The Fairlawn and Haseltine Federation Complaints Policy

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1. Aims

Our Federation aims to meet its statutory obligations when responding to complaints from families at the Federation, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair 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 complainants 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 complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Federation improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Federation will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on both Fairlawn and Haseltine's websites and a paper copy can be requested via our school offices.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

This is important to us because we always aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual

understanding. In all cases we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved within established time limits.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that Federations must have and make available a procedure to deal with all complaints relating to their Federation and to any community facilities or services that the Federation provides.

It is also based on guidance for Federations on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

This document meets the requirements of section 35 of the schedule to the Education (Non-Maintained Special Federations) (England) Regulations 2011, which states that non-maintained special Federations must have and make available a written procedure to deal with complaints relating to their Federation.

It also refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Federation's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

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" The school will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

3.2 Scope

The Federation intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Complaints about services provided by other providers who use Federation premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the Federation throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

4.2 The investigator

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

- Interview all relevant parties, keeping notes
- 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

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

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

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure 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

4.4 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
- Record and circulate the minutes and outcome of the hearing

4.5 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

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

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the Federation's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The Federation will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Federation is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify families if we become aware that the Federation is to be inspected by Ofsted. We will also supply a copy of the inspection report to families of children attending the setting on a regular basis.

6. Stages of complaint

Stage 1. Informal Expression of concern made to the school.	If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their class teacher or if it is another concern follow our communications procedures to identify the best person to contact. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action to resolve the issue. Most issues can be resolved

	quickly.
Stage 2. Complaint Concerns raised formally with designated complaints officer (the Headteacher).	Formal complaints should be made in writing to the Headteacher (using the proforma appendix 1) and will be acknowledged within three school days. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. The headteacher reserves the right to allocate the investigation to another member of the senior leadership team. However, all investigations will be conducted by an SLT member. Most complaints are normally resolved by this stage. The outcome of the Headteacher investigation will be communicated to you within **20 school days** in the form of a written response, with full explanation of the decision and the reason for it, as well as any action taken. If the complaint is about the Headteacher, the matter should be referred to the Chair of Governors.
Stage 3. Governing body. Complaint rarely reaches this formal level but should you need to you should make a formal complaint to the Governing Body Complaints Panel.	Complaints at this stage should be written and received within **10 school days** of the Headteacher's decision. Your letter should be addressed to the Chair of Governors and should set out why you remain unhappy and what you wish to see happen. The Governing body Complaints Committee will consist of 3 people – none of whom will have been previously involved in your complaint. They will let you know when your complaint is to be considered. If a meeting with you and others involved is considered necessary, you should be given adequate notice to prepare. The committee will make their decision in private and write to you within **7 school days.**
Stage 4. Final Complaints Stage If all attempts to resolve the complaint have failed, you may refer your complaint to the Secretary of State for Education. www.education.gov.uk	If the complaint is not resolved, a parent may make representation to the LA. Further information about this process is available from the school or from the LA. Decision is made by recommendation and will be provided **within 15 days** where possible.

7. Complaints against a governor or the governing board

7.1 Stage 1: informal

Complaints made against any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about 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.

7.2 Stage 2: formal

If the complaint is:

- Jointly about the chair and vice-chair or

- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing body, and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is:

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

A committee of independent governors will hear the complaint. They will be sourced from the schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the Federation's procedure

If the complainant is unsatisfied with the outcome of the Federation'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 Federation's complaints policy and any other relevant statutory policies that the Federation holds were adhered to. The DfE also looks at whether the Federation's statutory policies adhere to education legislation.

The DfE will intervene where a Federation 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 Federation will be asked to correct its procedure accordingly.

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

https://www.gov.uk/complain-about-Federation

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

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The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at children's welfare and health and safety, and make sure that the Federation deals with serious failings.

9. Persistent/vexatious complaints

9.1 Unreasonably persistent complaints

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

Persistent complaints refer to legitimate complaints that either:

- Continue to be raised after they have been considered under the Federation's published complaints procedure;
- Are repeated in intent but show no indication of new information or developments;
- Place an undue burden on school time and resources.

Vexatious complaints are defined as complaints that:

- Lack a serious purpose or value;
- Are intended to cause disruption, harassment, or distress;
- Are systematically targeted and antagonistic toward school staff;
- Are intentionally repetitive, fabricating issues, or misrepresenting facts;
- Persist despite an appropriate and reasonable response from the school.

Examples include:

- Submitting the same complaint under different guises;
- Adopting aggressive or abusive language during correspondence;
- Unreasonable demands on staff time through frequent and lengthy contact;
- Demands for outcomes that are unrealistic, disproportionate, or otherwise incompatible with school policy or legal obligations.

Characteristics of Unreasonably Persistent or Vexatious Complaints
A complaint, or series of complaints, may be considered unreasonably persistent or vexatious if the complainant:

- Has made the same complaint before, and it has already been addressed under the Federation's complaints procedure;
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Insists on pursuing a complaint that is unfounded or out of scope of the complaints procedure, beyond all reason;
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with the complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with the procedure and the timeframes it sets out;
- Makes a complaint designed to cause disruption, annoyance, or excessive demands on Federation time;
- Seeks unrealistic outcomes or a solution that lacks any serious purpose or value.

It is important to note that what is considered vexatious or persistent is not defined by the complainant's tone or persistence alone – the substance of the complaint, frequency of contact, and behaviour exhibited must all be considered.

Steps we will take

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the Federation in a disruptive way, we may put communications strategies in place. 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

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns

- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our Federation site.

9.2 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 there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the Federation receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Federation, the Federation may respond to these complaints by:

- Publishing a single response on the Federation website
- Sending a template response to all of the complainants

If complainants are not satisfied with the Federation's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

The Federation will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a Federation inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the Fairlawn and Haseltine Primary Schools Federation Records Management Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the Federation will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Federation can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the headteacher.

This policy will be reviewed by the headteachers every two years.

At each review, the policy will be approved by full governing body.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

Appendix 1 Fairlawn Primary School Complaint Form

In line with the school's policy on complaints. Please complete the form and return to the head of school/chair of governors who will acknowledge receipt and explain what action will be taken. Alternatively you can email this form to: admin@fairlawn.lewisham.sch.uk	
Date	
Pupil's name	
Relationship to pupil	Contact address Postcode Telephone Email

Please give details of your complaint

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to 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.
Signature Date

For Official Use	
Date received	
Date Acknowledgement sent	
By whom	
Complaint referred to	
Referral date	