



The Federation of the Church Schools of  
Shalfleet and Freshwater & Yarmouth

*Together for a Brighter Future*

# COMPLAINTS POLICY

<b>Approved by</b>	<b>FGB</b>
<b>Portfolio</b>	<b>Standards</b>
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<b>Review Cycle</b>	<b>1 Year</b>
<b>Policy Type</b>	<b>Statutory</b>
<b>Ratified/FGM Date</b>	

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **General Principles**

We value good home/school relations and will do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

It is hoped that a complaint can be resolved without formally invoking this policy, particularly where the complaint can be redefined as a problem or a concern. The procedures identified in this policy should not be seen as replacing the good practice of resolving concerns or problems as they arise.

We will treat all concerns and complaints seriously, courteously and quickly and will advise parents and others of the school's procedures for dealing with their concerns. In return, the Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet, request that the complainants do not discuss complaints publicly and/or via social media. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

The aim of this Complaints Policy is to ensure that a complaint is fully considered and wherever possible resolved to the satisfaction of the complainant.

We intend to adhere to the timelines stated in this policy however situations may arise which prevent this from happening in which case we aim to keep the complainant informed. Complaints will be considered and resolved as quickly and efficiently as possible.

At any point in the process the complainant or the person(s) subject to a complaint may request a representative or a colleague (*see under definition – not employed by the school*) to support. The involvement of such a person should be declared to the Complaints Co-ordinator.

All complaints (Stage 2 onwards) will be logged in a complaint register which will be kept up to date by the Complaints Co-ordinator. Records of complaints, progress of each complaint and final outcome will be held at the appropriate school. Complainants can request access to see the records of their complaint under the Freedom of Information, Data Protection Acts and GDPR regulations. The Complaints Co-ordinator for The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet is the Headteacher. The investigators at the schools are the School Business Manager or other senior members of staff. Where the complaint is about any senior member of staff they will not be able to take part in the investigation or consider the complaint.

Where a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding and child protection policy which can be found on our website.

This policy follows the guidance issued by the DfE which can be found on the following link: <https://www.gov.uk/government/publications/school-complaints-procedures>

### **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 Freshwater & Yarmouth and Shalfleet CE Primary Schools about any provision or facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **The difference between a concern and a complaint**

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

A 'complaint' may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet 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 Complaints Co-ordinator will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Complaints Co-ordinator 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, The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

For the purposes of this policy "we" means the school, its governors and any external governors who may be nominated to hear your complaint.

A copy of this Complaints Policy is held in the school office and is available for parents on the website [www.fosay.co.uk](http://www.fosay.co.uk)

Parents/carers are encouraged to come to the school to talk about their concerns. The school has an open door policy and staff are available to see parents/carers before and after school and at other times, by appointment.

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

A concern or complaint can be made in person, in writing by letter or email, or by telephone. They 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, deputy headteacher or headteacher. 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 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.

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.

### Anonymous complaints

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

### Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will 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.

### Scope of the Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet, other 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> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority, Isle of Wight County Council.</p> <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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)</p> <p>Telephone: <b>01962 876364</b></p> <p>Email: <a href="mailto:child.protection@hants.gov.uk">child.protection@hants.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusions can be found at:</p> <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>

	<i>'complaints about the application of the behaviour policy can be made through the school's complaints procedure'</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<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 services. 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 The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet 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.

### **Resolving complaints**

At each stage in the procedure, The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

## Withdrawal of a Complaint

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

### Dealing with Complaints: The Complaints Process

- **Stage 1: Informal Stage:** The school aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage 2: Formal Complaint (1<sup>st</sup> formal stage):** 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.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

***Note: 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
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- Jointly about the Chair or Vice Chair or
- The entire governing body or
- The majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body or the Portsmouth Diocese. At the conclusion of their investigation, the independent investigator will provide a formal written response.

- **Stage 3: Chair of Governors (2<sup>nd</sup> formal stage):** If the complainant is dissatisfied with the outcome of Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 15 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 5 school days of receipt of the Stage 3 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 bases 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. Prior to the meeting, they will decide amongst themselves who will act as Chair of the Complaints Committee. If there are fewer than three governors available, the Clerk will source any additional, independent governors through another local school or through the 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 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

***Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.***

Representatives from the media are not permitted to attend.

At least 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 3 school days before the meeting.

Any written material will be circulated to all parties at least 2 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 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 Federation of the Church Schools of Freshwater & Yarmouth and Shalfleet with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.



The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire governing body or
- The majority of the governing body

Stage 3 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 the school will take to resolve the complaint.

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

A flow chart of stages can be seen at [Appendix A](#).

An explanation of roles and responsibilities can be seen at [Appendix C](#).

