



# DORMSTON SCHOOL

## Complaints Policy

### Introduction

The purpose of this policy is to provide a robust process for dealing with complaints relating to the school or its employees including the provision of facilities or services.

“Section 29 of the Education Act 2002 states that schools must have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised”. The Department for Education have produced the following toolkit – [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346867/School Complaints Toolkit 2014 pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346867/School_Complaints_Toolkit_2014.pdf).

The following policy sets out the procedures that the school follows in the event of any complaint or concern.

This guidance will inform you about raising concerns and how to make complaints to The Dormston School.

***What is a complaint?*** ‘A complaint is a verbal or written expression of dissatisfaction’.

***What is not a complaint?*** Certain issues are not regarded as complaints but as initial enquiries or concerns. For example, an initial report of something not working, or a request for advice and information relating to an activity or action taken by the school are not complaints.

This policy applies to general complaints made by the parents, carers, the community, visitors, volunteers and pupils.

This policy will not be used for:

- complaints relating to a statutory duty or power;
- complaints from staff, the schools grievance policy will be used in this instance.

1. Here at the Dormston School we pride ourselves on our relationship with all our stakeholders. The Head Teacher and staff work very hard to build positive relationships with all parents and carers and the local community. Any questions or worries that arise from time to time will be answered promptly and helpfully. Most of these will be resolved simply by providing information or through an informal meeting in order to discuss and resolve the matter. However there may be times when you consider the problems have not been dealt with properly and you wish to complain.
2. We will deal with all complaints in accordance with procedures laid down by the local authority (DMBC), if the school itself cannot resolve the complaint, those concerned can refer the matter to the local authority.
3. The school has a clear procedure for receiving enquiries and complaints and they will always be directed to the appropriate person (s) for resolution. Only once an outcome of a complaint
4. All parents and carers have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel their complaint has not been properly addressed.
5. Complaints must be raised as soon as possible after an incident arises and in 6 weeks of the event being complained of, save in exceptional circumstances.
6. All complaints regarding Safeguarding are dealt with by the schools senior staff member responsible for Child Protection issues and separate procedures are in place for this. Mr S Dixon and Mrs J Elliot are the lead in school.
7. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school will treat the matter with a high degree of confidentiality and ask the complainant to do likewise.
8. Reasonable support and adjustment will be made to support complainants who have a disability; this could include accepting a complaint verbally instead of writing or physical adjustments to accommodate an individual at school.

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9. Reasonable support and adjustment will be made to support complainants where English may not be their first language, this could include support from a translator.

### **Aims and Objectives**

1. The Dormston School will treat all complaints confidentially and fairly and you will not be treated negatively for making a complaint. We aim to be open and honest when dealing with any complaint. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We will give sufficient opportunity for any complaint to be fully discussed and resolved.
2. To achieve informal resolution wherever possible.
3. To resolve general complaints as efficiently and effectively as possible.
4. To provide a transparent process for dealing with complaints, both formally and informally.
5. We will ensure all stages of the procedure will be investigatory rather than adversarial.
6. We will ensure every complaint is heard and handled appropriately.
7. We will deal with complaints with sensitivity, impartiality and confidentiality.

### **The Complaints Process/Stages**

1. If you are concerned about anything to do with your child's education you should, in the first instance, discuss the matter with your child's teacher. In our experience, most concerns can be dealt with positively in this way. We will acknowledge your concern within 2 working days and will respond to the complaint within 10 working days (if this complaint is of a particularly complex issue, more time may be needed to investigate, but you will be kept informed throughout the process). The pupils planner will advise you who to contact in particular situations. All staff will make a note of any complaint for any future reference. Where the first approach is to a governor or a senior member of the school, the first step will be to refer the complainant to the appropriate person and advise them of the procedure, this is to maintain leadership and governor impartiality at the later stages.
2. Where the parents or carers feel the situation has not been resolved fully through the initial contact with the teacher, or that their concern is of a sufficiently serious nature,

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they should make an appointment to discuss this matter with a Curriculum Leader or Head of House (the teacher you initially dealt with will be happy to give you their contact details), if you are still unhappy with the way the complaint is being dealt with, you can then make an appointment with the Deputy Head Teacher or the Head Teacher who considers any such complaint very seriously, and will investigate each case thoroughly. The response from the Head Teacher may include any of the following, an apology, a clear acknowledgement that the School has been at fault, an explanation of the steps that are being taken to avoid such problems in the future, an explanation of any misunderstandings on the part of the complainant about what might have happened, a clarification of school policy if necessary, any actions that may help in providing the complainant with redress or will give a final decision which will be confirmed in writing. If the complaint is against the Head teacher the complaint will be moved straight to stage 3 and raised with the Chair of Governors. If the complaint is against the Chair of Governors it will be moved to stage 3 and raised with the Governing Body. The Head teacher will respond to the complaint immediately, however where this is not possible they will investigate the complaint. Once the investigation is completed then the Head teacher will either respond in writing within 10 working school days or invite the complainant to a meeting to explain the outcome.

3. The complaint is likely to stop at this stage if the concern has been explained or a shared understanding has been reached, however; if you are dissatisfied with the response you receive from the Head Teacher you should go to the next step of the complaints procedure. The next step is to raise your complaint with the Governing Body, the Governing Body work closely with the Head Teacher to promote a high standard of educational achievement, to take responsibility for the conduct at the school and to make sure the national curriculum is taught. You should write to the Chair of the Governing Body and send your letter to the Chair of the Governing Body within 4 weeks of the outcome of your discussion with the Head Teacher. Give clear details of your complaint in the letter and attach any relevant papers. The Governing Body will acknowledge your letter within 10 working days (excluding holidays and weekends) and tell you what arrangements have been made for your complaint to be considered. They will provide the opportunity for you to discuss your letter in more detail with the Governors dealing with your complaint, when you may take a friend or advisor with you. The Governing Body will investigate your complaint within 20 school days and will write to you within 5 school days on completion of the investigation to confirm that the matter has been investigated thoroughly and that the appropriate action has been taken. A letter will be sent to the Directorate of Children's Services to inform them of action taken.

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4. If you are not satisfied with the response after stage 3, then the complaint should be raised in writing to the Clerk of the Governing Body, asking for it to be put to the appeals panel, which is made up of 3 Governors. The complaint/appeal should be raised in writing to the Clerk to the Governing Body within 10 days of the outcome of stage 3, giving clear details of the complaint and the dissatisfaction regarding the outcome at the earlier stages. The Clerk will acknowledge the complaint within 10 school days and make arrangements to hold the appeal hearing at the earliest opportunity. Once arrangements have been made for the hearing all relevant papers and documents to be relied on at the hearing will be sent to all parties, at least 5 days before the hearing. This hearing is independent and impartial, governors who have had any previous involvement in the complaint or circumstances surrounding it should not be involved. The aim of this hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. It does have to be acknowledged that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations.

The Complaints Panel Can:

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

**The Governor hearing is the last school based stage and is not convened merely to rubber stamp previous decisions.**

5. If you are not satisfied with the response you receive from the Governors your next step is to contact the Directorate of Children's Services. The Directorate has a responsibility to draw its concerns to the Governing Body and use its influence as necessary to ensure that schools have followed policy and procedure. You will need to write to the Directorate of Children's Services giving full details of your complaint and attach any relevant papers. The Directorate will acknowledge your letter within 3 working days, investigate the way the complaint has been dealt with and then write to you within 15 working days explaining the outcome of the investigation. The Directorate will also contact the school advising them of the outcome of the investigation and where appropriate, the steps needed to put matters right

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6. Where the complaint remains unresolved after going through all the appropriate stages within this procedure then the final stage of appeal is to the Secretary of State for Education. Complaints should be submitted in writing to:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor  
Piccadilly Gate  
Manchester  
M1 2WD

The SCU will examine if the complaint s policy and other relevant policies were followed in accordance with the provisions set out and will ensure the policies comply with appropriate legislation. If legislative or policy breaches are found the SCU will report them to the school to take remedial action

7. The vast majority of complaints are resolved by informal contact. There are occasions, however when the school is required to deal with vexatious, malicious or repetitive unfounded complaints, which cause unnecessary anxiety for the member of staff associated with the complaint and also wastes valuable school hours.

Examples of persistent or vexatious complaints include

- behaviour/actions which are disproportionate, harassing and repetitive;
- one that seeks unrealistic outcomes relative to the issue being raised and who state that their intention is to persist until an outcome is achieved;
- the complainant repeatedly makes the same complaint with minor differences but who do not accept the outcome of any investigation into their complaints.

