


Complaints Policy

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| Governor Committee Responsible: | Finlay Community School Combined Committee | Staff Lead(s): | Hannah Williams |
| Status <i>(Statutory / Advisory)</i> | Statutory | Review Cycle | Annually |
| Last Review | October 2024 | Next Review Date | October 2025 |
| Chair of Governors | Daniel Gillingham Daniel Gillingham (chair@chfcfederation.gloucs.sch.uk) |  | |

1. 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 Finlay Community 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.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full, fair and transparent investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat all parties involved with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep all parties informed of the progress of the complaints process
- Consider how the complaint can feed into the school improvement evaluation process

2. The difference between a concern and a complaint

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.
- A complaint is defined as '*an expression or statement 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 complaint's procedure. Everyone at Finlay Community 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, we will respect your views. In these cases, 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, Finlay Community School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

3. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. If made in person or by telephone, we will request permission to record the conversation to ensure that the concern/complaint is accurately documented. Concerns or complaints may also be made by a

third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or a member of the senior leadership team. If the issue remains unresolved, the next step is to make a formal complaint.

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.

Complaints against school staff (except the headteacher) should be made in the first instance, to Hannah Williams or Heather Willis (Co-Headteachers) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteachers should be addressed to Daniel Gillingham (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Maxine Godfrey (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

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

4. 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.

5. Scope of this Complaints Procedure

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

| Exceptions | Who to contact |
|---|--|
| <ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Gloucestershire County Council. |
| <ul style="list-style-type: none">• 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). LADO: 01452 426996 MASH: 01452 426565 |

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| <ul style="list-style-type: none"> Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>Complaints about the application of the behaviour policy can be made through the school's complaints procedure. A copy of our schools behaviour policy is available on our school website.</p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</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 direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |
| <ul style="list-style-type: none"> National Curriculum - content | <p>Please contact the Department for Education at: www.education.gov.uk/contactus</p> |

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. The school's complaints procedure should be fully exhausted before making a complaint to a Tribunal.

If a complainant commences legal action against Finlay Community School 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.

6. Roles and Responsibilities

6.1 Complainant

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

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance where needed
- Treat all those involved with respect
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media. If complaint details are published on social media the school may exercise take appropriate action.

6.2 Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Notify the subject of the complaint in writing and provide them with a copy of the complaint. **Only in exceptional circumstances will the subject of the complaint not be provided with a copy of the complaint or be made aware who has made the complaint.**
- Be mindful of the timescales to respond
- Interview all relevant parties, keeping notes
- Conduct interviews with an open mind and be prepared to persist in the questioning
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

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

6.3 Complaints Coordinator

The complaints coordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support

The complaints coordinator will:

- Keep the complainant appropriately up to date at each stage of the procedure
- Make sure that the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority
- Be aware of issues relating to:
 - Sharing third-party information

- Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

6.4 Clerk to the Governing Body

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing; including setting 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
- 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)
- Record and circulate the minutes and outcome of the hearing

6.5 Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- 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
- Make sure that all parties see the relevant information, understand the purpose and remit of the committee, and are allowed to present their case.
- Ensure that 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
- All parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

7. Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

Records relating to complaints made to and investigated by the governing body or headteachers will be retained by the school for a period of 7 years.

8. Informal Concerns

Our school will take informal concerns seriously and make every effort to resolve the matter quickly. It

may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the concern as soon as possible within the timescales set out in section 7.

The concern should be addressed to the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office by telephone on 01452 530310 or email admin@finlay.gloucs.sch.uk

The school will acknowledge informal concerns within 5 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the concern, if appropriate. A written response will be provided by the school within 10 school days following the informal meeting.

If the concern is not resolved informally, it will be escalated to a formal complaint.

9. Stages of complaint (not complaints against the headteacher or governors)

We have adopted a 2-stage process for dealing with complaints:

- Stage 1 – formal investigation
- Stage 2 – review panel

9.1 Stage 1: formal

Formal complaints can be raised:

- By letter or email (this is preferred)
- Over the phone
- In person
- By a third party acting on behalf of the complainant. In these instances, written consent from the complainant must be provided.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office by telephone on 01452 530310 or email admin@finlay.gloucs.sch.uk

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.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify the complaint and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The headteacher will notify the subject of the complaint in writing and provide them with a copy of the complaint. **Only in exceptional circumstances will the subject of the complaint not be provided with a copy of the complaint or be made aware who has made the complaint.**

The written conclusion of this investigation will be sent to the complainant within 20 school days.