### **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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decision made by the school. 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

**This is the final stage of appeal.**

### **Vexatious Complaints**

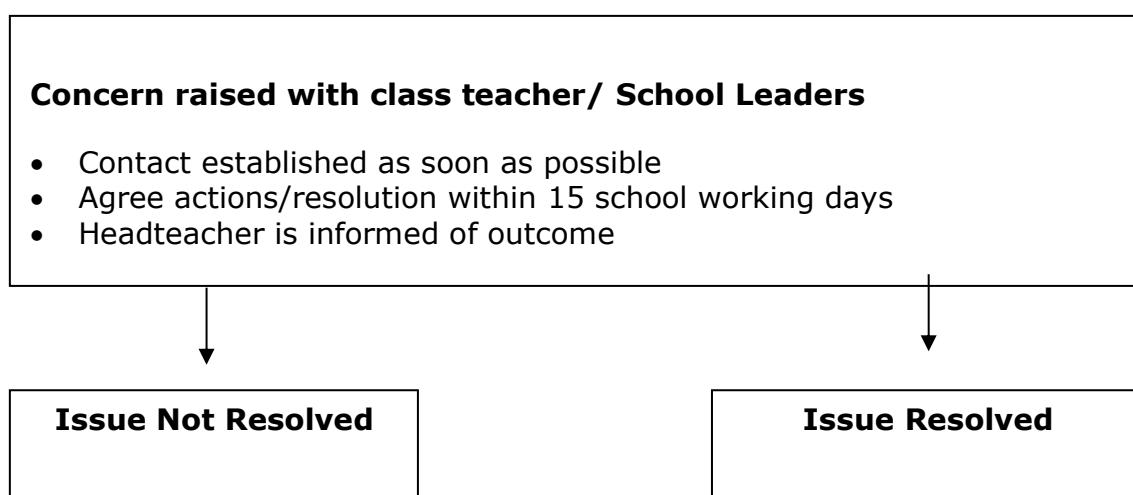
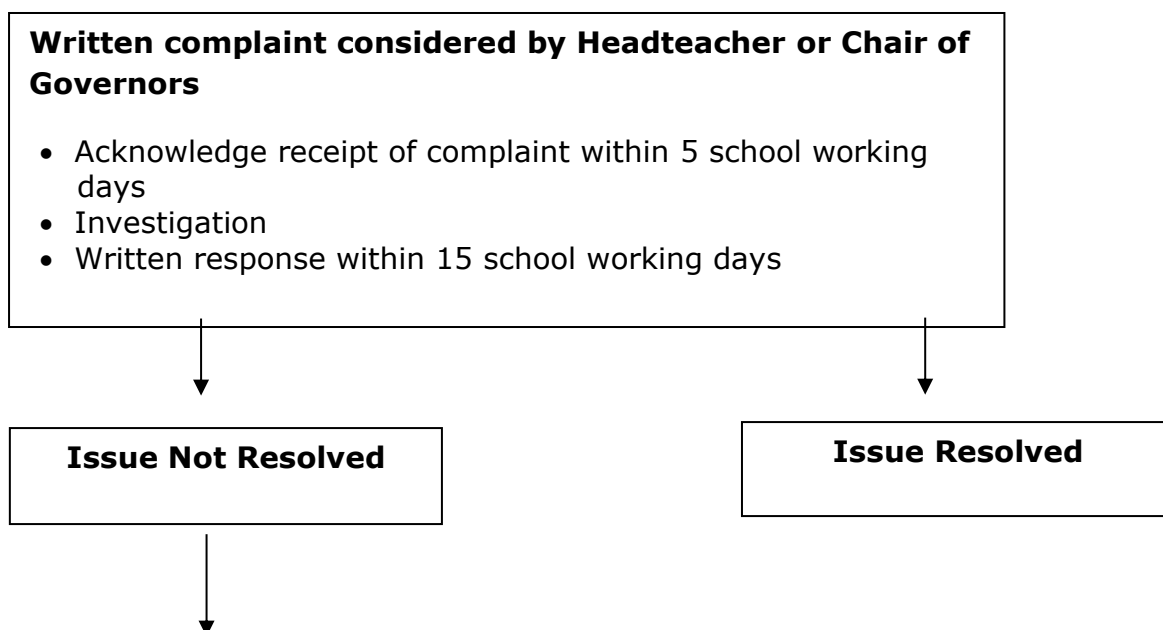
Very occasionally the school may feel that it needs to close a complaint where the complainant is still dissatisfied. Sometimes this is a case of 'agreeing to disagree'.

