



MICHAEL FARADAY SCHOOL

COMPLAINTS POLICY

Introduction

At Michael Faraday we strive to provide a good education for all our children. The Headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are concerns or complaints by parents or carers. The following Policy sets out the procedures that the school follows in such cases.

If any parents/carers are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately. We stress that there is a clear difference between a concern, an informal complaint and formal complaint. We take concerns, informal complaints and formal complaints seriously and will always do our best to address the concern/complaint and aim to achieve a positive outcome.

Incidents that occur in school are investigated and are dealt with using appropriate policies. Therefore, depending on the nature of the complaint the incident may have already been investigated by the school.

Parents/carers should be assured that making a complaint will not adversely affect their child.

This Policy is available from the School Office and is published on our school website.

General principles of this Complaints Policy

- The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.
- It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken where an informal resolution is not possible.
- Those responsible for investigating and responding to a complaint will aim to address the concerns raised, provide an effective response and consider any redress that might be necessary.

- Confidential personal documents relating to members of staff will not be disclosed.
- If the complaint alleges or suggests conduct that might indicate that the individual concerned would pose a risk of harm if they continue to work in regular or close contact with children, advice will be sought from the Local Authority Designated Officer (LADO) before any investigation is initiated by the Headteacher or Investigating Officer.

Who can make a formal complaint?

The school's formal complaints procedure is not limited to parents or carers of children who are registered at the school. Any person, including members of the public, may make a formal complaint to Michael Faraday about any provision of facilities or services that we provide. Unless a particular formal complaint is dealt with under a separate statutory procedure (such as appeals relating to exclusions or admissions), the school will follow the formal complaints procedure outlined in this policy.

The difference between a concern, an informal complaint and a formal complaint

A concern:

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

If a parent/carer is concerned about anything to do with the education that the school is providing, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Most issues can be resolved quickly. Members of the school's Senior Leadership Team (SLT) may be involved at this stage, before a formal complaint is made.

An informal complaint (Stage 1):

An informal complaint may be defined as 'a discussion either written or verbal and should always be attempted before moving to the formal complaints process.'

*Please see 'Informal Complaint Process' for more information about the steps to take.

A formal complaint (Stage 2):

A formal complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action' once the complaint has been heard informally.

*Please see 'Formal Complaint Process' for more information about the steps to take.

Timescales

You must raise the concern, informal complaint or formal 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, if exceptional circumstances apply.

Matters that are not covered by this Complaints Policy

This procedure covers all concerns, informal and formal complaints about any provision of community facilities or services by Michael Faraday, other than complaints that are dealt with under other statutory procedures, including those listed below.

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Stage 1: Informal Complaint Process

Parents/carers are encouraged to raise any concerns they have directly with their child's teacher, an appropriate member of staff or the Headteacher. If they remain unhappy they should make a formal appointment to speak to the Headteacher. Most concerns can and should be addressed and resolved in this way. Occasionally a resolution is not reached or the matter is too serious to be resolved in this way, and this document outlines the formal procedure which should be followed.

Stage 2: The Formal Complaint Process

If the issue remains unresolved despite the informal complaint, the next step is to make a formal complaint. They must put their complaint in writing (**using Complaint Form 1 at Appendix 1** of this policy), within three calendar months of the incident so it can be considered under Stage 2 of this policy. The complainant should include details which will assist the investigation, and copies of any relevant documents.

The complaint should be sent to the school addressed to the Headteacher, unless they are about the Headteacher.

The Headteacher may decide that a complaint should be dealt with under the separate Staff Capability, Staff Disciplinary, Grievance, Whistle Blowing or Reorganisation, Redeployment and Redundancy policies adopted by the Governing Board. In this case, it is the Headteacher's responsibility to start those procedures. Personnel matters are confidential.

The process for a formal complaint will be as follows:

- A written complaint will be acknowledged in writing by the Headteacher within five school days of receipt of Complaint Form 1, stating that it will be investigated.
- It is important that the nature of the complaint is clearly understood, and the Headteacher may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish.
- The Headteacher will investigate and collect any evidence necessary. Where this involves an interview with a member of staff, they may be accompanied by a friend/representative.

The Headteacher may delegate the investigation to another member of the school's Senior Leadership Team but the final outcome of the complaint will rest with the Headteacher.

Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;

- At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- If the complainant is dissatisfied with the Headteacher's decision and/or the way which the Headteacher investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

If the complaint is about the Headteacher or a member of the Governing Board

If the complaint is about the Headteacher, the complaints must be addressed to the Chair of Governors via the school office.

If the complaint is about the Chair of Governors or any individual Governor, the complaint should be addressed to the Clerk to the Governing Board via the school office.

Any such complaints should be marked as Private and Confidential.

The school office will record the date the complaint is received and immediately forward the complaint to the Clerk. The Clerk will respond to the Complainant, in writing within 5 school days either by letter or email.

An appointed member of the Governing Board will then contact the complainant via letter or email to introduce themselves, acknowledge the complaint and clarify the next steps of the procedure. Within this response, the member of the Board will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Board member will consider

whether a face-to-face meeting is the most appropriate way of doing this.

During the investigation, the member of the Board will:

If necessary, interview those involved in the matter (including children, if appropriate) and/or those against whom a complaint has been made, allowing them to be accompanied if they wish by a member of the school team. The investigating Governor will ensure they keep a written record of any meetings/interviews in relation to the investigation.

At the conclusion of their investigation, the member of the Board will provide a formal written response within 20 school days of their introduction letter to the complainant. If the member of the Board is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If the complainant is dissatisfied with the Chair of Governors', Vice-Chair's or Headteacher's decision and/or the way in which they investigated the complaint, they may ask the Governing Board's Complaints committee to consider those matters under Stage 3 of this policy.

If the complaint is jointly about the Chair and Vice Chair or the entire Governing Board or the majority of the Governing Board, the Complainant must put their complaint, in writing to the Clerk, via the School Office. The school office will record the date the complaint is received and immediately contact the Clerk. The Clerk will respond to the complainant, in writing within 5 school days either by letter or email. An independent investigator will be appointed by the Governing Board. At the conclusion of their investigation, the investigator will provide a formal written response within 20 school days of their introduction letter to the complainant. If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date.

Stage 3: Formal Hearing by the Governing Board's Complaints Committee

(The Governing Board's Complaint Committee is a panel of governors will only consider a matter that has already been investigated at stage 2A or 2B). This is the final stage of the complaint procedure.

The reasons for dissatisfaction must be put in writing (using **Complaint Form 2 at Appendix 2** of this policy), and this will provide the focus of the Governing Body's Complaints committee's meeting. The complainant must send Form 2 to the school addressed to the clerk of the Governing Body within 15 school days of receipt of the decision letter sent to them by the Chair of Governors, Vice-Chair or the Headteacher. If the complainant is unable to do this, they should ask somebody to transcribe and/or submit the form on their behalf, and the school should offer to do this if requested.

The form should state if there are any dates and times in the following 2 months that the complainant would be unavailable to attend a committee meeting.

Arranging the meeting – actions for the clerk

The process for the clerk will be as follows:

- A written complaint will be acknowledged in writing by the clerk of the governing body within five school days of receipt of Complaint Form 2. The letter should:
 1. State that it will be considered by a panel of governors, usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent, and should be cc'ed to the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either);
 2. Request copies of any supporting documents to be submitted and the names of any witness(es) that all parties wish to call within five working days of receipt of the letter. It is the Headteacher's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair;
- Within 5 school days of sending the acknowledgement letter, the clerk will arrange a panel of three governors to consider the complaint, to meet usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent;
- The clerk should check whether governors have a conflict of interest (including, but not limited to, being in a relationship with the complainant or having an involvement in the incident that is the basis for the complaint) that would prevent them from sitting on the panel. If they do, they should declare this conflict of interest to the clerk and not sit on the panel. Staff governors should also not sit on the panel – where there aren't enough governors to form a panel, governors from another governing body can be used.
- The clerk should ensure that the Investigating Officer is available to attend the meeting to explain to the panel the decision made, and the reasons for it, as a result of the investigation that took place at Stage 2;
- When the panel is set up within 5 school days of the acknowledgement letter being sent, the clerk will write an invitation letter to the complainant, the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either).

The letter should:

- State the meeting date, time and location, and the names of the panel members;
- Advise all parties of their right to be accompanied to the meeting by a friend/adviser;
- State that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented prior to or at the beginning of the meeting;

- Include the agenda for the meeting, which includes the items listed below:
 1. a cover sheet stating the meeting date, time and location, names of all participants in the meeting including the clerk, complainant, Investigating Officer, panel members and any witnesses, and a table of contents;
 2. procedure for the meeting;
 3. a copy of the complaint and any supporting documents which have been received from any of the participants;
 4. a copy of the school's Complaints Policy

Committee Meeting – guidance for panel members

It is important that the review panel hearing is independent and impartial, and that it is seen to be so.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant, as many complainants will feel nervous and inhibited in a formal setting. Parents/carers also often feel emotional when discussing an issue that affects their child. The Committee Chair will ensure that the proceedings are as welcoming as possible.

Everyone must be treated with respect and courtesy and both the complainant and the Investigating Officer should be given the opportunity to state their case without undue interruption. Exceptionally, in situations of undue aggression, or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

Information relating to the complaint and the hearing is confidential and should not be discussed outside of the committee meeting by any party.

Committee Meeting – proceedings and actions for panel members

Half an hour prior to the meeting, committee members should meet at the venue to discuss any points that may need clarifying with the clerk. The clerk will remain with the panel throughout the process to give advice to the panel.

The process for the committee Chair will be as follows (with the committee Chair using the "PROCEDURE AT COMPLAINT COMMITTEE MEETING" document at **Appendix 3** of this policy for guidance):

- Ensure that prior to the meeting, no party is left alone with the committee members other than the clerk;

- Invite all parties to enter the room and welcome everyone, and invite those present to introduce themselves;
- Check that the complainant received the papers and a copy of the meeting procedure in advance;
- Explain the remit of the panel, and that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
- Summarise the procedure to be followed and provide any clarification requested, and explain that the governors' complaints committee will consider the reasons for the complainant's dissatisfaction as given in writing in Form 2;
- Invite the complainant to confirm that the complaint is as set out on their form/letter and the resolution they are seeking;
- Take control of the meeting and ensure it is conducted fairly according to the policy;
- Explain that the panel are to remain impartial during the course of the meeting, and that any participant may be asked to leave the meeting if their behaviour becomes unacceptable, abusive or offensive, and the meeting concluded in their absence;
- State that papers distributed in advance will be taken as read and ask all parties to refer to them by page number and not quote from them at length;
- Invite the complainant to give the reason for their dissatisfaction with the outcome of stage 2, drawing key points to the committee's attention. This should only refer to information that has already been submitted;
- Should the complainant wish to call witnesses, the Committee Chair will consider each request individually, consulting committee members as appropriate. Each witness, having contributed their information, may be questioned by the Investigating Officer and the committee members in turn, and the witness will then leave the meeting;
- Invite the Investigating Officer to question the complainant on what has been presented;
- Invite committee members to question the complainant on what has been presented;
- Invite the Investigating Officer to give details of their investigation, similarly considering each request to call witnesses as above;
- Invite the complainant to question the Investigating Officer on what has been presented;
- Invite committee members to question the Investigating Officer on what has been presented;
- Invite the complainant to sum up and make a final statement. New information is not to be introduced;
- Invite the Investigating Officer to sum up and make a final statement. New information is not to be introduced;
- Tell parties that the committee will now consider its decision, and the clerk will communicate that decision in writing within 5 school days;
- Ask all parties to leave the meeting so the committee can consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk remains to advise the committee and record its decision.

Resolving a complaint

Options for resolving the complaint include:

- An acknowledgement that the complaint is valid in whole or in part;
- An explanation;
- An admission that something could have been handled differently or better;
- An explanation of the steps taken as a result of this complaint, to ensure that the situation does not reoccur;
- Confirmation that the policy will be reviewed in the light of the concern or complaint;
- An apology.

Options for the Complaints Committee at stage 3 include the above, and/or to:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Refer a complaint back to the Headteacher in whole or in part to deal with under a different policy, such as Staff Capability or Disciplinary;
- Recommend changes to the school's systems or procedures to ensure that the situation does not reoccur.

School Complaints Unit

If the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the Secretary of State. Whilst the Secretary of State has a duty to investigate, they will only intervene where the Governing Body has acted unlawfully or unreasonably. The School Complaints Unit will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

Dealing with unreasonable complaints/complainants

Complaints should be dealt with fairly and impartially, and schools should not normally limit the contact complainants have with the school. However, schools do not tolerate unacceptable behaviour towards staff, and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complainants are defined as 'those who, because of the frequency and/or nature of their contacts with the school, hinder the school's consideration of their or other people's complaints'.

