



MORECAMBE ROAD SCHOOL

PROCEDURES AND POLICY FOR THE HANDLING OF COMPLAINTS IN SCHOOL

1. Introduction and scope

The policy of Morecambe Road School is to work in partnership with parents and all stakeholders. It is based on the belief that co-operation and a sense of joint purpose between stakeholders and parents will assist in ensuring open and positive relationships. Morecambe Road School take the responsibility for children and young people seriously. We value the support and partnership of the parents and carers and we try very hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.

This may arise in parents and stakeholders wanting to express concern or make a complaint relating to Morecambe Road School or the services it provides. The School will always give serious consideration to concerns and complaints that are brought to its attention. In considering concerns or complaints, the School will ensure that they are dealt with objectively and with fairness to all parties. The School and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays. Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

In order to enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

The School /Governing Board would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the school staff or a governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

2. What is a concern or complaint?

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

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

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 9 and Appendix 10 for further details)

3. Making a complaint - who to complain to:

Type of Complaint:	Contact the:
Something that has happened, or failed to happen, in School.	Class teacher
The actions of the class teacher.	Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Vice Chair via the School.
The actions of the Governing Board.	Clerk to the Governing Board via the School.

4. Roles and Responsibilities for Handling Complaints

The roles and responsibilities are defined at Appendix 3

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage Two of the procedure.

5. Confidentiality

All correspondence or communication regarding complaints are to be addressed to the named person and marked Private and Confidential.

6. Social Media

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff, governors or disrepute the school.

7. Calculation of time and complaints received outside of term time

All references in this Policy to ‘days’ should be taken to mean school days and therefore will not include weekends, school holidays or INSET days. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

8. The Complaints Procedures

Investigation Procedures can be found at Appendix 4

Stage One - Informal

Complaints must be made to the headteacher (unless they are about the headteacher. This may be done in person, in writing (preferably on the Complaint Form – see Appendix 6), or by telephone.

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

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

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within twenty school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Morecambe Road School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage Two – Formal

This stage will commence when the:

- Informal complaint has not been resolved to the satisfaction of the complainant.

Or

- Complainant has indicated they wish to go straight to stage two.

Or

- School feels that the complaint is inappropriate for stage one resolution.

The person responsible for investigating the complaint will:

- Formally acknowledge receipt of the complaint and ensure the complainant receives an up to date copy of the School's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if it is not clear in the correspondence.
- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: the Clerk to the Governing Board; Legal Services; Schools' HR Team; the School's Adviser; the Schools' Finance Officer; Pupil Access Officer or other appropriate Lancashire County Council Officer.)
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and the School's Policy and Procedures.
- Arrange and complete a full investigation of the complaint.
- Prepare a report following the investigation; consider whether the complaint is substantiated or unsubstantiated and consider what actions may need to be taken.
- Advise the complainant, in writing, of the outcome of the investigation.

9. Should the Complaint Remain Unresolved

When a complaint remains unresolved, the complainant can request a review by the Complaints Review Committee to be arranged. This request must be received by the Clerk to the Governing Board with 20 school days of the notification from the Headteacher/Chair of Governors. The request must be in writing, set out the grounds as to which matters remain unresolved and include any relevant documentation.

Note: If the Clerk to the Review Committee does not hear from the complainant within 20 school days of the notification of the outcome of the investigation, the complaint will be closed.

Complaints Review Committee

In very exceptional circumstances where the complaint has not been resolved by the Headteacher/Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request must be made in writing to the Clerk to the Governing Board via the school. The request for the review must clearly set out the matters which remain unresolved.

The Clerk to the Governing Board will acknowledge receipt and will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene but the Clerk to the Committee will update the complainant as appropriate.

The clerk will request copies of written evidence and will circulate the papers 5 school days before the Committee meets. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. When a request for the meeting to be recorded is received, this must be with the clerk in advance of the meeting taking place. The consent of all parties concerned must be obtained. The request and the decision will be recorded in the minutes of the meeting.

The Committee will:

Consist of 3 governors who have no prior knowledge of the complaint.

With the Clerk, prepare an Agenda and invite the Headteacher and/or Chair of Governors, (as appropriate) and the complainant to the meeting.

Note: It is the responsibility of the Headteacher/Chair of Governors and the complainant to secure their own witnesses and neither party can dictate who the other party brings.

- Consider the written materials;
- Consider the complaint and the Headteacher's (or Chair of Governor's) action.
- Seek advice and support as necessary.
- Consider the oral evidence provided at the meeting.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

At the end of their review, the Complaints Review Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Board by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body. This stage would normally be expected to take no more than 20 school days. In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened

10. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Morecambe Road School. They will consider whether Morecambe Road School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

Parents may refer certain complaints to Ofsted/Her Majesty's Chief Inspector of Schools.

After closing a complaint, should the school receive a duplicate complaint, (e.g. from a spouse; partner, a grandparent, child etc), about the same subject the school will inform the new complainant that the school has already considered that complaint and the local process is complete. The complainant can contact the Department for Education (DfE) if they are dissatisfied with the school's handling of the original complaint.

However, if there are any new aspects to the complaint, the school will investigate and deal with this under the complaints procedure.

11. Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

12. Complaints about a governor, the Chair of Governors or the entire Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors or the entire Governing Body must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services Manager Officer. Governor Services may be able to assist with any investigation.

13. Complaints Record

The School should maintain a written record of all formal complaints, how they were dealt with and the outcome in a Complaints Register.

This Register will be required at an Ofsted Inspection. The Governing Board should be informed, in general terms only, of all formal complaints at the next full Governing Board meeting. This enables the Governing Board to establish if there were any lesson learned from the process.

The School should retain copies of all correspondence about concerns and complaints in accordance with their own information governance arrangements. These should be classed as confidential.

Any request for information contained in the school complaints record made under the Data Protection Act 2018 or the Freedom of Information Act 2000 should be referred to the schools Data Protection Officer and responded to within the appropriate timeframe..

14. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and/or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires Resources Directorate to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Senior HR Officer and/or the Director of Resources and/or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse"

In all the above, consideration needs to be given to the possible suspension* (* **Note: Suspension is a neutral act and is not a disciplinary sanction**) from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

15. Vexatious Complaints

The school will, however, resist abuse of the complaints procedure and may reserve the right not to investigate complaints considered to be vexatious or malicious or where the headteacher or chair of governors is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

Appendix 9 provides detail on Unreasonable Complainants.

APPENDIX CONTENTS

- Appendix 1 - How to listen to complaints
- Appendix 2 - The Complaints Appeals Committee of the Governing Body
- Appendix 3 - Roles and Responsibilities
- Appendix 4 - Investigating a Complaint - Procedures
- Appendix 5 - Complaints about members of staff
- Appendix 6 - Morecambe Road School Complaint Form
- Appendix 7 - Formal Complaints Register Form
- Appendix 8 - Flowchart summary of the complaints process
- Appendix 9 - Unreasonable Complainants
- Appendix 10 – Policies Relating to Types of Other Complaints

Approved by the Full Governing Body on 9th November 2022

Signed: *S Mainwaring* (Chair of Governors)

Signed: *A Doctson* (Headteacher)

HOW TO LISTEN TO COMPLAINTS

As soon as you realise that you are listening to a complaint, remember these points:

Say who you are

If you are unknown to the person, introduce yourself.

Ask for their name and use it

Anonymous complaints are difficult to resolve.

Be open-minded

Set aside any prejudices about the complainant or the issue raised and listen in an open-minded way.

Take time to find out exactly what the problem is

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

Check you are being understood

Make sure that the person understands what you are saying. Do not use jargon; it can confuse or annoy someone 'not in the know'.

Treat all complaints seriously

However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

Stay calm and cool

Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong or has gone wrong.

Don't rush

Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

Be courteous and patient

Be sympathetic and helpful, but do not blame other colleagues.

Don't take the complaint personally

To an angry or upset person, YOU are the school and the only one they can put their feelings to right now.

Don't pass the buck

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

Don't be flippant

First impressions count. You and the school may be judged on your immediate reaction.

The Complaints Appeals Committee of the Governing Body

The Governing Body must establish a Complaints Appeals Committee. The committee terms of reference, membership and clerking arrangements are established by the whole Governing Body.

Terms of Reference for a Governing Body Complaints Appeals Committee

1. Membership

The Committee will consist of three governors. Neither the Headteacher nor the Chair of Governors will be member of the Committee as they may have been involved in the matter under consideration at an early stage.

The Chairman of the Committee will be elected by the Committee. Committee members must be impartial and have no prior involvement with the complaint or circumstances surrounding it.

(Membership of the Complaints Appeals Committee may preclude a governor from membership of other committees see table A.)

2. Quorum

The quorum shall be three governors.

3. Meetings

Meetings will be held when required to consider formal appeals made under the Procedures for Handling Complaints in Morecambe Road School.

4. Function

Wherever possible the Governing Body would wish to see complaints resolved at an informal stage but:

(a) The main function of the Committee will be to undertake the duties of the Governing Body in the consideration of complaints made under the Procedures for Handling Complaints in Morecambe Road School.

(b) Complaints covered by statutory procedures will not be considered by this Committee.

(c) The Committee will seek advice from the Senior Area Human Resources or the Governor Services Manager, as appropriate.

(d) In considering the complaint the Complaints Appeals Committee will:

- consider the written materials;
- consider the complaint and the Headteacher's (or Chair's) action;
- invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting;
- seek advice and support as necessary;

At the end of their consideration, the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part;
- where the complaint is upheld, decide on appropriate action;
- advise the complainant and Headteacher (Chair) of its decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied;

- arrange for amendments to be made to the School's Complaints Register and for the matter to be reported, in general terms, to the Governing Body.

The Chair of the Committee

The Chair of the Committee has a key role, ensuring that:

- the remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- key issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the rules of natural justice are followed;
- the complainant is notified of the panel's decision, in writing with details of any further rights of appeal; and
- the Governing Body are notified of any changes to procedure or reviews of policy recommended by the Committee.

Complaints Appeals Committee Meeting

- Whilst the meeting of the Complaints Appeals Committee is a formal meeting its conduct should be as informal as possible.
- The Complaints Appeals Committee meeting will be convened by the Clerk to the Committee at a date, time and venue convenient to all parties.
- The Clerk to the Committee will distribute the Headteacher's/Chair of Governors' Report to the Committee at least 7 days in advance of the meeting.
- The complainant and Headteacher/Chair of Governors may each be accompanied by a fellow worker or trade union representative.
- In the case of a complaint against a member of staff, the member of staff against whom the complaint was made and/or his/her trade union representative or fellow worker will be entitled to attend the Complaints Appeals Committee meeting.
- The complainant and the Headteacher/Chair of Governors may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee and will only attend for the part of the meeting in which they give evidence.
- The Chair of the Committee is responsible for the conduct of the meeting.
- After introductions, the complainant is invited to present their case and any supporting documents to the committee. If appropriate, the complainant's witnesses will be heard at this point.
- The Headteacher/Chair of Governors will be entitled to question the complainant and any witnesses.
- The Headteacher/Chair of Governors will present his/her report on the investigation to the Committee, together with any supporting documents and any actions taken to resolve the complaint.
- The complainant or his/her representative will be entitled to question the Headteacher and any witness.
- The Committee may ask questions at any point.
- Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chair of Governors is then invited to sum up the School's response to the complaint.
- The Chair explains the arrangements for notifying both parties of the outcome of the meeting.
- Both parties then leave the meeting to allow the Committee to reach a decision.

Table A: Membership of Complaints Appeals Committee and other Committees

Because the business/decision of one committee may lead into consideration by another committee, membership of some committees must not overlap. The shaded blocks below indicate where membership must not overlap with the committee in Column 1.

Column 1	Staff Discipline/ Dismissal	Staff Discipline/ Dismissal Appeals	Complaints Appeals	Grievance	Pay
Staff Discipline/ Dismissal					
Staff Discipline/ Dismissal Appeals					
Complaints Appeals					
Grievance					
Pay					

Roles and Responsibilities

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 the details of their complaint on social media and respect confidentiality.

Investigator

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

- 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
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

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 for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, 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 meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that 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 make recommendations.

- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
 - .

THE ROLE OF THE CLERK TO THE COMPLAINTS APPEALS COMMITTEE

The Clerk to the Complaints Appeals Committee, who may also be the Clerk to the Governing Body, is appointed by the Governing Body to provide:

- administrative support for the meeting, including convening it
- record keeping for the meeting and minutes of the meeting
- procedural advice and guidance.
- The role and responsibilities of the Complaints Appeals Committee Clerk are to:
- ensure that the Governing Body has adopted a Complaints Procedure
- ensure that the Governing Body has appointed governors to the Complaints Appeal Committee and that those governors understand the procedures and their role
- maintain current membership and contact details for the Committee
- ensure that the Complaints Appeals Committee has agreed terms of reference
- advise complainants, the Chair of Governors and Headteacher on the appropriate action to be taken when notified of a complaint
- advise the Chair of Governors and Complaints Appeal Committee members of appropriate sources of support
- act in accordance with the procedures
- convene and produce a record of the meeting of the Complaints Appeals Committee
- offer procedural advice at the meeting

Following the instructions of the Committee, take the necessary action:

- notify the complainant in writing of the outcome of the meeting and the next stage of the process should they wish to pursue the matter further
- advise the Headteacher (Chair) of the outcome and any further action to be taken
- complete the Complaints Appeals Committee meeting minutes and arrange for the Governing Body to be notified in general terms of the complaint and of any further action to be taken
- arrange for the School's Complaints Register to be updated.

Investigating a Complaint – Procedures

Note: The general principles within this procedure can be used for any investigation.

1. Context

The Headteacher or Chair of Governors, as appropriate will:

- follow the Governing Body's agreed procedures;
- if the complaint is against the Headteacher, the Chair of Governors should seek advice from either the Schools HR Team or Diocesan Officer, as appropriate;
- keep the member of staff informed;
- arrange for a full investigation of the complaint and prepare a report on the investigation;
- advise the complainant of the outcome and of the next stage if they remain dissatisfied;
- consider any further action; and
- inform the member of staff in writing of any subsequent action he/she intends to take.

2. Introduction

The investigation should be started as soon as possible after the receipt of the complaint and normally be completed within 20 school days.

2.1 An investigation is a fact-finding exercise with the aim of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.

2.2 Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.

2.3 At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. If it becomes clear during the investigation that the issues are serious (as defined in Section 3(c) of the procedure), he/she should make a referral, as appropriate to Children's Social Care Group, Resources Directorate, or the Police. In such cases the investigation should not proceed.

3. Preliminary stages

3.1 Where appropriate, the person undertaking the investigation should seek specialist advice as necessary from the Schools HR Team or Governor Services Manager and familiarise him/herself with any relevant procedures and guidelines.

3.2 The person investigating should:

- define areas to be investigated;
- draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation; and
- check corroborative evidence.

4. The investigation process

4.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a fellow worker or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

5. Interviewing the subject of a complaint

5.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.

5.2 The member of staff should be informed of his/her right to take advice and be represented by a fellow worker or representative.

5.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.

5.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.

5.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

6. Interviewing witnesses/others

6.1 Witnesses may be interviewed as part of the investigative process of the complaints procedure.

6.2 They should be made aware of the nature of the complaint and of the process to be followed. (See paragraph 1 and 2)

6.3 Interviews should take place at a convenient time and venue for the person being interviewed, who may bring a fellow worker or representative with them.

6.4 They should be asked to give their factual account of the incident(s) leading to the complaint.

6.5 Full notes should be taken of the interview and the witness invited to read and sign them as a true record of the interview. A copy of the notes will be provided to them.

7. Compiling a report

7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.

7.2 Consideration should again be given as to whether there are serious matters which should be referred to Children's Integrated Services Group, Resources Directorate, or the Police. If there is such a referral, further proceedings at school level should be held in abeyance immediately.

COMPLAINTS ABOUT MEMBERS OF STAFF

These will usually be dealt with under the Schools Complaints Procedures, except where allegations relate to criminal activity, financial or accounting irregularities, or allegations relating to the abuse of children. Headteachers/Chairs of Governors should seek advice from the Schools HR Team.