There may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now

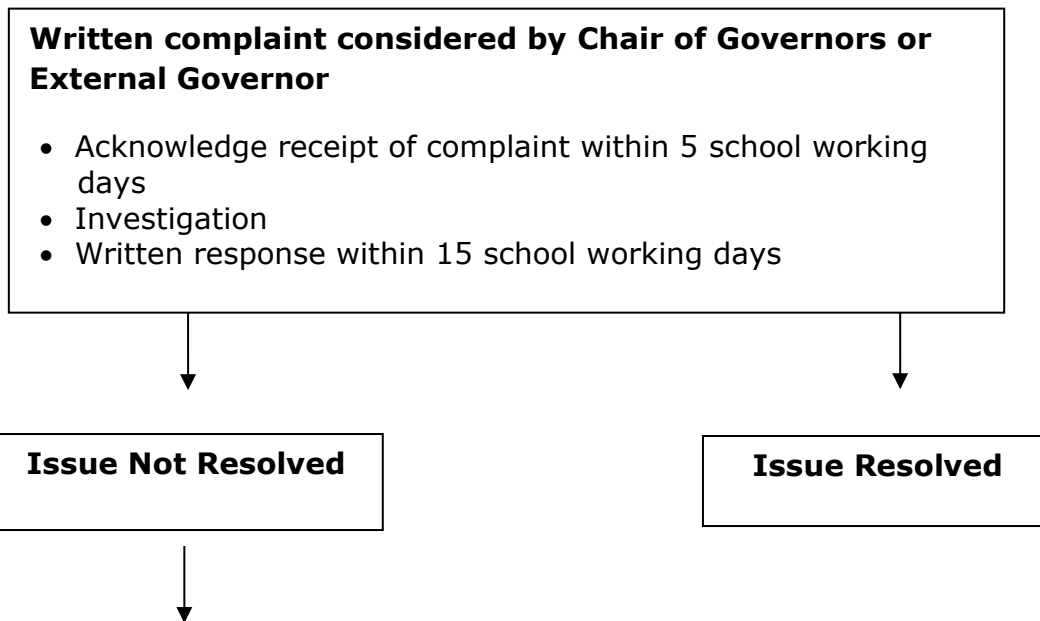
closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

## Flowchart

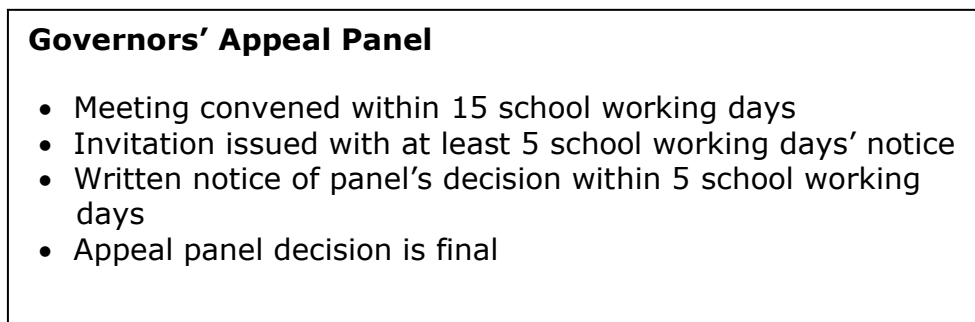
## Summary of Dealing with Complaints

**Stage 1: Informal stage****Stage 2: HT**

### Stage 3: Chair of Governors



### Stage 4: Governors' Appeal Panel



## Complaints Form

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

<b>Your Name</b>	
<b>Pupil's Name (if relevant)</b>	
<b>Your Relationship to the pupil (if relevant)</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Daytime Telephone Number</b>	
<b>Evening Telephone Number</b>	
<b>E-mail Address</b>	

Please give details of your complaint (please include details of any witnesses if relevant):

What action, if any, have you already taken to try and resolve your complaint (to whom did you speak and what was the response?)

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

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

If you require a representative to support you in this process, please include their contact details here:

Name: \_\_\_\_\_ Email/Tel no: \_\_\_\_\_

**Signature:**

**Date:**

**Official Use**

<b>Date complaint received</b>	
<b>Date acknowledgement sent</b>	
<b>Acknowledgement sent by whom</b>	
<b>Complaint referred to whom</b>	
<b>If not resolved, dated sent to Clerk to Governors</b>	

# Roles and Responsibilities

## Appendix C

**The Complainant** - The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or Headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The

Investigator's role can include:-

- 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;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and

- responding to the complainant in plain and clear language.
- The person investigating the complaint should make sure that they:
- 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.

### **The Panel Clerk (this could be Clerk to the Governors or Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.



## Panel Member

Panelists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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.
- Many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

The welfare of the child/young person is paramount.