The inclusion of this section within the procedure is to ensure that those complainants who we deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that the service being provided or school staff are not adversely affected.

Before deciding whether it is appropriate for us to apply any restrictions in the way a 'persistent or vexatious complainant' can contact the school, we must inform the complainant in writing or at a face to face meeting why we feel their behaviours or actions are unacceptable. We must also give them the opportunity to change their behaviours within a reasonable timescale before taking any further action.

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Therefore, where the complaint is deemed to be vexatious, malicious or repetitive without foundation, the school will reserve the right to inform the complainant that it cannot deal with their complaint and will outline the reasons why, which could include:

- specific actions are not identified;
- conclusions are presented rather than actions which require enquiry;
- the concerns relate to historical actions and any evidence which might have enabled an objective investigation of the complaint is no longer available;
- the substance of the complaint has already been addressed under this procedure previously;
- there are no identified potential sources of evidence which might allow the matter to be investigated;
- the complaint is deemed to be malicious in its intent either by the Head teacher or the Governing Body;
- the complaint(s) meet the legal definition of harassment under one of the following acts:
  - The Employment Rights Act 1996;
  - The Health & Safety at Work Act 1974;
  - The Equality Act 2010;
  - Human Rights Act 1998;
  - Protection from Harassment Act 1997;
  - Criminal Justice & Public Order Act 1994;
  - Malicious Communications Act 1998.

### **General Principles**

The appended “complaints” Forms will assist the process by focusing the complainant on the importance of being specific about the nature of the complaint and the need to provide evidence or at least to be able to cite relevant incidents.

The person investigating the complaint at any stage will:

- establish what has happened so far and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them if further information is required;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of any discussions and meeting throughout the complaint;
- keep the complainant updated and well informed of the progress of the complaint.

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Please note: Anonymous complaints will not normally be investigated under this procedure unless there are exceptional circumstances, for example if there were serious child protection concerns or bullying allegations where the school would involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where complaints remain unresolved, parents can submit the complaint to the Secretary of State on the grounds that the Governing Body or the Local Authority are acting unreasonably.

**Other ways of appealing or complaining, that you will be given advice about what to do include:**

- Exclusion of Pupils from School  
*The letter sent by the Head Teacher to parents in these cases will explain the rights of appeal.*
- Additional Educational Provision (Special needs)  
*Information and guidance notes about appeal procedures are available to parents in a separate booklet.*

**Monitoring and Review**

1. The school Governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. All complaints are recorded and administered by the complaints co-ordinator who will log all complaints received by the school and how these complaints were resolved. Governors will examine this record of complaints on an annual basis.
2. The complaints policy will be reviewed bi-annually or when necessary legal changes are made which affect this policy.
3. Governors take into account any local or national decisions which may affect the complaints process and may make any modifications necessary to the policy. This policy is made available to all parents and carers so that they can be properly informed about the complaints process.
4. The school will ensure that it will be cautious when providing specific details about the complaint, this is to ensure no prejudice against the ability of any employee complained about and to help them continue in their post. The release of certain information might be an obstacle to the fair application of disciplinary/capability

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procedures or otherwise contravene the employees employment or data protection rights.

### **Helpful Contact Details**

Complaints Co-Ordinator - Mr Simon Carroll, The Dormston School, Mill Bank, Sedgley, Dudley DY3 1SN

Child Protection Senior Officer - Mr Steve Dixon, The Dormston School, Mill Bank, Sedgley, Dudley, DY3 1SN

The Head Teacher - Mr Ben Stitchman, The Dormston School, Mill Bank, Sedgley, Dudley DY3 1SN

The Chair of Governors - Mr George Craig, The Dormston School, Mill Bank Sedgley, Dudley, DY3 1SN

Directorate of Children's Services, Westox House, 1 Trinity Road, Dudley DY1 1JQ

The Secretary of State, The Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

School Contact Phone Number: 01384 816395.

**'In the event of a complaint being made, every effort will be made to achieve a satisfactory outcome for all parties concerned, this policy is designed to facilitate resolution of concerns with the minimum of conflict, this policy has been implemented to carry the confidence of all interested parties so that its use secures "closure" of any complaint or concern'**

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