



Sherwood Foundation School  
Sherwood Park Campus  
Sherwood Hill Campus  
Sherwood Manor Campus

# COMPLAINTS POLICY

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# **SHERWOOD FOUNDATION SCHOOL**

## **COMPLAINTS POLICY**

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### **1. Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Sherwood Foundation School about any provision of facilities or services that we provide.

Unless complaints are dealt with under a separate statutory procedure, such as appeals relating to exclusions or admissions, we will use this complaints procedure.

### **2. The difference between a concern and a 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’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint’s procedure. Sherwood Foundation School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head of School on the relevant campus will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head of School will refer you to the Head of Operations and Business. In their absence another member of staff may be appointed but does not have to be more senior. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions where people would like to raise their concerns formally. In this case, Sherwood Foundation School will attempt to resolve the issue internally, through the stages outlined within this complaint’s procedure.

### **3. Aims**

Sherwood Foundation School aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial<sup>4</sup>
- 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
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action
- When responding to a complainant, we will advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

Sherwood Foundation School will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure 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.

#### **4. Legislation and guidance**

In accordance with Section 29 (1) of the Education Act 2002, all maintained schools and maintained nursery schools must establish and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

It 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.

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

#### **5. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing, by email or by telephone. The preferred method of communication is by email and the full list of relevant email addresses is appended at the end of this policy. Brief notes of meetings and telephone calls may be taken. These will be kept securely and encrypted where possible. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, or Head of School. If the issue remains unresolved, the next step is to make a formal complaint.

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 2 of the procedure.

Complaints against school staff, except the Head of School, should be made in the first instance, to the Head of School by email (see list of contacts at the end of this policy). Please mark it as Private and Confidential.

Complaints that involve, or are about, the Head of School or Head of Operations & Business should be address to the Executive Head by email. Please mark it as Private and Confidential.

Complaints that involve, or are about Executive Head should be addressed to the Chair of Governors by email. Please mark it as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the clerk to the governing body via the clerk's email address. Please mark it as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure and is available separately. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. Complainants may have communication preferences due to:

- Disability
- Learning difficulties
- Difficulties using English

Therefore, we may provide information in alternative formats; assist complainants in raising a formal complaint; or hold meetings in accessible locations.

## **6. 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

## **7. Roles and responsibilities**

### **7.1 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
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

## **7.2 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
- Prepare a comprehensive report to the Head of School, Head of Operations & Business, Executive Head or complaints committee, which includes the facts and potential solutions

## **7.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- The Head of School, Head of Operations and Business or Executive Head
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Head of School, Head of Operations and Business, Executive Head, Chair of Governors, Clerk and local authority (LA)

Be aware of issues relating to:

- Sharing third-party information
- Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keeping records

A complaints co-ordinator can provide administrative support in place of a clerk to the governing body, if that is more suitable to the school's needs. However, governance and regulatory advice will be sought from the clerk.

## **7.4 Clerk to the governing board**

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 UK General Data Protection Regulations (UK 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.

## **7.5 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 Data Protection Act 2018 or UK 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

## **7.6 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.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. 8
- The welfare of the child/young person is paramount.

### **8. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head of School, Head of Operations and Business, Executive Head or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **9. 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 timeframe 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 timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **10. Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Sherwood Foundation School, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
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 Cognus.  Main Phone Number: 020 8323 0450  Email: <a href="mailto:enquiries@cognus.org.uk">enquiries@cognus.org.uk</a>
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 local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). See <a href="https://www.sutton.gov.uk/w/report-a-concern-about-a-child">https://www.sutton.gov.uk/w/report-a-concern-about-a-child</a> for more details.  You can contact the CFCS Team:

Exceptions	Who to contact
	<ul style="list-style-type: none"> <li>● By telephone on 020 8770 6001</li> <li>● <a href="mailto:cfcs@sutton.gov.uk">cfcs@sutton.gov.uk</a></li> </ul>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*Note: complaints about the application of the school's wellbeing behaviour policy can be made through the procedure as set out in this policy.</i></p>
Whistleblowing	<p>We have an internal Whistleblowing Policy for all our employees, including temporary staff, volunteers, contractors, parents and carers and members of the public.</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:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p>
Staff grievances	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>
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	<p>Please note that Sherwood Foundation School work to Pathways for Learning appropriate to our students and not the National Curriculum.</p> <p>If you have a complaint about the National Curriculum this may be made directly to the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

Exceptions	Who to contact
Complaints about collective worship	<p>Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to:</p> <ul style="list-style-type: none"> <li>● the local authority</li> <li>● the local Standing Advisory Council on Religious Education</li> <li>● any other relevant body</li> </ul>
Withdrawal from the curriculum	<p>Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.</p> <p>If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.</p> <p>The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Sherwood Foundation School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **11. Informal Concerns**

Sherwood Foundation 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 concern as soon as possible within the timescales set out in section 9.

The concern should be addressed to Head of School at the relevant campus 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.

Sherwood Foundation School will acknowledge informal concerns within 10 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the Head of School. A written response will be provided by the school within 5 school days following the informal meeting.

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

## **12. Resolving complaints**

At each stage in the procedure, Sherwood Foundation School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- An apology.

## **13. Mediation**

Mediation can also be offered during the complaint's procedure. This can be useful in helping complainants reach an agreement and move forward, however there are times when it may not be the most appropriate course of action.

Mediation can:

- Provide a helpful mechanism for discussion when a concern is raised
- Help to rebuild the relationship between parties once all of the investigative stages of the complaint's procedure have been completed
- It should not be used as a substitute for an investigation during the formal stages of the complaint's procedure.

If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaint's procedure.

## **14. Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **15. Stages of complaint (not against the Head of School, Head of Operations and Business, Executive Head or Governors)**

We have adopted a 2-stage process for dealing with complaints:

Stage 1 – formal investigation

Stage 2 – review panel

### **15.1 Stage 1: formal**

Formal complaints must be made to the Executive Headteacher (unless they are about the Executive Headteacher). This may be done in person, in writing (preferably on the Complaint

Form), or by telephone but the preferred method of communication is via email (see contact details at the end of this policy).

The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing, either by letter or email, within 10 school days. If the Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The Executive Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. This can include the Head of Operations & Business.

During the investigation, the Executive 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.

In certain circumstances, the school may need to refuse a request for a particular individual to accompany 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.

At the end of the investigation, the Executive Headteacher will provide a formal written response within 5 school days. 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 Sherwood Foundation School will take to resolve the complaint. If the Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

### **15.1.1 How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 10 school days.

## **15.2 Stage 2: review panel**

### **15.2.1 Convening the panel**

The review panel consists of the first 3 members of the governing board available who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from among themselves.

If not, enough impartial governors are available, we will seek panel members from other schools, or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 5 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date and the hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 10 school days before the date of the meeting.

The board will ensure that the hearing is properly minuted.

### **15.2.2 At the meeting**

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.

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 by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

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 panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting 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 copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Executive Head.

### **15.2.3 The outcome**

The committee can:

- Uphold the complaint, in whole or in part <sup>14</sup>
- 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 5 school days.

## **16. Complaints against the Executive Head or Governors**

The information below is taken from the DfE model complaints procedure for maintained schools.

You may still need to work with your local authority and the clerk to governors, to develop appropriate procedures for providing fair and impartial hearings where a complaint concerns the governing board.

### **16.1 Stage 1: formal**

Complaints that involve or are about the Executive Head or Governors should be addressed to the chair of governors, and marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board, marked as private and confidential.

If the complaint is about the Executive Head or 1 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 15.1 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

An independent investigator will carry out the steps in stage 1 (set out in section 15.1 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### **16.2 How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

### **16.3 Stage 2: review panel**

If the complaint is about the Executive Head or 1 member of the governing board (including the chair or vice-chair), a committee of members of the governing board will hear the complaint. They will carry out the steps at stage 2 (set out in section 15.2 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- 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 authority and will carry out the steps at stage 2 (set out in section 15.2 above).

### **17. 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 DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the 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:

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

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

### **18. Managing serial, unreasonable and duplicate complaints**

Sherwood Foundation 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Sherwood Foundation 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 complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure <sup>16</sup>
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- Introduces trivial or irrelevant information that 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

The above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school 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 Head of School, Head of Operations & Business, Executive Head or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Head of School, Head of Operations & Business, Executive Head or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Sherwood Foundation 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 Sherwood Foundation School.

### **18.1 Steps we will take**

We will take every reasonable step to address the complainant's comments 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 wherever possible.

## **18.2 Serial/persistent complaints**

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

## **18.3 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a spouse, partner, grandparent or a child, we will assess whether there are aspects that we hadn't 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 that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of Sherwood Foundation School, warrants further consideration, the procedure outlined in section 14 or 15 (as appropriate) will be repeated.

## **18.4 Complaint campaigns**

Where Sherwood Foundation 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
- 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.

## **19. Barring from school premises**

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

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises.

The headteacher's decision to bar should then be reviewed by either:

- The chair of governors
- A committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- How long the bar will be in place
- When the decision will be reviewed

Once the school's complaints process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the school's decision. Individuals wishing to exercise this option should seek independent legal advice.

## **20. Record keeping and confidentiality**

Sherwood Foundation 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 stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel. The data will not be kept longer than necessary.

This is except where the complainant requests access to records of a complaint through a freedom of information (FOI Act 2000) request or through a subject access request under the terms of the Data Protection Act 2018 and GDPR, 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 Data Retention policy.

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.

### **20.1 Recording meetings**

Where there are communication difficulties, we may use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

The school will ensure there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We will consider:

- how any decision to allow recordings may affect any third parties called to act as witnesses
- the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked <sup>19</sup>
- Audio or video evidence
- Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. They may also ask for the written consent of all recorded parties.

The school refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **20.2. Bias in the proceedings**

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.

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest will not take part in the complaints process, including proceedings of governing body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially, they will withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they will also withdraw.

## **20.3 Transferring data**

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and copies may not be retained. Sherwood Foundation School may consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

## **21. Learning lessons**

The governing body will review any underlying issues raised by complaints with the Head of School, Head of Operations & Business and Executive Head, where appropriate, whilst maintaining confidentiality. The process of listening to and resolving complaints can contribute to school improvement. Governing bodies can use learning identified from across the spectrum of complaint investigations to:

- Inform improvements within the school
- Improve the effectiveness of the complaint's procedure.

## **22. Monitoring arrangements**

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 19.

The complaints records are logged and managed by the Clerk to the governors.

This policy will be reviewed by the full governing body every year 2 years.

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

## **23. Contact Details**

Role	Name	Email address
Executive Headteacher	David Murden	execheadteacher@sherwoodfoundation school.org.uk
Head of School (Park)	Jess Baldwin	jhall91@suttonmail.org
Head of School (Hill)	Beth Brookes	bbrookes2@suttonmail.org
Head of School (Manor)	Emma Digby	edigby@suttonmail.org
Head of Operations & Business	Naomi Walters	nwalters17@suttonmail.org
Chair of Governors	Gemma Davies	chairofgovs@sherwoodfoundation school.org.uk
Clerk to Governors	Daniela Warr	clerk@sherwoodpark.org.uk

## **Complaint Form**

Please complete and return to the relevant person (See Section 21 above) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name</b> (if relevant):
<b>Your relationship to the pupil</b> (if relevant):
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**  
**Date:**

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: