



Complaints Policy and Procedure

Policy Review and Approval

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A copy of this policy and other related policies can be obtained from the School Office.

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students at the school, and others.

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation by an independent person or panel, where necessary;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect and courtesy;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- keep complainants informed of the progress of the complaints process; and
- consider how the complaint can feed into school evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals. If at any point the behaviour of the complainant becomes serial, unreasonable or vexatious we will refer to the process outlined in addendum 1 of this policy.

This policy applies to children in the whole school, including those in the Early Years Foundation Stage (EYFS) and fits in with the school's ethos and values as follows:

- Gildredge House is committed to providing quality learning within a safe, caring environment, achieved through a close partnership between Governors, staff, students, parents and the wider community.
- We will provide an excellent overall service to our stakeholders.

2. Legislation and guidance

This document meets the requirements set out in Part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have, and make available, a written procedure to deal with complaints from parents of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage Statutory Framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. The school will resolve concerns through day-to-day communication as far as possible.

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

3.2 Scope

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

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

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline

A Governor Complaints Panel may look at processes concerning complaints involving other policies to satisfy that the school have investigated but will not look into any specific complaints that are referenced in other policies e.g. Safeguarding, Admissions, staff discipline etc. Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the Director of Inclusion; they will then be referred to this Complaints Policy and Procedure. Our Special Educational Needs Information Report includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.

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

4. Roles and responsibilities

4.1 The complainant

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

- follow these procedures;
- co-operate with the school throughout the process, and respond to deadlines and communication promptly;
- ask for assistance as needed;
- treat all those involved with respect; and
- not publish details about the complaint on social media.
- Communicate with one point of contact at the school regarding the complaint which may be the investigating officer or another appointed member of staff.

4.2 The investigator

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

- interview all relevant parties, keeping notes;
- consider records and any written evidence and keep these securely; and
- prepare a comprehensive report to the Executive Head Teacher or complaints committee which includes the facts and potential solutions.

4.3 Clerk to the Governing Board (point of involvement)

The Clerk will:

- have involvement at stage 3, or if the complaint is directed towards the Executive Head Teacher or a Governor.
- be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings;
- arrange the complaints hearing; and
- record and circulate the minutes and outcome of the hearing.

4.4 Committee Chair

The committee chair will:

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

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- what has happened;
- who was involved;
- what the complainant feels would put things right.

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- set new time limits with the complainant; and
- send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

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

Parents can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing

enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

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

6. Stages of complaint (not complaints against the Executive Head Teacher or a Governor)

6.1 Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Executive Head Teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the School Office.

The school will acknowledge informal complaints within two school days, and investigate and provide a response within ten school days. The informal stage will involve a meeting between the complainant and the Executive Head Teacher and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint into writing to the Executive Head Teacher and/or the subject of the complaint:

- in a letter or email;
- over the phone;
- in person; or
- through a third party acting on their behalf.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the School Office.

The Executive Head Teacher (or other person appointed by the Executive Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days. If it is not possible to draw a conclusion, due to the nature of the complaint, within this time frame, the complainant will be notified before the tenth day and given a revised conclusion date.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Governing Board in writing within five school days.

6.3 Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by, or on behalf of, the proprietor and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of Gildredge House Governing Board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see Section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The complainant and the school representative(s) will be given the chance to ask and reply to questions through the panel which should be sent to the panel in advance. The panel will also have the opportunity to ask questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide on request copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Executive Head Teacher.

When the complainant is also a staff member, any evidence provided by the school to the complainant may be removed or redacted, if it is felt that such information may allow the complainant to identify individuals. Should an element of the complaint relate to staff conduct, the findings and recommendations will be kept confidential and not shared with the complainant.

The school will inform those involved of the decision in writing within five school days.

7. Complaints against the Executive Head Teacher, a Governor or the Governing Board

7.1 Stage 1: Informal

Complaints made against the Executive Head Teacher or any member of the Governing Board should be directed to the Clerk to the Governing Board in the first instance.

If the complaint is about the Executive Head Teacher or one member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled and impartial Governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: Formal

If the complaint is jointly about the Chair and Vice-chair, the entire Governing Board or the majority of the Governing Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Governing Board, and will write a formal response at the end of their investigation.

7.3 Stage 3: Review Panel

If the complaint is jointly about the Chair and Vice-chair, the entire Governing Board or the majority of the Governing Board, a committee of independent Governors will hear the complaint. They will be sourced from local schools or the Local and will carry out the steps at stage 3 (set out in section 6 above).

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- whether there was undue delay, or the school did not comply with its own complaints procedure;
- whether the school was in breach of its funding agreement with the Secretary of State; and
- whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

<https://www.gov.uk/complain-about-school>

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

9. Persistent complaints

9.1 Unreasonably persistent complaints

See also the Serial, Unreasonable and Vexatious Complaints addendum at the end of this policy.

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

- has made the same complaint before, and it has already been resolved by following the school's Complaints Policy and Procedure;
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- knowingly provides false information;
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out;
- changes the basis of the complaint as the investigation goes on;

- makes a complaint designed to cause disruption, annoyance or excessive demands on school time; and/or
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

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

- give the complainant a single point of contact via an email address;
- limit the number of times the complainant can make contact, such as a fixed number per term;
- ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#); and/or
- put any other strategy in place as necessary.

Stopping responding

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

- we believe we have taken all reasonable steps to help address their concerns;
- we have provided a clear statement of our position and their options; and/or
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

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

In response to any serious incident of aggression or violence, we will immediately inform the police, communicate our actions in writing and continue with the procedure described in Addendum 1 - Serial, Unreasonable and Vexatious complaints.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete; and
- direct them to the DfE if they are dissatisfied with our original handling of the complaint.

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

9.3 Complaint campaigns

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

- publishing a single response on the school website; or
- sending a template response to all of the complainants

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

10. Record-keeping

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

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our Privacy Notices and Records Management Schedule.

In addition, the school is bound by the Freedom of Information Act 2000, the UK GDPR and the Data Protection Act 2018. These provide access rights to information held by the school in certain circumstances. This may include the information held in complaints files.

Therefore, all parties to a complaint should be aware that the school may be required to disclose the information held in complaints files, subject to the exemptions contained in the legislation.

In such cases, the school will follow the guidelines contained in the guidance produced by the ICO which can be accessed here [s40 Access to information held in complaints files v3.0 \(ico.org.uk\)](https://ico.org.uk)

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our Privacy Notices and Records Management Schedule.

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

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

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

11. Learning lessons

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

12. Monitoring arrangements

The Governing Board will monitor the effectiveness of the Complaints Policy and Procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues as stated in Section 11.

The complaints records are logged and managed by the Executive Head Teacher.

This policy will be reviewed by the Deputy Head every three years. At each review, the policy will be approved by the Executive Head Teacher.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Admissions Policy
- Behaviour for Learning and Exclusions Policies
- Child Protection and Safeguarding Policy and Procedure
- SEN Policy and SEN Information Report
- Staff Discipline and Conduct Policy
- Staff Grievance and Workplace Conflict Policy
- Privacy Notices

Serial, Unreasonable and Vexatious Complaints Procedure

1. Introduction

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

2. Definition

Gildredge House 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; and/or
- publishes unacceptable information on social media or other public forums.

3. Contact whilst a complaint is being investigated

Complainants should limit the number of communications 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.

4. Steps taken before marking a complaint “unreasonable”

Gildredge House and the trust take all complaints seriously, and follow the Complaints Policy in order to seek an agreed and amicable resolution and reconciliation. All complaints will be considered as reasonable in the first instance and nothing in this policy prevents a parent/carer raising a genuine new concern or complaint.

Whenever possible, the Executive Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘*unreasonable*’ marking.

If the behaviour continues, the Executive Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Gildredge House 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, the police will be informed, Gildredge House will put its concerns and actions in writing.

In the case of a serious incident or if an individual continues to make or pursue unreasonable complaints, Gildredge House and the trust may impose any or all of the following actions:

- limiting or restricting communication directly or indirectly to students or staff;
- barring from Gildredge House premises, grounds and/or events;
- set alternative arrangements for parent/carer consultations.

However, before any decision is made, the individual will always have the right to express their views on any such proposal.

If an individual continues to make or pursue unreasonable complaints, Gildredge House and the trust, reserves the right to seek further legal advice and take such steps as are appropriate in all the circumstances, including for example seeking court orders to limit the individual’s contact with or presence in or near to Gildredge House premises, any students, staff, parents/carers or other third parties as set out in the court order.