) clearly explains this and advises complainants to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- children are missing education
- a complainant is being prevented from having their complaint progress through the published complaints procedure
- we have evidence that the school is proposing to act or is acting unlawfully or unreasonably

Intervention

The DFE will usually only intervene when it is expedient or practical to do so and a governing body or local authority has:

- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising education related functions

Any such intervention will usually be in accordance with the Secretary of State's powers under Sections 496 and 497 (and 497A in relation to LAs) of the Education Act 1996.

When considering a complaint, the DFE review all the evidence provided to them, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by the DFE, where appropriate, typically involves explaining the legislative framework and what it means in practice at the school level or recommending improvements to statutory school policies. However, in some instances it may be appropriate for the Secretary of State to intervene.

The DFE does not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, we may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

General assistance

Schools and local authorities can contact us for general assistance on complaint handling by:

- calling the National Helpline on 0370 000 2288
- using DfE's [contact form](#)
- writing to us at the address below

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The DFE will not provide explicit advice on what a school should do, unless they are asked to provide a view on any relevant legislative underpinning, but they can explain what options may be open to a school to choose from.

The DFE can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

Managing serial and persistent complaints

The school will do their best to be helpful to people who contact you with a:

- complaint or concern
- request for information

However, there will 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, the school can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, the school will not mark a complaint as 'serial' before the complainant has completed the procedure, unless your published serial complaint criteria applies.

Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

The school may receive complaints they consider to be vexatious. The [Office of the Independent Adjudicator](#) defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The School will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

The School has established a policy for managing serial and unreasonable complaints.

When to stop responding

The decision to stop responding should never be taken lightly. The school will have:

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

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

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- the school has reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

The school will not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. The School will talk to their FOI and DP advisor about those or approach the [Information Commissioner's Office](#) for further advice.

The school will make sure that they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If the school finds it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

The school can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice.

If an individual persists to the point that may constitute harassment, the school should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once the school has decided that it's appropriate to stop responding, the school will need to inform the individual.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises. The School 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

The School will 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 school's decision. Individuals wishing to exercise this option should seek independent legal advice.

[Controlling access to school premises](#) provides more guidance on access to school premises.

This policy will be reviewed regularly.

Updated January 2024

Signed _____ **Date** _____ **Headteacher.**

Signed _____ **Date** _____ **Chair of Governors.**

Useful Contacts

Sefton Council

0845 140 0845 Children's Complaints Officer

7th Floor, Merton House, Stanley Road, Bootle, L20 3JA

0151 934 3628

childrenscomplaints@sefton.gov.uk

Sefton Advocacy

01704 500500

1st Floor, Gordon House, 3-5 Leicester Street, Southport PR9 0ER

Citizen's Advice Bureau

24 Wright Street SOUTHPORT Merseyside PR9 0TL

01704 531456

Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF

0151 922 1114

Ofsted

08456 40 40 45

www.ofsted.gov.uk

Department for Education

www.education.gov.uk

Public Communications Unit,

2nd Floor, Piccadilly Gate

Store Street,

Manchester M1 2WD

Coram Children's Legal Centre

08088 020 008

www.childrenslegalcentre.com

Appendix 1

Stage 1 - Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:

Please confirm you have had a meeting with the Headteacher (please indicate)

Yes

No

If you have responded No - Please confirm the reason why you have not arranged for a meeting?

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.

**The school will ensure it complies with their obligations under the Equality Act 2010.
Complainants may have communication preferences due to:**

- disability
- learning difficulties
- difficulties using the English language

Please indicate below if you require an alternative method of contact.....

Declaration (please indicate accordingly) I have viewed the website and I do /do not know any of the listed governors at Farnborough Road Infant School on a personal level. Please declare the name of any governors that are known to you....
Signature: Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Appendix 2

Report Format

Investigation into Complaint raised by (the Complainant) against

Date of Report:
Investigation conducted by :
Date Investigation Began:
Background to the Investigation:
The Investigation process:
Evidence Collected:

Persons Interviewed:
Complaint 1
Facts Established
Conclusions
Recommendations
Complaint 2
Facts Established
Conclusions
Recommendations

Appendix 3

Request to Proceed to Stage 2

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode:

Day time telephone number:
Evening telephone number:

Following the Stage 1 investigation outcome(s), please detail which part of the complaint/investigation you feel was not resolved for you. Please detail why your complaint should progress to a Stage 2 investigation

Are there any issues or actions you feel might resolve the problem prior to Stage 2 investigation.

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

Declaration (please indicate accordingly)

I have viewed the website and I do /do not know any of the listed governors at Farnborough Road Infant School on a personal level.

Please declare the name of any governors that are known to you....

Any new concerns/complaints will be considered as a separate issue that needs to return to stage 1 of the complaints process.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: