



# **PARKSIDE MIDDLE SCHOOL COMPLAINTS POLICY**

**Dated: July 2024**

**Review date: July 2026**

**Headteacher.....**

**Chair of Governors.....**

## **Part 1: General Principles of Complaints**

At Parkside Middle School, we strive to maintain good relationships with our pupils, parents/carers, staff and the wider community based on mutual respect and a desire for our pupils to be happy, productive and meet their full potential. However, if there are any concerns or complaints on either side, we are committed to dealing with these fairly and impartially, providing a high-quality service to those who raise them and will deal with all concerns/ complaints in accordance with this procedure.

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.”*

If at any time, you have concerns about your child at school, then please do not hesitate to contact the school, initially through your child’s class teacher and year team. It is in everyone’s interest, particularly those of your child, for concerns and complaints to be resolved at the earliest possible stage and many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.

The Complaints Procedure has been drawn up and will be reviewed considering the Department for Education’s most up to date best practice guidance for schools.

Please note that the appendices contain a flow chart and standard complaints form which may be of use, as well as more details about the remit and procedures of a Governing Body Panel.

### **Framework of Principles**

1. At Parkside Middle School, we hope the Complaints Procedure will:

- encourage resolution of problems by informal means as much as possible;
- be non-adversarial;
- work within established time-limits;
- respect people’s desire for confidentiality;
- respect people’s desire to not attend meetings in person and to give written representations about the complaint instead. This must be accepted without prejudice by all parties;
- address the points at issue;
- provide a written response for formal complaints (Stages 1, 2 & 3).

### **Complaints outside of this policy**

2. Some complaints fall outside of the Complaints Procedure, for example:

- exclusions;
- staff grievances;
- disciplinary procedures;

- admissions to the school;
- school reorganisation proposals;
- statutory assessments of special educational needs;
- matters likely to require a child protection investigation.

In these cases, the school will apply the relevant policy or procedure and inform you of this.

### **Looking into Complaints**

3. At each stage, the person looking into the complaint will ensure that they:

- establish what the complaint is;
- speak to relevant staff;
- respond to the complainant swiftly. In the case of formal complaints, this will be in writing, within 20 school days of the date the school received the complaint. (Stages 1, 2 & 3).

### **Responding to Complaints**

4. The person looking into the complaint will decide if the complaint is valid in whole, or in part, or not at all and is therefore unfounded and the matter closed. If the complaint is considered valid, in whole or in part, it may be decided that the school will offer one or more of the following:

- an apology;
- an admission that the situation could have been handled differently or better;
- an undertaking to review school policies and/or practices in light of the complaint.

5. An admission that the school could have handled the situation better is not the same as an admission of negligence.

6. The school hopes its complaints procedure will identify areas of agreement between the parties. It is also important to try to clarify any misunderstandings that might have occurred.

7. Staff at Parkside Middle School are clear about the difference between a concern/ informal complaint and a formal complaint. Concerns are always taken seriously, as it is the school's hope that all issues can be resolved without the need for a formal complaint. All complaints will be dealt with informally unless the complainant makes it clear, in writing, that they are submitting a formal complaint. This will then be dealt with at Stage 1 of the formal complaints procedure listed in this policy. Concerns will be dealt with by the most relevant member of staff. The Headteacher or Deputy Headteachers or Assistant Headteacher may delegate this to any member of staff they feel is most appropriate to deal with the concern to ensure the well-being and happiness of the pupil and ensure the best outcome for the complainant.

## **Duplicate Complaints**

8. If after closing a complaint at the end of the complaints procedure, the school receives a duplicate complaint from a spouse, partner, grandparent or child, the school will inform the new complainant that the school has already considered that complaint and the local process is complete. The school will take every care to ensure that it does not overlook any new aspects to the complaint that were not previously considered before doing so.

9. Where complaints are part of a wider campaign, with a large volume of complaints based on the same subject or including complainants unconnected with the school, the school will publish a single response to all complainants.

**Complainants are encouraged to give school staff an opportunity to deal with their complaint informally in the first instance as nearly all complaints can be dealt with successfully at this stage.**

## **Dealing with Complaints – Formal Complaints**

10. Stage 1 of the formal Complaint Procedures will be invoked when a complainant marks a letter of complaint as a “formal complaint”. This may be done when the complainant is dissatisfied with the outcome of any concern/informal complaint and writes to the school. All verbal complaints, even if the complainant uses the words “formal complaint” in speech, will be dealt with informally. Appendix 2 provides a standard complaint form which complainants may use if preferred.

11. In most cases, formal complaints will be handled by one of the Deputy Headteachers in the first instance. They will establish the nature of the complaint, the outcome of any concerns or informal complaints raised previously and the desired outcome for the complainant, before investigating fully. In some cases, it might be necessary to pass the complaint to another more relevant member of staff or the Chair of the Governing Body – for example, in the case of a safeguarding or SEND complaint or in the case of a complaint against the Headteacher or a member of a Governing Body.

## **Complaints against the Headteacher or Governing Body**

12. Complaints against the headteacher will be dealt with by a suitably skilled member of the Governing Body (Stage 1) and then a committee of members of the Governing Body (Stage 2).

13. Complaints against the Chair of Governors or any individual governor should be made to the Clerk to the Governing Body. The Clerk will then arrange for the complaint to be heard. This will be done by a suitably skilled and impartial member of the Governing Body (Stage 1) and then a committee of members of the Governing Body.

14. Complaints against the entire Governing Body or complaints involving both the Chair and Vice-Chair of the Governing Body should also be sent to the Clerk of the Governing Body, who will determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator (Stage 1) and using co-opted governors from other schools to hear the complaint (Stage 2).

## **Special Educational Needs Complaints**

15. The school's Special Educational Needs Policy includes a Statement of Complaints about SEN and parents/carers of pupils with SEN will be directed to this initially if they ask about the school's complaints procedures. Once the parent/carer has submitted their complaint, in writing, the school will decide whether to follow the SEN policy or Complaints Policy. The Complaints Policy ultimately takes precedent over the SEN policy as it is the final stage of school complaints. It will ultimately be the school's decision on which policy it is most appropriate to follow.

## **Time-Limits**

16. All complaints (both informal and each stage of formal) will be dealt with within 20 school days of the date the school received the letter of complaint for each separate stage. However, where further investigations are deemed necessary by the person looking into the complaint, new time limits will be set and the complainant sent details in writing of the new deadline and an explanation for the delay. In this event, the original 20 school day time limit may be extended by another 20 school days. The decision to extend the time limit is for the person looking into the complaint to take and no other person. The complainant cannot overturn the decision to extend the time limit if they have been informed in writing why the extension has been decided.

17. **Complaints received outside of term time.** We will consider any complaint made outside of term time to have been received on the first school day after the holiday period.

## **The Equality Act 2010**

18. If a complainant has a disability and is unable to submit that complaint in writing, they should make this known to the relevant person handling their complaint (see this policy) and alternative communication and recording arrangements will be made.

## **Unreasonable, malicious or anonymous Complainants**

19. Parkside Middle 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 the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening. Details of the school's procedures for dealing with unreasonable, anonymous or malicious complaints can be found at the end of this policy.

## **Part 2: The Formal Complaints Procedure**

### **The Stages of Complaints**

There are three school-based stages to the Parkside Middle School's Formal Complaints Procedure:

#### **• Stage one:**

Formal written complaint dealt with by one of the Deputy Headteachers and concluded with an outcome.

*Please note that the Headteacher will not be involved in stage 1 complaints, to allow them to stay neutral in event of the complaint going to stage 2.*

The Deputy Headteacher will establish the facts and issues raised with the complainant and discuss any past attempts at a resolution.

They will then investigate fully before reporting back to the complainant in writing within 20 days of the initial written formal complaint. At all times, the Deputy Headteacher will keep in mind the needs of the pupil and how best the school can support them in their learning and safety, as well as the actions of staff, school policies and procedures and any best practice advice available.

The outcome could be an apology; an admission that the situation could have been handled differently or better; an undertaking to review school policies and/or practices in light of the complaint or, in rare occasions, that the complaint is unfounded. In these rare occasions, the complainant will be informed in writing and the complaint will be closed.

Please note that an admission that the school could have handled the situation better is not the same as an admission of negligence.

#### **• Stage two:**

Complainant dissatisfied with the outcome of stage 1 so the complaint will be dealt with by the Headteacher and concluded with an outcome.

The Headteacher will establish the facts and issues raised by the complainant, the procedure undertaken to investigate the complaint in stage 1 and discuss any attempts at resolution with both the complainant and members of school staff.

They will then investigate fully before reporting back to the complainant in writing within 20 days of the initial written formal complaint. At all times, the Headteacher will keep in mind the needs of the pupil and how best the school can support them in their learning and safety, as well as the actions of staff, school policies and procedures and the best practice advice available.

The outcome could be an apology; an admission that the situation could have been handled differently or better; an undertaking to review school policies and/or practices in light of the complaint or, in rare occasions, that the complaint is unfounded. In these rare occasions, the complainant will be informed in writing and the complaint will be closed.

Please note that an admission that the school could have handled the situation better is not the same as an admission of negligence.

- **Stage three:**

Complainant still dissatisfied so the complaint will be dealt with by the Governing Body's Complaints Panel, chaired by the Chair of Governors.

Stage 3 will not be invoked unless the complainant writes to the Chair of Governors asking for the complaint to be taken further using the words "formal complaint" following the outcome of Stage 2. This must be done within 20 school days of the date a letter was sent to the complainant with the outcome of Stage 2. If a written response to the outcome of Stage 2 has not been received from the complainant within 20 school days of the date a letter was sent to the complainant with the outcome of Stage 2, the Governors will deem the matter closed. Stage 3 cannot be invoked without Stage 2 being completed first. The complainant's third and final letter must be addressed to the Chair of Governors. Even if this is not done so and the letter is not addressed to the Chair of Governors, if it is clear it is a formal complaint that has already been considered under Stage 1 & 2 of this policy, the Chair of Governors will consider the complaint under Stage 3 of this policy.

The decision of the Governing Body Complaints Panel is final and all matters relating to the complaint will be closed with no further correspondence given by the school or the Governors.

**Further details on the remit, roles and responsibilities of the Governors' Complaints Panel in the appendix 1.**

### **Contacting the Department for Education or the Local Authority**

Anyone can raise a complaint about a maintained school or a member of school staff with the Department for Education or Local Authority. However, they expect that complaints will have completed the Governing Body's Complaints Procedure first.

### **Audio or video evidence**

The school does not consent to the recording of meetings or conversations by any party and such recordings will not be accepted as evidence at any point in the complaints procedure. It should be noted that the Department for Education do not accept electronic recordings as evidence when considering complaints either, unless independently notarised with written consent of all recorded parties.

### **Unreasonable Complainants**

Parkside Middle School's Governing Body 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 the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Parkside Middle School's Governing Body defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or 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 complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

If the behaviour continues, the school or the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Parkside Middle School causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts.



In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Parkside Middle School.

### **Serial, Persistent, Vexatious, Malicious, Slanderous, Threatening, Harassing or Anonymous Complaints**

The Governors recognise that on rare occasions a complainant may complain in a manner that is deemed by the Governors to be serial, persistent, vexatious, malicious, slanderous, harassing or threatening. In this case, the complaint will be responded to by the Chair of the Governing Body and whether the complaint is deemed closed or not, the Chair of the Governing Body will inform the complainant, in writing, of the outcome of the complaint and also that the Governors deem the complaint to be serial, persistent, vexatious, malicious, slanderous or threatening and that the matter is now closed and that further action will be taken against the complainant if they continue to correspond with the school about the matter. After this, no further correspondence will be undertaken about the complaint by any member of staff at the school including the Governors. The Governing Body reserves the right to report any complaints or correspondence from complainants regarding a complaint that it considers to be serial, persistent, malicious, slanderous, vexatious, harassing or threatening to the police. This includes correspondence received in writing, for example letters, emails, addressed to the Governors, school staff or the school in general, or phone calls, or correspondence submitted via websites or posted on social network sites or submitted through the use of a pseudonym which can be linked back to the complainant. The Governors' Complaints Procedure Policy will cease immediately, or will not be actioned at all, if the police have become involved and no correspondence will be undertaken about the complaint by any member of staff at the school including the Governors. The Governors reserve the right to involve the police at any stage (informal or formal) of the Governors' Complaints Procedure Policy if they consider the complainant to be acting in a serial, persistent, vexatious, malicious, slanderous, harassing or threatening manner and, if necessary, legal action will be taken against the complainant to protect staff and the reputation of the school.

