



# **BLAKENEY, PILLOWELL AND WALMORE HILL SCHOOLS' FEDERATION COMPLAINTS POLICY**

<b>Date of policy</b>	<b>Summer 2023</b>
<b>Review date</b>	<b>Summer 2024</b>
<b>Staff responsible</b>	<b>Head Teacher</b>

### **Equalities Statement**

Blakeney, Pillowell and Walmore Hill Schools' Federation provides an education for all, acknowledges the society in which we live, and is enriched by the ethnic, cultural and religious diversity of its citizens. The school strives to ensure that the culture and ethos of the school are such that, whatever the heritage, origins, faith, age, gender, sexuality and ability of members of the school community, everyone has the right to equal chances, is equally valued and treats one another with respect so that all pupils and staff are encouraged and supported in achieving their full potential. We provide pupils with opportunities to experience, understand and celebrate diversity, actively tackle all instances of unlawful discrimination and strive for equality of opportunity and good relationships to permeate all aspects of school life:

- attainment, progress and assessment
- behaviour, discipline and exclusion
- admission and attendance
- curriculum
- personal development and pastoral care
- teaching and learning
- working with parents / carers and communities
- staff recruitment and professional development

### **Safeguarding Statement**

The Designated Safeguarding Leads (DSL) are responsible for Safeguarding in each school and there are Deputies who are responsible if the DSL is not on site. They liaise with the named Safeguarding Governor. We will follow the procedures for child protection drawn up by the Local Authority and the Governing Body.

If any person suspects that a child in the school may be the victim of abuse, they should not try to investigate, but should immediately inform the Designated Safeguarding Lead about their concerns.

When investigating incidents or suspicions, the person responsible in the school for child protection works closely with social care, and with the Gloucestershire Safeguarding Children Partnership. We handle all such cases with sensitivity, and we attach paramount importance to the interests of the child.

We require all adults who work in school to have their application vetted by the police, in order to check that there is no evidence of offences involving children or abuse. (DBS, Barred and Prohibition Checks).

All the adults in our school share responsibility for keeping our children safe. We may, on occasion, report concerns which, on investigation, prove unfounded. It is better to be safe than sorry and we trust that parents and carers, while they will naturally be upset, will nevertheless accept that the school acted in the child's best interests.

### **Accessibility Statement**

We will strive to ensure that the ethos of the school is such that everyone is equally valued and treated with respect. Pupils will be provided with opportunities to experience, understand and value diversity.

All pupils should have access to an appropriate education that gives them the opportunity to achieve their personal potential, whatever their abilities and needs might be.

For further information, please see Safeguarding Policy.

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### **1.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. Blakeney, Pillowell and Walmore Hill Schools' Federation (BWP) takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **2.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 Blakeney, Pillowell and Walmore Hill Schools' Federation 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.

### **3.Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### 4. 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 consider complaints made outside of this time frame only if exceptional circumstances apply.

#### 5. 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.

#### 6. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by BWP, 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"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Gloucestershire County Council Education Authority.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	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). Contact details should be obtained from the Education Authority.
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  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.

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's staff grievance policy.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Concerns or Complaints about staff will be dealt with under the school's staff discipline policy, 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"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 BWP 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.

## **7. Withdrawal of a Complaint**

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

## **8. How to raise a concern or make a complaint**

A concern can be raised in person, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. It is normally appropriate to communicate directly with the member of staff concerned. If you are uncertain about whom to contact, please seek advice from the school office.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns will be resolved by this informal stage.

If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against school staff (except the Head teacher) should be made in the first instance, to the Head teacher via the school office.

Complaints that involve or are about the Head teacher should be addressed to the Chair of Governors, via the school office.

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.

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 you decide that you wish to make a formal complaint, a complaint form is included at the end of this procedure (Appendix A). 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.

## **8.1 Stage 1**

A formal complaint must be made to the Head teacher (unless it is about the Head teacher, which should then be addressed to the Chair of Governors), via the school office. This should be on the Complaint Form (Appendix A).

You should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement about what you hope might reasonably contribute to a resolution of the problem at this stage. Without this, it is much more difficult to proceed.

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).

The Head teacher can consider whether a face to face meeting is the most appropriate way of addressing the complaint.

During the investigation into the complaint, 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.

At the conclusion of their investigation, the Head teacher will provide a formal written response within **5** school days of the date of receipt of the complaint.

If the Head teacher 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 the school will take to resolve the complaint.

The Head teacher 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 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 their investigation, the independent investigator will provide a formal written response.

## **8.2 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 request to review the complaint. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk of Governors, using the Complaint Review Request Form (Appendix B) via the school office, within **10** school days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email).

The Governors will form a complaints committee which will consist of at least three governors 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 BWP available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

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 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. The Clerk 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 of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

Representatives from the media are not permitted to attend.

*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.*

At least 5 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.
- request copies of any further written material to be submitted to the committee at least **2** school days before the meeting.

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 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 the Head teacher 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 the school will take to resolve the complaint.

The matter will then be closed as far as the school is concerned.

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.

## **9.Resolving complaints**

At each stage in the procedure, BWP 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.

## **10.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 CPMSF. They will consider whether the 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](http://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.

### **11. Handling unreasonable, persistent, harassing, aggressive or abusive complainants**

The Head Teacher and Governing Body are fully committed to the improvement of our school. We welcome feedback and will always try to resolve any concerns as quickly as possible. Unfortunately, however, complaints are occasionally unreasonable or persistent and complainants may be harassing or abusive. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

Blakeney, Pillowell and Walmore Hill Schools' Federation defines unreasonable or persistent complainants as those which hinder our consideration of complaints, 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.
- 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.