A complaint/complainant may be regarded as unreasonable 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 and being invited by the Headteacher or Investigating Officer to resubmit their complaint;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;

- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with this Complaints Policy or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to resolve a complaint, and seeks to have them replaced;
- Changes the basis of their 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 a complaint, where the school's Complaints Policy has been fully and properly implemented and completed, including referral to the Department for Education;
- Seeks an unrealistic or unachievable outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is in process;
- Refuses to cease behaving unreasonably, despite being asked to in writing by the Headteacher;
- Makes a complaint knowing it to be false;
- Makes a complaint using falsified information;
- Publishes information in relation to a complaint in the media, including but not limited to social media websites and newspapers;
- Behaves maliciously face-to-face, by telephone or in writing or electronically;
- Behaves aggressively face-to-face, by telephone or in writing or electronically;
- Uses threats, intimidation or violence face-to-face, by telephone or in writing or electronically;
- Uses abusive, offensive or discriminatory language face-to-face, by telephone or in writing or electronically.

Complainants should limit the numbers of communications with a school while a complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Investigating Officer will discuss any concerns with the complainant informally if their complaint is deemed to be unreasonable, specifying the reasons why. The complainant should be given the opportunity to resubmit their complaint in a reasonable timeframe.

Whenever possible, the Headteacher will discuss any concerns with the complainant informally if their behaviour is deemed to be unreasonable. If the unreasonable behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants

who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts that can be made in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the Headteacher will contact the police immediately, and will write to the complainant outlining their concerns and actions taken, and stating that the police have been contacted. Actions taken may include banning an individual from the school.

Where the Headteacher, Investigating Officer or the governing body's Complaints committee decides that a complaint is unreasonable, and is satisfied that the complainant has not resubmitted their complaint despite being given the opportunity to; or that the complainant is behaving unreasonably, despite being asked in writing by the Headteacher to cease this behaviour, they may dismiss the complaint and consider it to be resolved through lack of co-operation by the complainant, and the process to be completed.

Agreed by the Governing Body on	November 2020
Signed (Chair)	
Review Date	Autumn 2023

Appendix 2 (Stage 3: Formal Hearing)

COMPLAINT FORM 2 to be sent to the school for the attention of the clerk of the governing body

Please note, the governors' complaints committee will not consider this form at Stage 3 until the complaint has been investigated at Stage 2A or 2B.

Please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction with the outcome of the investigation of your complaint at Stage 2A or 2B:

Please state what outcome(s) you seek:

The names of your witnesses must be given here:

Dates and times that I would not be able to attend the committee meeting in the next 2 months:

Appendix 3

PROCEDURE AT COMPLAINT COMMITTEE MEETING

Before the meeting begins, during the pre-meeting of the committee and during any adjournment of the meeting, no member of the committee should be alone with any party (i.e. member of staff, Headteacher, governor or witness), except for the clerk

At the start of the meeting, all parties should enter the room together

Welcome – committee Chair asks those present to introduce themselves

Committee Chair explains the point of the meeting, that the panel are to resolve the complaint, and achieve reconciliation between the school and the parent. The committee Chair will explain that the panel are to remain impartial during the course of the meeting, and that any participant may be asked to leave the meeting if their behaviour becomes unacceptable, abusive or offensive, and the meeting concluded in their absence. The committee Chair will then:

- Ask parent(s)/or their representative/or both to present their case (with witnesses where appropriate), and to confirm the outcome that they are seeking
- Invite parties (i.e. Investigating Officer and committee members) to ask the parent questions
- Ask the Investigating Officer to present their case (with witnesses where appropriate)
- Invite parties (i.e. parent(s), parent's representative and committee members) to ask the Investigating Officer questions

All parties are requested to make notes during the hearing, refrain from interrupting others and to ask questions at the appropriate times during the meeting.

- Check that all points either party wishes to raise have been covered
- Ask the parent(s)/or their representative/or both to sum up if they wish to (new information is not to be introduced)
- Ask the Investigating Officer to sum up if they wish to (new information is not to be introduced)
- Tell parties that the committee will now consider its decision, and the clerk will communicate that decision to them in writing within **5 school days**
- Ask all parties to leave the meeting so the committee can consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk remains to advise the committee and record its decision