Anonymous complaints will not be accepted as bona fide complaints unless they are of a safeguarding nature (see Safeguarding Policy) and anonymous complaints will not be dealt with in any way whatsoever.

## **Appendix 1:**

### **Stage Three: Complaint Heard by Governing Body Complaints Panel**

At this point, the complainant may still be dissatisfied with the way the complaint was handled at Stage 2. They may write to the Chair of Governors within 20 school days of the date a letter was sent informing them of the outcome of Stage 2 (see point 12) making it clear in the letter that it is a “formal complaint” following the outcome of Stage 2. Stage 3 will not be invoked without Stage 2 being completed first. The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair of Governors will convene a Governing Body complaints panel of 3 Governors, including the Chair of Governors or Vice Chair of Governors, who will chair the panel.

The Governors’ Complaints Panel Meeting is the final stage of the school’s complaints process, and is not convened merely to rubber-stamp previous decisions. The panel will invite all parties to give representations about the complaint to the Governors panel. This can be done orally, in writing, or both. Attendance at the meeting is not compulsory and individuals may choose to give no representation about the complaint to the Governors panel and to not attend the meeting. The panel will also make an effort to hold the meeting virtually if requested by the complainant. Any representations about the complaint given in writing, by any party, may be handed to the Governors up to the start of the meeting. The Governors will read all written representations about the complaint before making their decision. If a person attends the meeting, they may also give oral representations about the complaint. The meeting is not a court of law and is not an opportunity for cross-examination by different parties. The meeting will be conducted in a non-adversarial manner and chaired by either the Chair of Governors or the Vice Chair of Governors. The Governors will invite individuals to give their representation about the complaint if they have attended in person, and the Governors will then meet in private to decide what action to take and to review any written representations about the complaint. All parties will be asked to leave at this point (parents/carers will be escorted off the premises by the Clerk to the Governors) and the Governors decision will be conveyed in writing within 15 school days but not on the day of the meeting itself. This decision will be final and the matter will be closed. No further correspondence will be given by the Governors or staff regarding the complaint.

## **The Remit of The Complaints Panel**

The panel will:

- uphold the complaint in whole or in part;
- or recommend changes to the school's systems or practices/procedures so problems of a similar nature do not recur;
- or dismiss the complaint in whole or in part.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the meeting is independent and impartial;
- b. The aim of the meeting will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and that this, at least, will hopefully satisfy the complainant that his or her complaint has been taken seriously;
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in such a setting. Parents/carers often feel emotional when discussing an issue that affects their child. Care will be taken to ensure the setting is informal and not adversarial. Parents/carers may be supported by one 'Parent Partnership' worker. If this is the case, they must inform the clerk of the name of the person accompanying them at least 24 hours in advance of the meeting. No other person, other than a Parent Partnership Worker, will be allowed. The panel can be supported by the Local Authority HR personnel. Staff may be accompanied by a union representative or another colleague, but only one. This should also be made known to the Clerk at least 24 hours in advance of the meeting.
- d. Extra care will also be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be aware of the views of the child and give them equal consideration to those of adults;
- e. The Governors sitting on the panel will be fully aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

At Parkside Middle School, any panel of Governors considering complaints will be clerked. The clerk, and not school staff, will be the contact point for the complainant: staff will not enter into any correspondence with the complainant about the complaint or the complaints process, whilst the complaint is on-going (this applies to Stage 3). The Clerk will be required to:

- set the date, time and venue of the meeting in liaison with the Chair of Governors, ensuring that the venue and proceedings are accessible. This may include organising for the meeting to be held virtually, or for the complainant to join the meeting virtually;
- collate any written material about the complaint and hand it to the Governors at the start of the meeting ensuring copies are made available for all parties at the start of the meeting;
- meet and welcome the parties as they arrive at the meeting and escort parents/carers off the premises at the time while the Governors meet to make a decision;

record the proceedings;

- notify all parties of the panel's decision in writing, within 15 school days, but not on the day of the meeting itself;
- once a letter of complaint has been submitted to the school, or Governors, the complainant must communicate in writing (letter only and not email) via the Clerk, and only the Clerk, at Stage 2 and 3 of the formal procedure. No communication with school staff about the complaint or complaints process is permitted at Stage 2 and 3.

