



THE STONEHENGE SCHOOL

COMPLAINTS POLICY AND PROCEDURE

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THE STONEHENGE SCHOOL COMPLAINTS POLICY

1. Introduction

The Stonehenge School will consider any concern or complaint very seriously and make every effort to resolve the matter satisfactorily as quickly as possible.

- **Concern** – these may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

Concerns about the school or the education provided, should be discussed with the class teacher or form tutor as early as possible and in line with the 'Home to School Communication Policy'. If not resolved, then a complaint should be considered.

- **Complaint** – these may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

Complaints will be handled in accordance with the Complaints Procedure.

This document sets out the school's approach to complaints and provides a procedure for addressing complaints. The school will give careful consideration to all complaints and deal with them fairly and honestly. Individuals will be encouraged to state what actions they feel might resolve the problem.

The school has a process for managing serial and unreasonable complaints, or those that can be considered vexatious, and this can be found in Annex A.

2. Aims

The Stonehenge School will aim to:

- a. Promote complaint resolution at the earliest stage in the procedure;
- b. encourage resolution of problems by informal means wherever possible;
- c. identify areas of agreement between the parties and clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues;
- d. provide sufficient opportunity for any complaint to be fully discussed and to resolve it through open dialogue and mutual understanding;
- e. ensure a full and fair investigation by an independent person where necessary
- f. Acknowledge, if appropriate, that the complaint is not upheld, or upheld in whole or in part, and in addition, offer one or more of the following:
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that efforts will be made to ensure the event will not happen again with an indication of the timescales for any planned changes;
 - an undertaking to review school policies in light of the complaint;
 - an apology.
- g. Maintain a Complaints Procedure that will:
 - be easily accessible and publicised;
 - be simple to use and understand;

- be impartial and non-adversarial;
- enable swift handling with time-limits for action and progress updates;
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation);
- provide effective response and appropriate redress where necessary, to all points;
- inform the school's senior leadership team so that services can be improved.

3. Scope

Any parent or carer of children registered at the school can make a complaint, as can any member of the public. Further, a third party may act on behalf of a complainant, as long as they have the appropriate consent to do so.

A complaint can be about any community facility or service that The Stonehenge School provides. This Policy and associated Complaints Procedure will cover all complaints except those dealt with under other statutory procedures; see Annex B for detail of these exceptions. As a general rule, complaints will only be upheld if it can be concluded that policies or procedures have not been adhered to.

4. Complaints Procedure overview

Complainants should not approach governors directly as they have no power to act as individuals and this may preclude them from being involved in the complaint procedure.

Stage 1 - Informal Discussion It is in everyone's interest that complaints are resolved as early as possible, without the need to progress to the formal stages, therefore addressing a complaint should start at this informal stage with a discussion with the appropriate person.

Stage 2 – Formal Investigation There will be occasion when complaints need to be formally investigated, due to perceived importance, or unsatisfactory outcome of the Informal stage. Stage 2 will involve an investigation led either by the Head Teacher (or nominated Senior Staff Member), the Chair of Governors (or a nominated Governor) or an independent investigator as appropriate to the nature of the complaint.

Stage 3 – Formal Governor Review Should the Complainant not be satisfied with the outcome of Stage 2, then a Governor review can be requested.

The Complaints Procedure can be found in full at Annex C.

5. Assistance available

If the complainant has difficulty discussing a matter with a particular member of staff, their views will be respected and, in these cases, the Complaints Officer will refer the matter to another staff member. Similarly, if the member of staff directly involved feels unable to deal with the matter, the Complaints Officer will refer it 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.

The complaints procedure includes a template Complaint Form; this is available in Word Format on the School website; contact the school office for help in completing the form.

Assistance from third party organisations like the Citizens Advice can also be sought.

In accordance with equality law, the school will consider making reasonable adjustments if required, to enable complainants to access the complaints Procedure and complete the Complaints Form. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

6. Anonymous complaints

Anonymous complaints will not normally be investigated, however, the Headteacher or Chair of Governors, will determine whether the complaint warrants an investigation.