If the complaint is about a member of staff he/she will:

- be informed in detail of the complaint;
- be provided with a copy of any written complaint;
- be invited to respond and make a statement;
- be reminded they may seek advice from their professional association/ union or other adviser before responding;
- be given a copy of the complaints procedure;
- be advised of any response/explanation to be made to the complainant;
- be advised of whether the complainant accepts the response;
- be offered appropriate counselling or guidance; and
- be informed when the complaint is resolved, of any subsequent actions intended, including any action under the disciplinary and competence procedures.

MORECAMBE ROAD SCHOOL COMPLAINT FORM

Complaint Form

Title: Mr/Mrs/ Ms/Dr/Other*
(*please supply)

Surname

Forename(s)

Landline
number:

Address
and
Postcode:

Mobile
number:

Email
Address:

How would you
prefer us to
contact you?

Pupil name
(if relevant)

Your relationship to pupil
(if relevant)

Please give details of your complaint and how you have been affected:

What action, if any, have you already taken to try and resolve your complaint?

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

When did you first become aware of the problem?

If it is more than 3 months since you first became aware of the problem, please give a reason why you have not complained before.

Are you attaching any documents to this complaint? Yes/No

Signature of complainant:

Date:

Signature if you

are

making a complaint on behalf of someone else

Signature:

Date:

Please state your relationship with the complainant and why you are making a complaint on their behalf:

FOR SCHOOL USE ONLY:

Date acknowledgement sent:

By whom:

Complaint referred to:

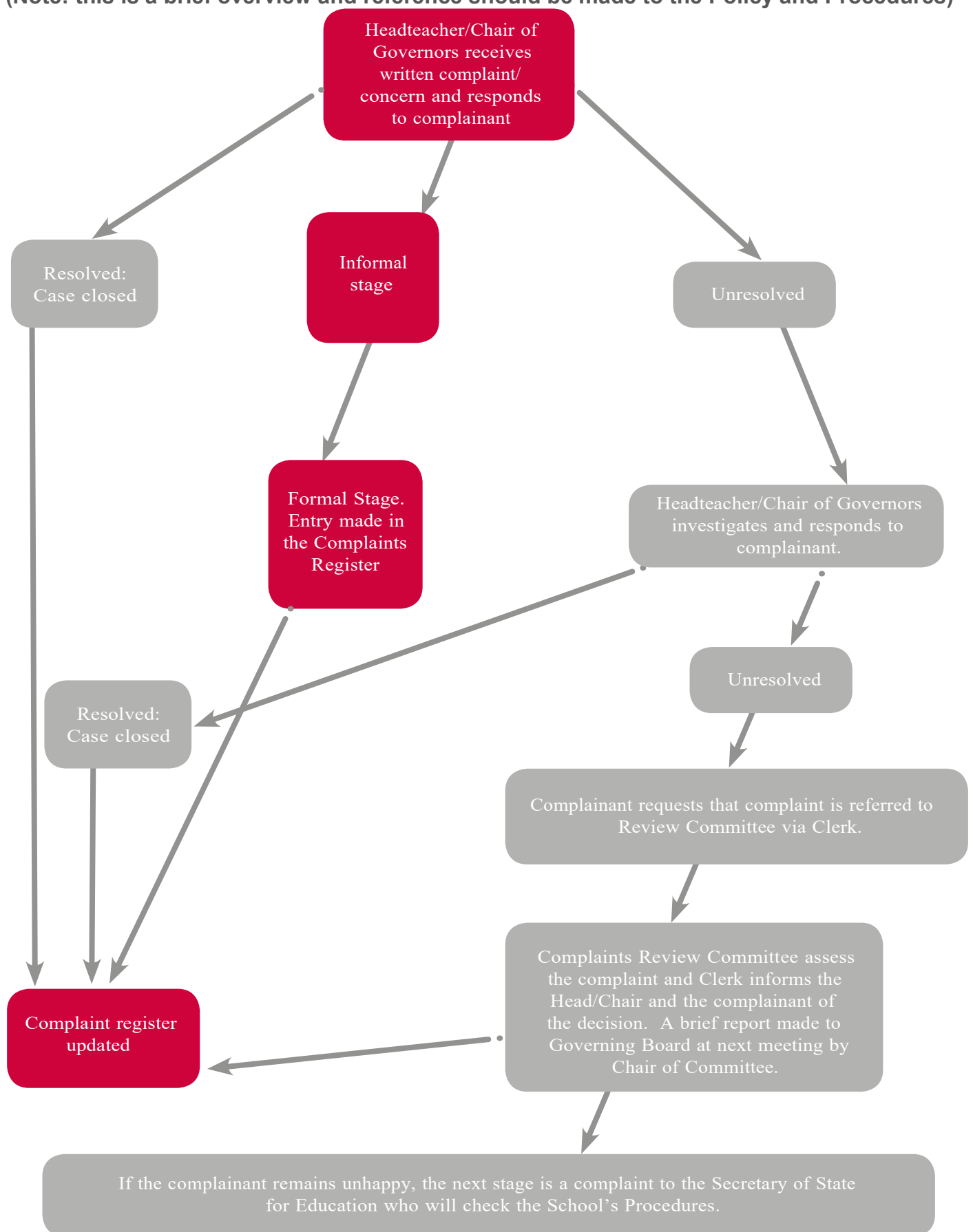
Date:

FORMAL COMPLAINTS REGISTER

			ACTION BY HEADTEACHER/CHAIR OF GOVERNORS/COMPLAINTS APPEALS COMMITTEE			
Date complaint received	Name of complainant(s)	Summary of complaint	Action taken	Cross reference to other procedures or forms	Signed	Outcome with date

Complaint Flowchart

(Note: this is a brief overview and reference should be made to the Policy and Procedures)



Unreasonable Complainants

Morecambe Road 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 protect staff from that behaviour, including that which is abusive, offensive or threatening.

Morecambe Road 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:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 complaint 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

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.

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

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 Morecambe Road 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.

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 Morecambe Road School

Barring from the School Premises

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. The written confirmation will explain how long the bar will be in place and when the decision will be reviewed. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

procedures do not cover	Who to contact
Admissions to schools Appeals for schools	Admissions to Morecambe Road School are managed by the local SEND caseworker. Please contact the school office for the name and contact details
Inclusion Service: Statutory assessments of Special Educational Needs and Disabilities (SEND)	Concerns about Special Educational Needs and Disabilities, should be raised with Lancashire County Council Tel: 0300 123 6706 Email: enquiries@lancashire.gov.uk
School reorganisation proposals	Concerns school re-organisation proposals should be raised with Lancashire County Council (School Place Planning Team) Email: schoolplanning@lancashire.gov.uk
Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Email: MASHeducation@lancashire.gov.uk</p>
School Exclusions *	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>Concerns about exclusions should be raised with Lancashire County Council (Pupil Access Team) Email: ESCPupilAccessCentral@lancashire.gov.uk Tel: 0300 123 6707</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to the school's behaviour policy which is located on the school website.</p>
Staff grievance procedures	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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 is being addressed.</p>

procedures do not cover	Who to contact
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. This can be found within the School Finance Manual</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to Lancashire County Council or the Department for Education depending on the substance of your complaint www.education.gov.uk/contactus Complaintsandfeedback@lancashire.gov.uk</p>
Complaints about services provided by other providers who may use school premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about their service. Please contact them direct.</p>
National Curriculum content Early Years Foundation Stage Statutory Framework Collective worship Sex Education	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>
Unauthorised absence fines	<p>Please contact Lancashire County Council Tel: 0300 123 701</p>
Freedom of Information Data Protection (GDPR)	<p>Data Protection Officer at the school (f.gill@morecamberoad.lancs.sch.uk) and if this remains unresolved the Information Commission Office Tel: 0303 123 1113 Email: dataprotectionfee@ico.org.uk</p>
Functions of the County Council	<p>Complaints and Appeals Team Legal and Democratic Services County Hall Preston PR1 8XJ Tel: 0300 1236701 Email: Complaintsandfeedback@lancashire.gov.uk</p>