### **Checklist for a Panel Meeting**

The panel will take the following points into account:

- The meeting is as informal as possible. Cross examination is not permitted if all parties are in attendance;
- Attendance at the meeting is not compulsory. Representation about the complaint may be given in writing or virtually instead, or not at all. Written representation about the complaint must be accepted by all parties without prejudice. This is particularly important if parties choose not to attend the meeting;
- After introductions, the complainant is invited to explain their complaint to the panel, if they have chosen to attend the meeting. If not, the panel will consider any written representation about the complaint the complainant has made before making a final decision and will do so without prejudice, especially if the complainant has chosen not to attend;
- The school staff are then invited to explain the school's actions, if they have chosen to attend the meeting. If not, the panel will consider any written representation about the complaint the school has made before making a final decision, and will do so without prejudice, especially if school staff have chosen not to attend;
- The panel may ask questions at any point of any party, if the party is in attendance. Parties not being in attendance must not be used as a reason not to come to a final decision or for an adjournment. The governors will use the information they have been given at the time of the meeting and during the meeting, to formulate their decision;
- The complainant is then invited to sum up their complaint if they attend the meeting. Note: this may be done by the complainant via their written representation about the complaint if they choose not to attend the meeting;
- School staff are then invited to sum up the school's actions and response to the complaint if they attend the meeting. Note: this may be done by school staff via their written representation about the complaint if they choose not to attend the meeting;
- Both parties leave while the panel decides privately on the issues. The Clerk will escort parents/carers off the premises at this point;
- The Chair explains that both parties will hear from the panel within 15 school days but not on the day of the meeting itself and that the decision of the panel is final and the matter closed. No further correspondence will be given by the Governors or school staff regarding the complaint.

## Appendix 2: Formal Complaint Form

Your name:

Pupil's name & class (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Telephone numbers:

Daytime:

Evening:

Email 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.

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Signature:
Date:

Official use
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Date acknowledgement sent:
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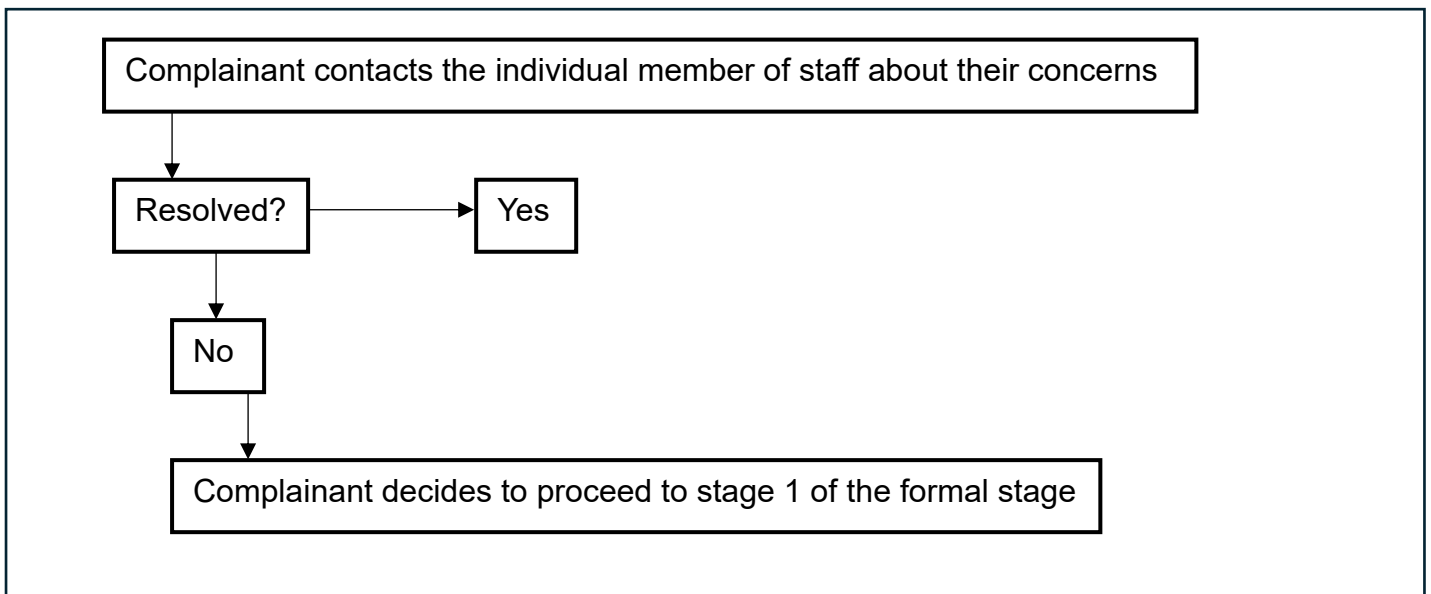
By whom:
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Complaint referred to:
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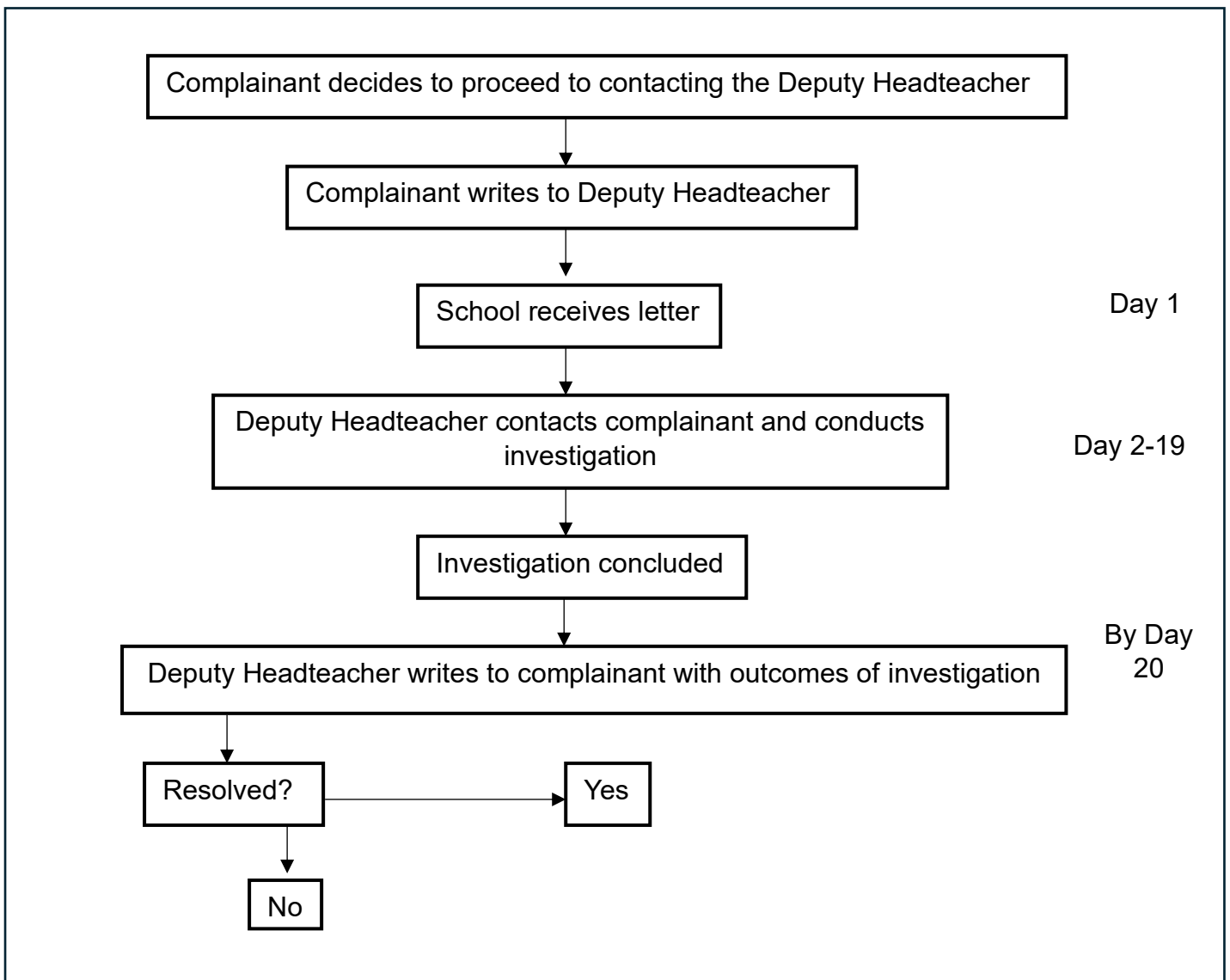
Action taken:
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Date:
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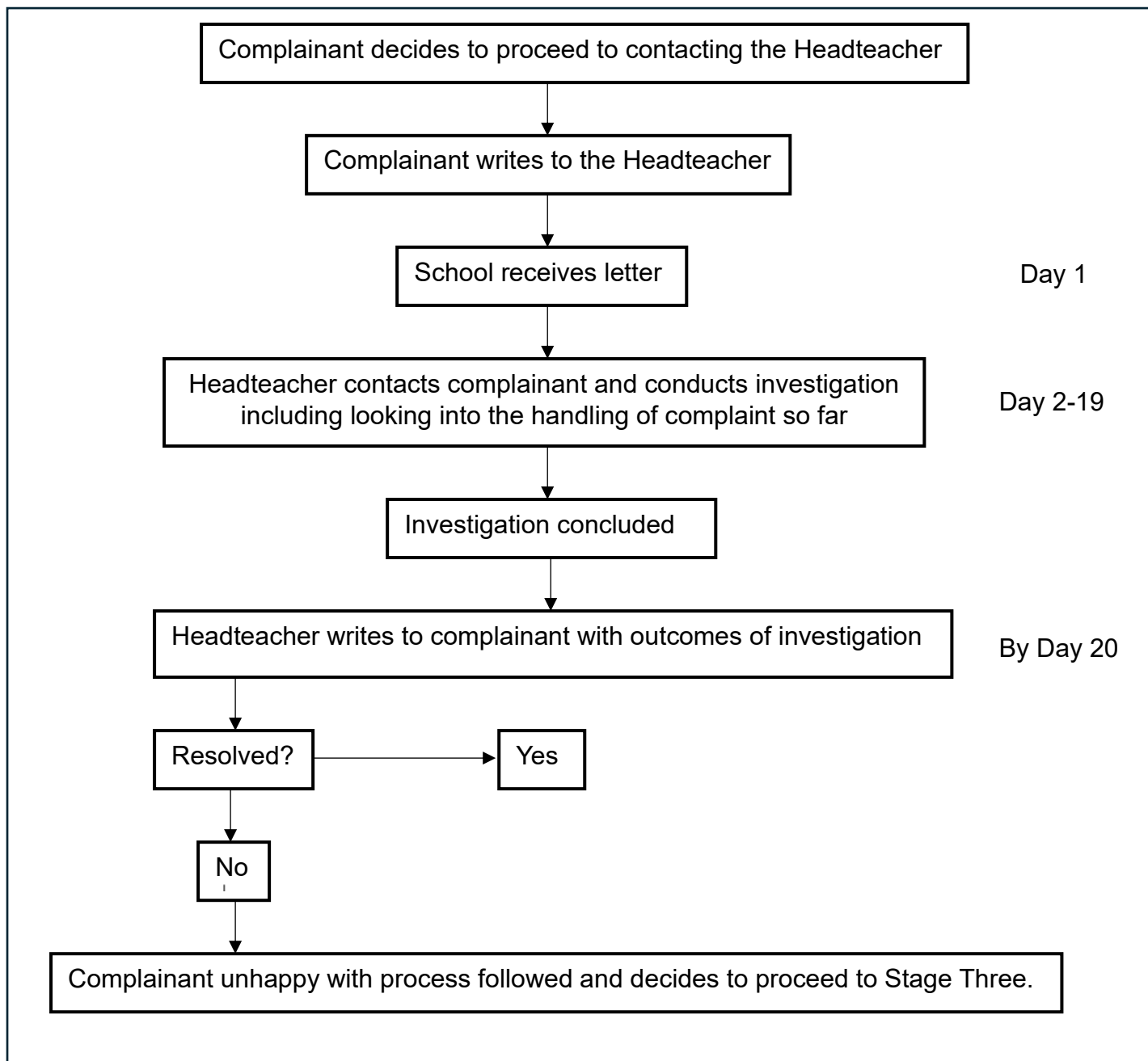
### Informal stage