- knowingly provide falsified information.

Blakeney, Pillowell and Walmore Hill Schools' Federation defines harassing or aggressive and/ or abusive complainants as people who:

- use threats to intimidate.
- use aggressive and/or abusive, offensive or discriminatory language or violence.
- make unjustified complaints about staff who or appear to be deliberately targeting one or more members of school staff or others, without good cause.
- pursue complaints in a manner which causes undue distress to school staff.
- publish unacceptable information on social media or other public forums.

### **11.1 What does the school expect of any person wishing to raise a complaint?**

The school expects anyone who wishes to raise a complaint with the school to:

- treat all members of the school community with courtesy and respect.
- respect the needs of children and staff within the school.
- avoid the use of violence, or threats of violence, towards people or property.
- recognise the time constraints under which members of staff and governors in school work and allow the school a reasonable time to respond to a complaint.
- follow the schools' complaints procedure.

### **11.2 The schools' response to unreasonably persistent complaints or harassment**

We will always seek to work with parents and other stakeholders with a legitimate complaint to resolve a difficulty. Should school staff wish to raise a complaint against a member of the community for unreasonable persistence or harassment they should do so using Appendix C. The following steps may then be taken:

- Stage 1: Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Stage 2: Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of this policy. School may require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Stage 3: Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled in writing via the Clerk to the Governors to the Governing Body.

Should school staff wish to raise a complaint against a member of the community for unreasonable persistence or harassment they should do so using Appendix C. The process above will then be followed.

### **11.3 The schools' response to physical or verbal aggression**

The Governing Body will not tolerate any form of physical or verbal aggression or abuse against members of the school community. If there is evidence of any such aggression or abuse the school may take some or all of the following steps:

- Stage 1: Inform the complainant in writing that the school considers his/her behaviour to be aggressive and/ or abusive and now falls under the terms of this policy. The complainant may be banned from entering the school site, with immediate effect
- Stage 2: Request an Anti-Social Behaviour Order (ASBO)
- Stage 3: Prosecute under Anti-Harassment legislation.

In the case of physical aggression, school may call the police to remove the individual from the premises.

**Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals, subject to the policy.**

### **12.Links**

This policy should be read in conjunction with the Safeguarding, SEND, and Health and Safety policies.

## APPENDIX A

<b>BLAKENEY, PILLOWELL AND WALMORE HILL SCHOOLS' FEDERATION</b> <b>STAGE 1 – COMPLAINT SUBMISSION FORM</b> Please complete this form and return it to the Head Teacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.
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<b>Name</b>			
<b>Address</b>			
<b>Telephone</b>	<b>Daytime:</b>		<b>Evening:</b>

<b>Relationship to the school</b> <i>e.g. parent of child on school's roll</i>	
<b>Child's name</b> (if relevant to your complaint)	

<b>Complaint</b>	
Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated. You may continue on a separate sheet or attach additional documents if you wish.	
What action, if any, have you already taken to try to resolve your complaint? <i>(i.e. to whom have you spoken or written and what was the outcome)</i>	
What do you hope might reasonably contribute to a resolution of the problem at this stage?	
<b>Number of additional pages attached</b>	

<b>Signed</b>	
<b>Date</b>	

<b>FOR SCHOOL USE</b>			
<b>Received by</b>		<b>Date</b>	

<b>Acknowledgement sent by</b>		<b>Date</b>	
<b>Complaint referred to:</b>			
<b>Name</b>		<b>Date</b>	
<b>Name</b>		<b>Date</b>	
<b>Name</b>		<b>Date</b>	

**APPENDIX B**

<p><b>BLAKENEY, PILLOWELL AND WALMORE HILL SCHOOLS' FEDERATION</b>  <b>STAGE 2 - COMPLAINT REVIEW REQUEST FORM</b></p> <p>Please complete this form and return it to the Head Teacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.</p>
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<b>Name</b>			
<b>Address</b>			
<b>Telephone</b>	<b>Daytime:</b>		<b>Evening:</b>

<p>Dear Sir / Madam          I submitted a formal complaint to the school on:          (date)          My complaint was submitted to:          (name)          and I received a response from:          (name)          on:          (date)          I have attached copies of my formal complaint and of the responses from the school.          I am dissatisfied with outcome because:</p> <p>(You may continue on a separate sheet or attach additional documents if you wish.)</p> <p>What do you hope might reasonably contribute to a resolution of the problem at this stage?</p>	
<b>Number of additional pages attached</b>	

<b>Signed</b>	
<b>Date</b>	

<b>FOR SCHOOL USE</b>			
<b>Received by</b>		<b>Date</b>	
<b>Acknowledgement sent by</b>		<b>Date</b>	

<b>Complaint referred to:</b>			
<b>Name</b>		<b>Date</b>	
<b>Name</b>		<b>Date</b>	
<b>Name</b>		<b>Date</b>	

## APPENDIX C

### BLAKENEY, PILLOWELL AND WALMORE HILL SCHOOLS' FEDERATION

#### STAGE 1 – COMPLAINT BY SCHOOL STAFF AGAINST UNREASONABLE, PERSISTENT, HARASSING, AGGRESSIVE OR ABUSIVE COMPLAINANTS

Please complete this form and return it to the Head Teacher (or Chair of Governors if the Head Teacher is making this complaint) .

<b>Staff member</b>	
<b>Role in school</b>	
<b>Name of person against whom complaint is being made</b>	

#### Complaint

Please give concise details of your complaint (including dates, names of witnesses etc.)

<b>Actions taken</b>	<b>Date</b>	<b>Signature of HT or Chair of Governors</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		