



# **Meadowhead School Academy Trust**

## **Complaints Policy & Procedures**



**This is a policy of Meadowhead School Academy Trust.  
Meadowhead School is a Foundation School  
and a member of the  
Meadowhead Community Learning Trust**

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## Policy for Hearing and Dealing with Complaints

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Meadowhead School is committed to working in close partnership with all members of the school community. We place great value on the role which parents and carers can play in supporting children's learning. Staff and Governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure detailed on the following pages.

### Definition of a Complaint at Meadowhead School

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The definition of a complaint within the terms of this policy and the procedures described here is:

*An expression of dissatisfaction in writing by parents or carers of children who attend the school, or from neighbours of the school or school community affected by the services the school provides.*

After initial investigation of a complaint, a decision may be made to use the discipline, capability or another appropriate procedure. Anonymous complaints will not normally be considered under this policy. Please be aware that a whistleblowing policy exists for stakeholders who are wanting to raise a concern in this way.

## Procedure for Dealing with Complaints

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It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and Governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary. Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably. Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this policy.

The school operates a four-stage complaints procedure. If the complaint concerns the conduct of the Headteacher, it will be dealt with in accordance with Stage 3 and directed to the Chair of Governors.

The procedure set out in the following pages outlines both formal and informal stages through which a complaint made against the school will proceed.

The school reserves the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

**The procedure for dealing with serial and/or unreasonably persistent complainants and unreasonable complainant behaviour is detailed in Appendix A and B of this policy.**

## **Stage 1: Initial Concern or Complaint – informal resolution**

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In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who may refer it to another member of staff to investigate.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a Governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

The complainant will receive a verbal or written response to the concern or complaint raised, from or on behalf of the member of staff involved, within five school days.

## **Stage 2: Complaint heard by the Headteacher**

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If a complainant is dissatisfied with the way the complaint was handled at Stage 1 and/or wish to pursue they may take their complaint further by submitting the complaint in writing to the Headteacher within ten school days of Stage 1 being concluded.

If the complaint was dealt with by the Headteacher at Stage 1, then the complainant should submit a formal complaint to the Chair of Governors within ten school days of receiving the outcome from Stage 1.

The Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision nor the action taken. The Headteacher will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. Subsequent to this meeting, the Headteacher will write to the complainant summarising the outcome reached and the process for appeal.

The complainant will be informed of the outcome of the investigation within ten school days of the meeting with the Headteacher.

### **Stage 3: Complaint heard by the Chair of Governors**

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If the complaint cannot be resolved at Stage 2, the complainant may take their complaint to the Chair of Governors.

The complainant will need to write to the Chair of Governors, care of the school, within ten school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The Chair of Governors will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue, having met with the Headteacher. The Chair of Governors will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

Complainants will be informed of the outcome of the investigation within ten school days of the meeting with the Chair of Governors.

### **Stage 4: Complaint heard by the Governing Body Complaints Appeal Panel**

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The complainant needs to write to the Chair of Governors within ten school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the Complaints Appeal Panel. The Chair of Governors, or a nominated Governor, will convene a Governing Body Complaints Appeal Panel.

The Governors' Appeal Panel hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions but will review the case independently. Individual complaints will not be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate three people to have delegated powers to hear the complaint at this stage. Two of the panel members will be Governors and the third will be a person who is independent from the management and operation of the school. All panel members will have no previous knowledge of the complaint. The panel will choose their own Chair.

The remit of the Complaints Appeal Panel is to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will meet within twenty school days of receipt of the complaint. If no dates within this timescale are convenient to the complainant, the panel may meet outside this period.

The complainant will be notified in writing of the panel's decision, usually within five school days. The letter will confirm the end of the school's and Governing Body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the Local Authority has no role unless the complaint relates to a service provided by the Local Authority.

## General and Monitoring

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All complaints and correspondence/hearings under the complaints policy are treated as confidential and will only be disclosed when required to do so by law.

The Governing Body will review, on an annual basis, the operation of the complaints policy, the number of complaints received (both informal and formal) and the stage at which these complaints were resolved.

The Complaints Policy will be reviewed and updated every two years.

### **Please note:**

Timescales refer to 'school days'. These are days when the school is open and staff and pupils are required to attend.

If a written complaint is received during a school holiday period, or when the school is otherwise closed, the complaint will be acknowledged in writing at the first practicable opportunity and the complaint will be progressed in accordance with this policy within five school days from the school re-opening.

## Further Recourse

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### **Referral to the Ombudsman**

**Parents and carers in Sheffield can go to the Local Government Ombudsman (LGO) if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of a school.**

Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the school has had a proper opportunity to consider it and respond.

