

# Gladesmore Community School



## COMPLAINTS POLICY & PROCEDURE

[OP9]

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Governing Body :		
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# Gladesmore Community School - Complaints Policy & Procedure

## 1. Introduction

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a *Complaints Procedure*.

The procedure is devised with the intention that it will:

- usually be possible to resolve problems by informal means;
- be simple to use and understand;
- be non-adversarial;
- provide confidentiality;
- allow problems to be handled swiftly through the correct procedure;
- address all the points at issue;
- inform future practice so that the problem is unlikely to recur.

## 2. Policy Statement

This policy statement sets out our approach to dealing with concerns and complaints about the school including arrangements for handling complaints from parents/carers of children with SEND about the support provided by the school. Details of how we handle these matters are contained in the *Complaints Procedures*

2.1 We value good home-school relations and will, therefore seek to resolve any concerns or complaints promptly.

2.2 We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

2.3 We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

2.4 Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. If it becomes clear that a resolution will not be possible, for example when a complaint becomes vexatious, we reserve the right to close the procedure before all the processes have been exhausted.

## 3. General principles and aims

Gladesmore Community School (the "School") is a Community School in LB Haringey and the Governing Body has overall responsibility for the policy. The Government and the Local Authority (LA) advocate resolution of parental concerns and complaints at school level, in the interests of maintaining good home-school relations.

3.1 This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

3.2 The policy is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedures for complaints and for managing serial and unreasonable complaints.

3.3 Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). The School does not limit complaints to parents or carers of children that are registered at the school. In addition, this policy applies to any matter which has been raised with the school by parents/carers of students as a complaint, but which has not been capable of informal resolution, and which the complainant or the school considers should be dealt with on a formal basis (i.e. Stage 2 onwards).

3.4 There are exceptions to the complaints that are not dealt with under this policy:

Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Haringey council
Safeguarding and matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Designated Safeguarding Lead (DSL).
Suspension and Permanent Exclusion of children from school	Complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.  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.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

National Curriculum - content	The Department for Education have their own complaints procedure to deal with complaints about the statutory curriculum.
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3.5 This policy is based on the principle that complaints expressed should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints, as laid out in this policy, will be followed.

3.6 Complaints should be raised as soon as possible, and within **three (3) months** of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three (3) months of the latest incident or event).

#### 4. Definitions

4.1 As per the Advice, this policy uses the following definitions (unless otherwise stated):

- **A complaint** – *may* generally be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’
- **School day** – equates to term time day (as deemed by the School)

4.2 The School will address all complaints, which parents may have in order to resolve them initially on an informal basis so that they do not escalate into formal complaints. Informal complaints are generally dealt with by relevant teaching or support staff but members of the School Leadership Team (SLT) and/or the SENCO may be asked to assist.

#### 5. Complaints Procedure

5.1 The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, the School does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The School defines unreasonable complainants as *‘those who, because of the frequency or nature of their contacts with the school, hinder its consideration of their or other people’s complaints’*.

5.2 A copy of this Policy is available on the School’s website.

##### **Stage 1 – Informal resolution**

5.3 Members of staff can frequently deal with issues of concern to the satisfaction of the complainant (i.e. the person who is complaining), without needing to deal with it formally. We value and encourage informal meetings and telephone discussions as a way of improving our procedures and relations with parents/carers.

5.4 Arrangements for handling concerns from parents/carers of children with SEND about the support provided by the school may be raised the SENCO. Matters may then be explored further by the SENCO with subject teachers as may be appropriate.

5.5 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's vision and values.

5.6 There is no rigid time-scale for resolving complaints at this stage. However, it is expected that most complaints will be addressed within **15 school days**. Should the nature or complexity of the complaint mean that more time is required; the school will contact the complainant informing them of the delay and confirming a revised date for resolution.

### ***Stage 2 – Formal stage: investigation by a member of the Senior Leadership Team***

5.7 Should informal meetings and telephone discussions appear unlikely to resolve the complaint, either party (i.e. the school or the complainant) may initiate a move to the Stage 2 for the complaint to be investigated formally. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings. The school will consider complaints and appeals outside of this timescale if circumstances are considered to be exceptional. The school will also make reasonable adjustments to allow complaints to be made in other ways should the complainant have difficulty expressing themselves in written English.

5.8 The complainant must outline the nature of the complaint, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. A copy of the formal Complaint Form is shown at Annex A and additional information should be attached (as required). The form should either be posted or handed into the school office and marked for the specific attention of the HEADTEACHER.

5.9 An investigation will be carried out by a member of the SLT (who will be appointed by the headteacher), that may include the offer of a meeting with the complainant. The investigator will speak to others involved. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **20 school days**. Should the nature or complexity of the complaint mean that more time is required; the school will contact the complainant informing them of the delay.

5.10 Once the investigation is complete the member of SLT will make recommendations to the headteacher. The school will subsequently respond indicating how the matter has been resolved.

5.11 Any complaint relating to:

- Headteacher can be raised in the first instance with the Chair of Governors, who will decide how the matter will be investigated. Contact with the Chair can be made via the school office with letters marked for the specific attention of the Chair of Governors.
- A member or members of SLT must be raised in the first instance with the headteacher, who will designate another SLT member to investigate in the same way as in the second stage of the formal process outlined above. Contact with the headteacher can be made via the school office and letters marked for the specific attention of the headteacher.

- The Chair of Governors or any individual governors are made to the Clerk to the Governing Body (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage one) and then a committee of members of the governing body (stage two).
- The entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint.

### ***Stage 3 – Formal stage: investigation by a member of the Governing Body***

5.12 Where the complainant remains dissatisfied at the findings, he/she may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings in writing. An additional copy of the School Complaint Form (Annex A) requires completion at this stage, and should be marked 'Stage 3 Complaint'. It should be posted or handed into the school office and marked for the specific attention of the Chair of Governors.

5.13 At Stage 3 the Chair of Governors will determine how the matter will be addressed. S/He could form a Complaints Panel. Its membership will be made up of predominantly the Governing Body of the School (though this is not prescriptive). The panel will be independent and will therefore have had no involvement in previous investigations.

5.14 The investigation may include the offer of a meeting with the complainant, who may wish to bring along a companion, in which case they must inform the Complaints Panel prior to the meeting.

5.15 In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

5.16 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

5.17 Representatives from the media are not permitted to attend.

5.18 Where possible the hearing will be planned within **25 school days** and after the meeting all parties will be notified of the outcome within **3 school days**.

5.18 **IMPORTANT NOTICE** about the Complaints Panel:

- The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance, or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

- If parents are inclined to bring legal representation they must inform the Complaints Panel **5 days prior** to the meeting.
- The aim of the Complaints Panel hearing is to independently consider the complaint and achieve reconciliation between the School and the complainant. It is not to respond to: demands for compensation, staff disciplinary action, public apologies or exclusions of other students within the school.

5.19 As the outcome the committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

## **6. Pursuing the complaint beyond the School's jurisdiction**

6.1 The outcome letter from the Complaints Panel exhausts the 3 Stage procedure. If the complainant is dissatisfied with the process, they are at liberty to contact the DFE

Department for Education

Store Street,

Piccadilly Gate

Manchester, M1 2WD

## **7. Records and associated procedure**

7.1 A record will be kept of complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2 or Stage 3. The action taken by the School as a result of a complaint (regardless of whether they are upheld) will also be recorded.

7.2 Records will be securely stored, with the appropriate access in place. Records of complaints will be kept for a period of 6 years after the complaint has been resolved, so that the school or the School can evidence the action taken, and for the purpose of legal defence of any claim against the School, after which they will be destroyed, unless they are needed pursuant to an ongoing legal action in which case the period will be extended until six (6) years after the end of that legal action.

7.3 Any data given will securely transmitted (electronically/otherwise) for use by those entitled to see the information as part of the investigation process. Correspondence, statements and records relating to individual complaints will be kept strictly confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

7.4 Under the Data Protection Act 2018 and GDPR, the information collected/processed under this policy *may* be classified as personal data. The legal bases for processing this personal data will be dependent upon the complaint, but typically be legitimate interest or public task. This data will be processed to fulfil the purposes for which it was collected, but may be copied

and securely transmitted electronically to authorised persons (as required) as part of the complaints process. The data will be stored confidentially and retained in line with the School policy.

7.5 If you have any queries or requests at any time concerning your personal information held by the School or its practices in this regard, please write to the Data Protection Officer, c/o Gladesmore Community School.

## **8. Policy for unreasonable complainants**

8.1 The School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, the School does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

8.2 The School defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder its consideration of theirs or other people’s complaints’. And a complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are answered
- makes unjustified complaints about staff who are trying to deal with the issues, and/or seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same or similar 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
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone

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

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

8.4 If at any level a complainant attempts to reopen an issue or a similar or related issue that has already been dealt with under this complaints policy and procedure, the School will write to the complainant to inform him/her that the procedure has been exhausted and the matter closed; that continued correspondence on the same matter is vexatious, and that the School will not respond to any further correspondence on this issue or a closely related issue.

8.5 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond, given that such a course of action does not represent a good use of the school's time or resources.

8.6 Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (by letter, phone, email or text) as it could delay the outcome being reached.

8.7 The School or designate will speak or write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact school and causes a significant level of disruption, the School may specify methods of communication and limit the number of contacts.

8.8 In response to any serious incident of perceived aggression, intimidation or violent conduct, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from the school premises.

8.9 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The School will therefore act to ensure that schools remain a safe place for students, staff and other members of our community. If a complainant or representative's behaviour is a cause for concern, the School can ask him/her to leave school premises. In serious cases, the HEADTEACHER or designate 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 School will have the opportunity to formally express the decision to bar in writing.

## **9. Learning lessons**

The governing body will review any underlying issues raised by complaints with the headteacher 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.

## **10. Monitoring arrangements**

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly.

This policy will be reviewed by the headteacher 3 years.

At each review, the policy will be approved by governing body.

## **11. Links with other policies**

Policies dealing with other forms of complaints include:

- Safeguarding and child protection and policy and procedures
- Admissions procedures

- Suspension and permanent exclusion policy
- Grievance procedures
- Disciplinary procedures
- SEND policy