### Formal stage – stage 1

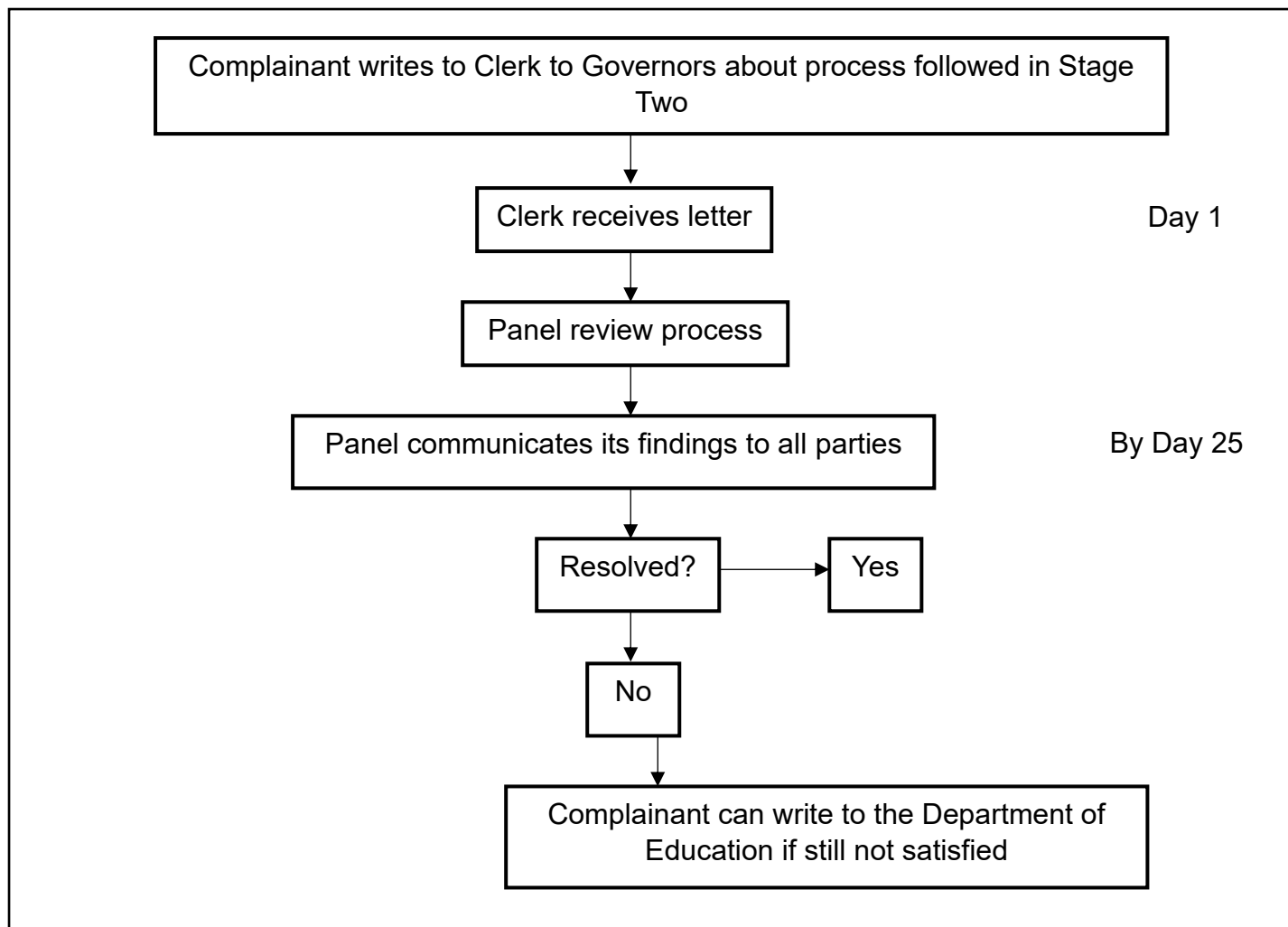


## Formal stage – stage 2





### Governors Review Panel – stage 3



**Note** – If the complaint is about the actions of the Headteacher or a member of the governing body, the complaint (even an informal complaint) will start at Stage 2 with the Chair of Governors or another (suitably skilled) member of the governing body taking on the Headteacher’s roles as listed above