7. Time scales

Complaints should be raised within three months of the incident or, where a series of associated incidents has occurred, within three months of the last incident.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority safeguarding teams or Tribunals, this may impact the ability to adhere to the timescales or result in the procedure being suspended until those public bodies have completed their investigations.

8. Complaints received outside of term time

Complaints made outside of term time will be considered as having been received on the first school day after the holiday period.

9. Suspending a Complaint

If a complainant commences legal action in relation to their complaint, The Stonehenge School will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

If the complaint relates to an incident that has been reported to police, whether by the school or by a parent/guardian, then the complaint will be suspended, and no activity relating to the complaint will be carried out until the police investigation is completed and the school informed of the outcome. Any subsequent investigation by the school will align with the findings of the police investigation.

10. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, this should be confirmed in writing.

11. 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.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school but 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. Options are:

Online www.education.gov.uk/contactus;

Telephone 0370 000 2288;

Writing to Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

Annex A - Managing serial and/or unreasonable complaints

A1. The Stonehenge School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A2. The Stonehenge School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- a. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- b. refuses to co-operate with the complaints investigation process;
- c. refuses to accept that certain issues are not within the scope of the complaints procedure;
- d. insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- e. introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- f. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- g. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- h. changes the basis of the complaint as the investigation proceeds;
- i. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- j. 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;
- k. seeks an unrealistic outcome;
- l. 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;
- m. uses threats to intimidate;
- n. uses abusive, offensive or discriminatory language or violence;
- o. knowingly provides falsified information;
- p. publishes unacceptable information on social media or other public forums.

A3. Complainants should try to limit their communication with the school that relates to their complaint, 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.

A4. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

A5. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Stonehenge School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

A6. 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 The Stonehenge School.

Annex B – Complaints Procedure Exceptions

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 re-organisation proposals should be raised with Wiltshire Local Authority.
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 Designated Officer for Allegations (DOFA) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) on 0300 456 0108
Exclusion of children from school*	For information about raising concerns about exclusion see: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complainants will be advised that any staff conduct complaints will be considered under the school's internal staff disciplinary procedures, if appropriate. 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 has been addressed.
Other Service Providers using 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 Department for Education at: www.education.gov.uk/contactus

Annex C – Complaints Procedure

1. Stage 1 (informal stage) Complaint heard by a staff member

- 1.1 A Stage 1 Informal complaint can be made in writing to the Complaints Officer via admin@stonehenge.wilts.sch.uk
- 1.2 The Complaints Officer will acknowledge receipt within **5 school days** detailing the intended action and will keep appropriate records.
- 1.3 At this stage, the complaint may be dealt with by an appropriate staff member (e.g. tutor, Progress Leader, Subject Leader, Teacher or a member of the Senior Leadership Team).
- 1.4 Within **15 school days** of acknowledging receipt, the Complaints Officer will write to Complainant again, detailing the outcome.
- 1.5 If the Complainant is satisfied with the outcome, then there is no further action required, but if they are dissatisfied with the way the complaint was handled at Stage 1 or unhappy with the outcome, they may wish to pursue the complaint to Stage 2 (Formal).

2. Stage 2 (1st Formal Stage) Complaint heard by Headteacher/Chair of Governors

- 2.1 A Stage 2 Complaint should be made by using the Complaint Form at Annex E; assistance is available as detailed in paragraph 5. The completed form should be sent to either the Headteacher OR the Clerk to Governors as detailed below:

a. IF your complaint is about the following:

- the day-to-day running of the school
- the interpretation of school policies
- the actions or inactions of staff at the school
- complaints against school staff (except the Headteacher)

Post to School marked '**Private & Confidential FAO Headteacher**' or
E-mail to admin@stonehenge.wilts.sch.uk.

b. IF your complaint is about the following:

- the Headteacher
- the Governing Body in whole or part

Post to School marked '**Private & Confidential FAO Clerk to Governors**' or
E-mail to Clerk to Governors - ClerkToGov@stonehenge.wilts.sch.uk.

