



Falconhurst School

Complaints Policy

Reported to FSP March 2023

Review Scheduled to FSP March 2025

Purpose

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

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

Principles

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

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

Scope

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

Exceptions	Who to contact
Admissions to schools Statutory assessments of special educational needs School re-organisation proposals	Concerns about admissions, statutory assessments of special educational needs or school reorganisation proposals should be raised with Milton Keynes Council
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). Call 01908 253169/70, or email children@milton-keynes.go.uk
Exclusion of children from school*	Please see the Behaviour Policy. Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions .

	<p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>https://www.falconhurstschool.co.uk/policies.php</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. See the Whistleblowing Policy.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the local authority or the DfE (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.</p>
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 DfE at www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If you commence legal action against Falconhurst School in relation to your complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them. Any member of the public may make a complaint to Falconhurst School about any provision of facilities or services that the school provides.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Falconhurst School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

Confidentiality

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

If at any stage it is decided that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. You will be told that action is being taken and the eventual outcome of any such action, but you are not entitled to take part in the proceedings or receive any detail about them.

How to raise a concern or make a complaint

Raising concerns

If you need to raise a concern, in the first instance, you should do so with the relevant member of staff who will try to find a solution. At this point, concerns will not be treated as a formal complaint. It is always best to try to deal with concerns informally and quickly. But if you are not satisfied with the response to your concern and you believe the issue has not been resolved, you should use the procedure detailed below to make a formal complaint. A formal complaint will not be considered unless you have raised the concern informally first.

Formal Complaints

You should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure (please see below – Stages in the formal complaints process).

Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office. Please mark them as ‘private and confidential’.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as ‘private and confidential’.

Complaints about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to the Clerk to the Governing Board via the school office. Please mark them as ‘private and confidential’.

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

In accordance with equality law, we will consider making reasonable adjustments if required, to enable you to access and complete the complaints procedure. This includes, for instance, providing information in alternative formats, assisting you in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Timescales

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

Complaints received outside of term time

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

Resolving complaints

At each stage in the procedure, Falconhurst School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

Withdrawal of a complaint

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

Stages in the formal complaints process

Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days, stating who will investigate the complaint. The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher or investigator will if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. They will 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 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide you with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Falconhurst School will take to resolve the complaint.

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

Complaints about the Headteacher or member of the Governing Board must be made to the Clerk, via the school office.

If the complaint is jointly about the Chair and Vice-Chair, or the entire Governing Board, or the majority of the Governing Board, Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of its investigation, the independent investigator will provide a formal written response.

Stage 2

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

You should write to the Clerk to the Governing Board within 20 school days of receiving the Stage 1 outcome, stating that you wish to appeal against the outcome at Stage 2, and setting out why you are not satisfied with the outcome at Stage 2, and what actions you want the school to take to resolve your complaint.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. The School Office will give you the contact details for the Clerk to the Governing Board.

The Clerk to the Governing Board will write to you within 5 school days to acknowledge receipt of your appeal

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

If you reject the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. The complaint will then proceed in your absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Before 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 Falconhurst School available, the Clerk will source any additional, independent governors through another local school or through the 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.

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 your needs.

If you are invited to attend the meeting, you 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.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Clerk will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that, if you are 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 five school days before the meeting.

Any written material will be circulated to all parties at least two school days before the date of 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 not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless your own disability or special needs require it. Prior knowledge and

consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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 you and the school with a full explanation of their decision and the reason(s) for it, in writing, within five school days. The letter to you will include details of how to contact the Department for Education if you are dissatisfied with the way your complaint has been handled.

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 detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Falconhurst School will take to resolve the complaint.

The response will also advise you how to escalate your complaint should you remain dissatisfied.