Further information can be obtained by contacting the LGO Advice Team on **0300 061 0614**, by **e-mail to [advice@lgo.org.uk](mailto:advice@lgo.org.uk)** or by visiting their website at [www.lgo.org.uk/schools](http://www.lgo.org.uk/schools). The address to which correspondence should be sent is **PO Box 4771, Coventry CV4 0EH**. Advisers will pass the complaint to a specialist team who will evaluate it and speak to the complainant before deciding how to proceed.

At any stage, the LGO can decide whether or not to pursue a complaint.

If the decision has been made **not** to pursue a complaint, the complainant will be written to with an explanation of the reasons. If the complaint **is** to be pursued, the Ombudsman will write to the complainant and advise them as to how it will be investigated. The aim is to reach a decision as quickly as possible, especially when time is an important factor. Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision has been made. If recommendations are made, the governing body must consider the decision and respond. If dissatisfied with the response from the governing body, the LGO can require an 'adverse findings notice' to be published in the local press.

The LGO's prime focus in dealing with complaints about schools is the needs and best interests of the child and the continuing relationship with the school.

The LGO is **not** empowered to consider or investigate disciplinary matters involving an individual teacher or matters that affect all or most of the pupils at a school.

# **Appendix A - Procedure for dealing with Serial and/or Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour**

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## **1. Introduction**

The school is committed to dealing with all complaints fairly and impartially and to providing a high quality response to complainants. The school will not normally limit the contact complainants have with the 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. Having a procedure on unreasonably persistent complainants and unreasonable complainant behaviour helps the school to deal with complainants in ways which are consistent and fair.

## **2. Definitions**

The school has adopted the definition of 'unreasonable' and 'unreasonably persistent' complainants as those who, because of the frequency or nature of their contacts with the school, hinder the school's day to day operations and prevent proper consideration of their, or other people's, complaints. The school reserves the right not to consider complaints it judges "unreasonable complainant behaviour" or are "unreasonably persistent" under the terms of this policy.

### **Unreasonably Persistent Complainant Behaviour**

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

- introduces trivial or irrelevant new information and expects it to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered, often immediately or to their own timescales.
- 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 investigated and often expecting immediate responses.
- submits repeat complaints, after the complaints process has been completed, essentially about the same issue but with additions/variations which the complainant insists make these 'new' complaints which he/she wants to be put through the full complaints procedure.
- seeks an unrealistic outcome.
- refuses to accept the decision reached on the complaint, repeatedly arguing the point and complaining about the decision, when the school's complaints procedure has been fully and properly implemented and completed.

This list is not exhaustive and unreasonably persistent complainant behaviour is not limited to one, or a combination of any, of the above.

## Unreasonable Complainant Behaviour

The aim of the procedure for dealing with unreasonably persistent complainants and unreasonable complainant behaviour, is to deal fairly and honestly with the complainant whilst ensuring that other service users and staff/governors do not suffer any detriment from people making repeated and persistent, unreasonable complaints.

Examples of unreasonable complainant behaviour include:-

- Failure to specify the grounds of a complaint, despite offers of assistance.
- Failure by complainant to fully co-operate with the complaints process, yet still wanting his/her complaint to be resolved.
- refusal to accept the school's judgement that issues raised are not within the remit of the complaints procedure.
- insistence that the complaint be dealt with in ways which are incompatible with the school's adopted complaints procedure.
- making apparently groundless complaints about staff/governors dealing with the complaint and seeking to have those staff removed/replaced.
- changing the basis of the complaint as the investigation proceeds and/or changing or denying statements he/she made at an earlier stage.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

A complaint may also be considered unreasonable if it is presented face to face or by telephone, 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.

This list is not exhaustive and unreasonable complainant behaviour is not limited to one, or a combination of any, of the above.

Complainants should limit the number of communications with a school while a complaint is being dealt with. It is not helpful if repeated correspondence is sent (via any medium) as it could delay the outcome being reached and could lead to a determination of unreasonable complaint behaviour.

Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying a determination of 'unreasonable' complaint behaviour.

## **Dealing with Unreasonably Persistent Complainants**

The decision to designate someone as unreasonably persistent can only be made by the Chair of Governors in consultation with the Headteacher. As appropriate, staff and governors should be informed that contact with a named complainant is being restricted and why, and who will have access to that information on request.

### **Applying restrictions**

Before applying any restrictions, the complainant should be given a warning in writing that if his/her actions continue, the school may determine to treat him/her as:

- pursuing a serial and/or unreasonably persistent complaint, and or
- adopting unreasonable complaint behaviour.

Any sanction applied will usually be reviewed after 6 months.

## **Appendix B - Barring from School Premises (adapted from DfE best practice advice 2016)**

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Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.