- 2.2 For complaints received by the Headteacher, they may choose to investigate it themselves or nominate a member of the senior leadership team as Investigator; the Headteacher cannot delegate the decision to be taken.
- 2.3 If the complaint is about the Headteacher, or a member of the governing body, the Chair of Governors may choose to investigate it themselves or appoint a suitably skilled governor as investigator, to complete all the actions at Stage 2.

- 2.4 If the complaint is about both the Chair of Governors and Vice Chair of Governors, the entire governing body or the majority of the governing body, an independent investigator will be appointed by the governing body, to complete all the actions at Stage 2.
- 2.5 The Complaints Officer will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **10 school days**.
- 2.6 The Headteacher, Chair of Governors or nominated Governor, or the Independent Investigator will seek to clarify the nature of the complaint, identify what remains unresolved and what outcome the complainant would like to see. They will also consider whether a face to face meeting is the most appropriate way of doing this.
- 2.7 During the investigation, The Headteacher, Chair of Governors/nominated Governor, or the Independent Investigator will:
 - if necessary, interview some or all of those involved in the matter allowing individuals to be accompanied should they so wish;
 - keep a written record of any meetings / interviews in relation to their investigation.
- 2.8 At the conclusion of the investigation, the Headteacher, Chair of Governors, nominated Governor, or the Independent Investigator will provide the Complainant with a formal written response for Stage 2, within **20 school days** of the date of receipt of the complaint. If they are unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 2.9 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 and/or governing body will take to resolve the complaint.
- 2.10 The response will also advise how to escalate the complaint should the Complainant remain dissatisfied with the outcome of Stage 2.

3. Stage 3 (2nd Formal Stage) Formal Governor Review

- 3.1 A request to escalate a Complaint to Stage 3 must be made to the Clerk to Governors, within **10 school days** of receipt of the stage 2 response. (*Note 1*).
- 3.2 The Clerk will record the date the request is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.
- 3.3 The Clerk will aim to arrange for the review to take place within **20 school days**. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 3.4 The Clerk will organise the review to be completed by member(s) of the Governing Body, who have no prior involvement with the complaint or complainant.

- 3.5 At **least 10 school days before** the review the Clerk will write to the Complainant to request that copies of all evidence, written or electronic (*Note 2*), plus the names of any witnesses and their written statements, be submitted to the Clerk at **least 5 school days before** the review.
- 3.6 The Headteacher (or Chair of Governors or Independent Investigator) will prepare a complete and collate a written report for the review.
- 3.7 The member(s) of the Governing Body will consider the complaint and all the evidence presented in order to reach a decision on whether the complaint is upheld or dismissed, and if upheld:
- decide on the appropriate action to be taken to resolve the complaint;
 - recommend appropriate changes to the school's systems, policies or procedures.
- 3.8 The Governor(s) will provide the Complainant and The School with a full explanation of the decision and the reason(s) for it, in writing, within **5 school days** of the meeting. Where appropriate, it will also include details of actions The Stonehenge School will take to resolve the complaint, and any changes to prevent re-occurrence.
- 3.9 The response will also advise the complainant of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

4. Stage 3 Notes

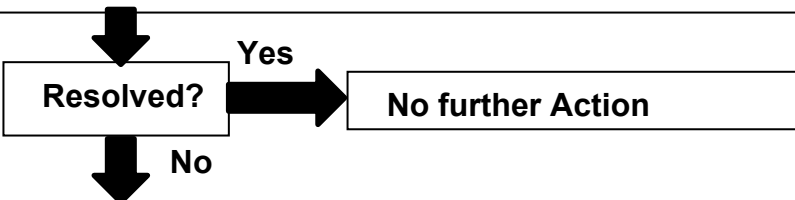
Note 1 - New Complaints. The Panel will NOT review new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must start at Stage 1.

Note 2 - Evidence. The review will not accept as evidence any recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Annex D – Complaints Procedure Stage 1 to 3 Flowchart

Stage 1 - Informal

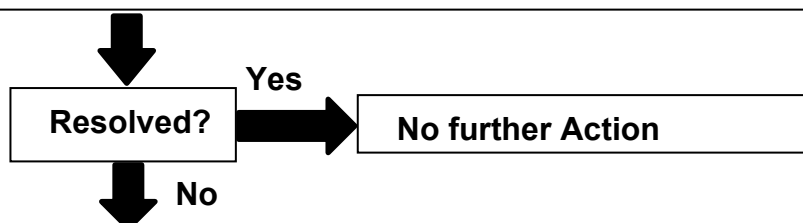
To raise a complaint, an email should be sent to The complaints officer who will respond within **5 school days** explaining the intended action. Confirmation of the outcome will be issued within **15 school days** of having sent confirmation of the intended action.



Stage 2 (1st Formal) Complaint heard by Headteacher OR Chair of Governors

The Complaints procedure and Complaint Form will be made available and support in completing the form is available if required.

Complaint form passes to the Headteacher OR Chair of Governors who deals with the matter. The Complaints Officer or Clerk to Governor aims to write to you to acknowledge receipt of the complaint and action to be taken within **10 schools days** of receipt. The Headteacher OR Chair of Governors aims to write to you with the outcome of the process within **20 school days** of the complaint being acknowledged.



Stage 3 (2nd Formal) – Complaint reviewed by Governor or Governors

Should you wish to move to Stage 3 of the procedure you should notify the school in writing or by e-mail within **20 school days of receiving the decision of stage 2**. A Governor Complaints review is set up to consider the complaint. The aim is to do this within **20 school days** of the complaint being passed to the Governing Body. The Governor(s) will consider written submissions from you and the Headteacher / Chair of Governors

The reviewer(s) consider the complaint and make a final decision on behalf of Governing Body and provide written notice of the decision **within 5 school days**.

This is the end of the school process. If you feel the school has acted unreasonably or not followed the correct procedures you can refer the matter to the Local Authority who will review the procedure undertaken by the school and/or Governing Body whilst handling the complaint.

Annex E - Complaint Form

Please read the Complaints Policy and Procedure before completing. For information on assistance available see policy para 5 and see Annex C para 2.1 for details of who it should be sent to, and how.

Your name:	
Pupil's name:	
Your relationship to pupil:	
Address & Postcode:	
Daytime telephone:	
Evening telephone:	
E-mail address:	
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. <i>This can be anything that supports your complaint, such as previous emails etc</i>	
Signature:	Date:
Official Use Only	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Annex F - Roles and Responsibilities Guidance

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 complaint detail on social media and respect confidentiality.

Complaints Officer

The Complaints Officer will conduct administrative actions with regard to all complaints at Stage 1 (unless it is about the Governing Body), and those at Stage 2 that are being managed by the Headteacher (for Stage 2 complaints being managed by Chair of Governors the administrative function will be carried out by the Clerk to Governing Body).

The Complaints Officer should:

- ensure that the Complainant is fully updated at each stage of the procedure;
- liaise as appropriate with staff members, Headteacher, Chair of Governors, Clerk and Local Authority to ensure the smooth running of the complaints procedure;
- keep records.

The Complaints Officer should be aware of issues regarding:

- sharing third party information;
- additional support that may be needed by Complainants when making a complaint including interpretation support or where the complainant is a child or young person.

Clerk to the Governing Body

For any complaint involving the Governing Body, and specifically Stage 2 when managed by Chair of Governors, and Stage 3 reviews, the Clerk is the contact point for the Complainant.

The Clerk 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);
- collate any written material relevant to the complaint (e.g. stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the review within an agreed timescale;

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- liaising with the complainant and the complaints co-ordinator as appropriate to clarify

what the complainant feels would put things right;

- 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.

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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems;
- recognise that a complaint will only be upheld if it can be concluded that policies or procedures have not been adhered to.

Governor Review (Stage 3)

The Governor(s) 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 review;
- both the complainant and the school are given the opportunity to make their case and seek clarity, through written submissions ahead of the review;
- the issues are addressed;
- key findings of fact are made;
- the review is open-minded and independent;
- they liaise with the Clerk;
- a complaint will only be upheld if it can be concluded that policies or procedures have not been adhered to;
- No governor may be part of the review if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the complainant might not be satisfied with the outcome if the review does not find in their favour;
- It may only be possible to establish the facts and make recommendations;