After the formal process is complete

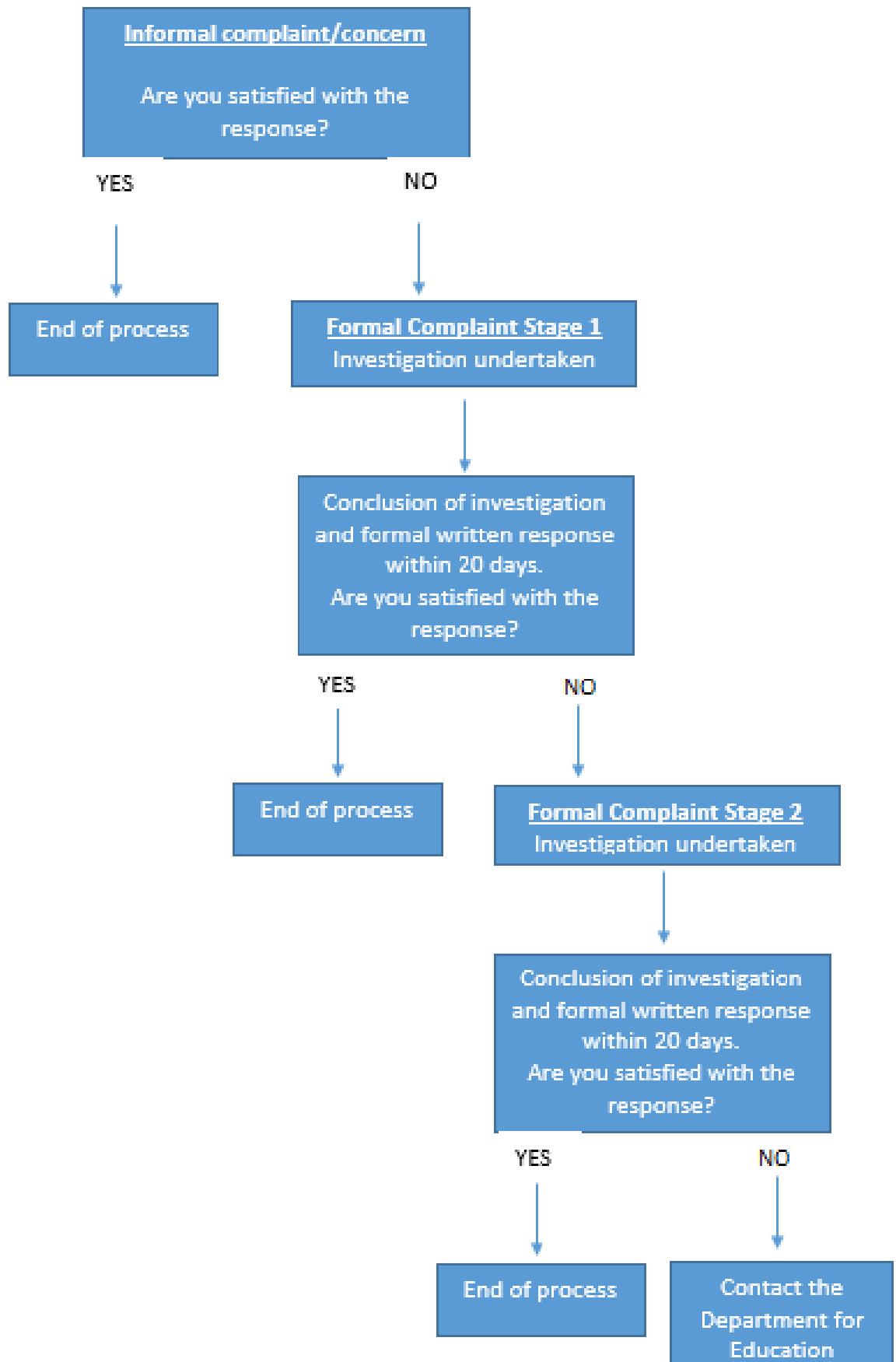
If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after you have completed Stage 2.

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

You can refer your complaint to the DfE online at www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Falconhurst Complaints Process Overview



Falconhurst Complaint form

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

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

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Roles and Responsibilities

The complainant

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

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

The investigator

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 report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

The complaints co-ordinator

This could be the headteacher or other staff member providing administrative support.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (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 or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- 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

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- 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.
- if a new issue arises everyone is given the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- 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 (and complaints co-ordinator, if the school has one).

Committee Members

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 in the circumstances surrounding it.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that 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.

Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the welfare of the child/young person is paramount. The committee should ask in advance if any support is needed to help them present their complaint. The committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.