9.2 How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 school days of the Stage 1 response. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant. In these instances, written consent from the complainant must be provided.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

9.3 Stage 2: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of the governing board available who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools, or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from all parties.

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

The board will ensure that the hearing is properly minuted.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. The subject of the complaint is not required to attend the meeting as their evidence can be presented by the school representatives. However, they are able to attend to present their evidence if desired. All parties will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, or the complaint subject attends the meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The Outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Clerk will inform those involved of the decision in writing within 5 school days.

10. Complaints against the headteacher(s), a governor or the governing board

10.1 Stage 1: formal

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office, and marked 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, marked as private and confidential.

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 9 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

An independent investigator will carry out the steps in stage 1 (set out in section 9 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

The clerk to the governing board 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.

10.2 How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days of the Stage 1 response. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant. In these instances, written consent from the complainant must be provided.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

10.3 Stage 2: review panel

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a committee of members of the governing board will hear the complaint. They will carry out the steps at stage 2 (set out in section 9 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools, and the local authority and will carry out the steps at stage 2 (set out in section 7 above).

11. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

www.gov.uk/complain-about-school

Details of how to complaint to Ofsted can be found on the following webpage

<https://complain.ofsted.gov.uk/> All steps in the school's complaints procedure should be completed before a complaint is made to Ofsted.

We will include this information in the outcome letter to complainants.

12. Unreasonable and persistent complaints

Please also refer to the school's Managing Serial and Unreasonable Complaints Policy.

12.1 Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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 that 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
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- 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
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Steps we will take

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

12.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
 - The complainant's communications are often or always abusive or aggressive
 - The complainant makes insulting personal comments about or threats towards staff
 - We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

12.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the school, warrants further consideration, the procedure outlined in section 9 or 10 (as appropriate) will be repeated.

13. Mediation

Where appropriate, following a complaint, mediation will be offered to the complainant and the subject of the complaint. This is entirely voluntary but can be a helpful way to mend relationships.

Mediation is held by a 'mediator' (neutral person). The mediator is impartial which means they do not take sides. Mediation is not about judging who was right or wrong in the past but looks at how to agree on working together in the future.

14. Links to Other Policies

- Behaviour Policy
- Child Protection and Safeguarding Policy
- E-Safety Policy
- Managing Serial and Unreasonable Complaints Policy
- Parent Conduct Policy
- SEND Policy

Complaint Form

Please complete and return to Hannah Williams, 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 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:

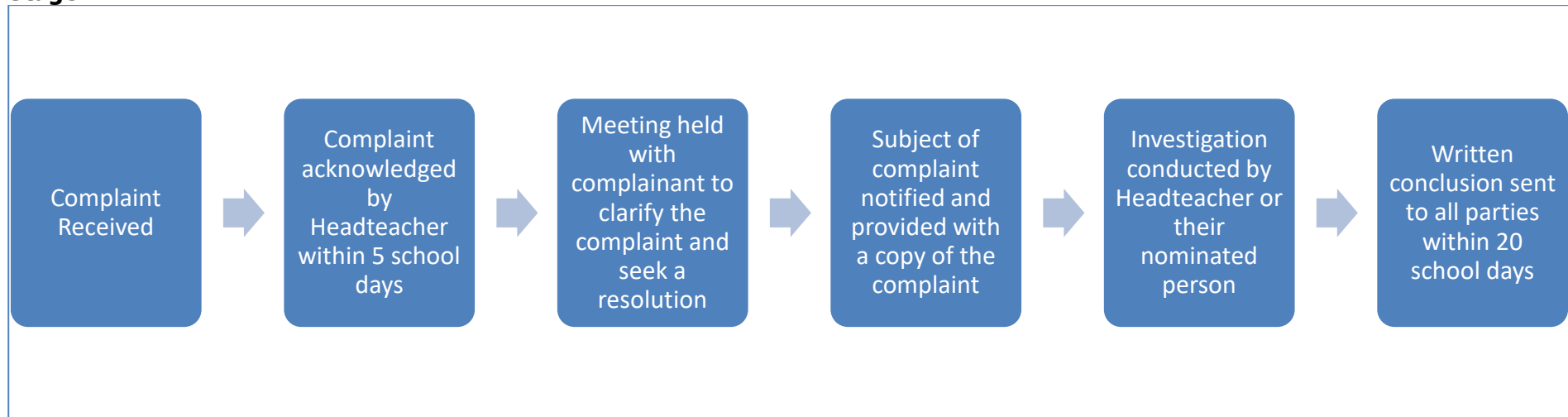
By who:

Complaint referred to:

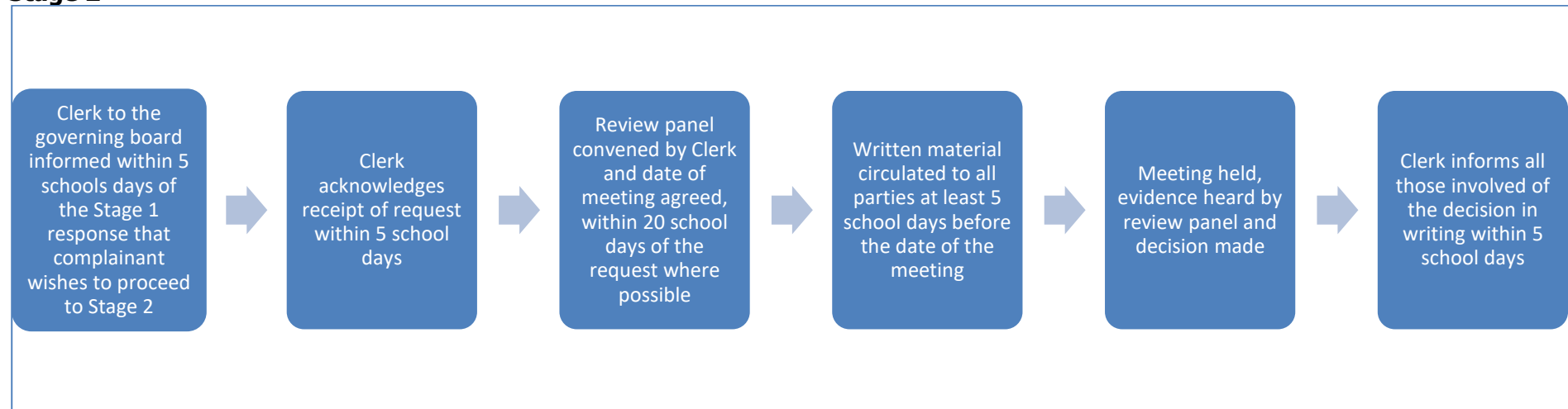
Date:

Complaints not against headteacher or governors

Stage 1

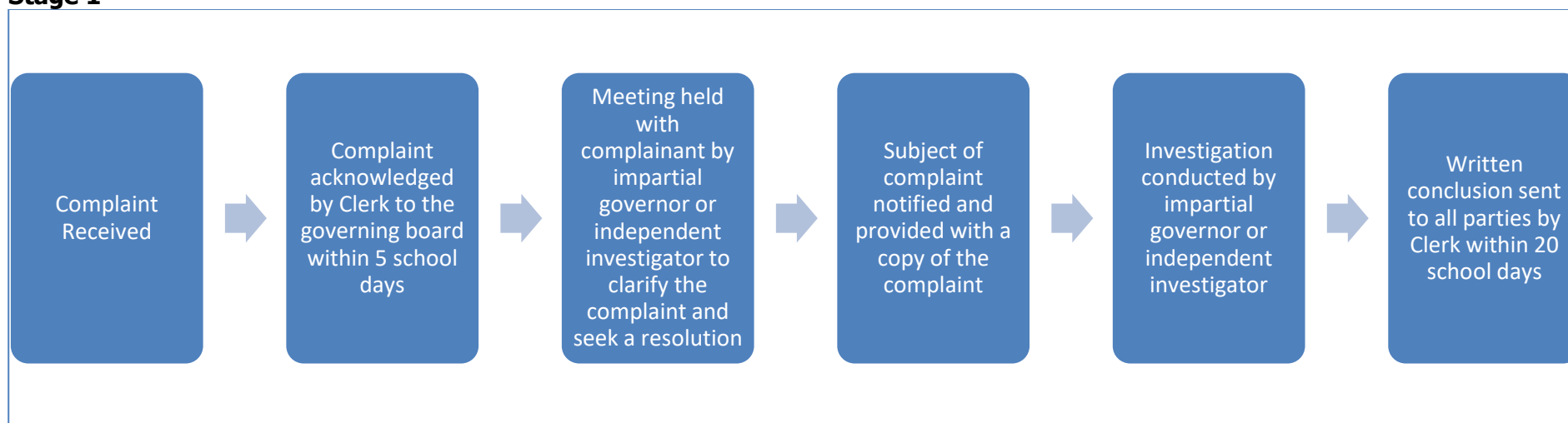


Stage 2



Complaints against the headteacher, a governor or the governing board

Stage 1



Stage 2

