



The Fernwood School

High Achievement with Care & Discipline for All"

Complaints Policy

This policy will be monitored regularly and evaluated so that it remains responsive to current issues. This will be co-ordinated by the Headteacher

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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 The Fernwood School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (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 complaints procedure. The Fernwood 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 headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Fernwood School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office. Please mark them 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 school office. Please mark them as Private and Confidential.



For ease of use, a template complaint form is included at the end of this procedure (Appendix 1). If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example 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. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5. Time scales




You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

6. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7. Scope of this complaints procedure

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

Exceptions	Who to contact
 Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
 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) Lado@nottinghamcity.gov.uk who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
 Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>



	https://www.fernwoodschool.org.uk/about-us/policies/ .
<p>☛ Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<p>☛ Staff grievances</p>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<p>☛ Staff conduct</p>	<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>

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 this happens, we will inform you of a proposed new timescale.

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

8. Resolving complaints

At each stage in the procedure, The Fernwood 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

9. Withdrawal of a complaint

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

10. Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, head of year/ subject head or headteacher. 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 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

11. Stage 2 – Formal complaints

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. To raise a complaint please complete the complaint form (Appendix 1). If you require help in completing or downloading the form, please get in touch with the school office and we will advise/assist.

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. In all cases your written complaint must include: the nature of the complaint, details of how the matter has been dealt with so far, a clear statement of the actions that you would like us to take to resolve your complaint.

We may ask for further clarification if you're complaint is unclear, or we are unsure what you wish the resolution to be.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

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

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



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

At the conclusion of their investigation, the headteacher or investigator will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- ☛ Jointly about the Chair and Vice Chair or
- ☛ The entire governing body or
- ☛ The majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

12. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.



The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the request to escalate to Stage 3. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- ✿ Jointly about the Chair and Vice Chair or
- ✿ The entire governing body or
- ✿ The majority of the governing body

Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- ✿ Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- ✿ Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior



knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

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

The Chair of the Committee will provide the complainant and The Fernwood School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Fernwood School.

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 The Fernwood School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

13. Next Steps

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Department of Education (DfE). The DfE will only investigate the complaint in limited circumstances.

For more information on the DfE's remit in relation to academy complaints, visit

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>



14. Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner

There are rare circumstances where we will deviate from the complaints procedure set out above. These include, but are not necessarily limited to:

14.1 Repetitious, including serial and/or persistent, complaints

Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full and we have:

- ☛ Taken every reasonable step to address the complainant's concerns; and
- ☛ Given the complainant a clear statement of our position and their options,
- ☛ We will write to the complainant to advise that the complaints procedure has been exhausted and that we will not be responding to any further correspondence in relation to these matters. The complainant will be referred to 13. Next Steps.

14.2 Vexatious complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- ☛ Complaints which are obsessive, persistent, harassing, prolific or repetitious
- ☛ Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- ☛ Insistence upon pursuing meritorious complaints in an unreasonable manner
- ☛ Complaints which are designed to cause disruption or annoyance
- ☛ Demands for redress that lack any serious purpose or value

Examples include but are not limited to:

- ☛ Refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- ☛ Refusal to co-operate with the complaints investigation process
- ☛ Refusal to accept that certain issues are not within the scope of the complaints procedure
- ☛ Insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- ☛ Introducing trivial or irrelevant information which they expect to be taken into account and commented on
- ☛ Raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- ☛ Making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- ☛ Changing the basis of the complaint as the investigation proceeds
- ☛ Seeking an unrealistic outcome, such as the inappropriate dismissal of staff



- ☞ Making 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
- ☞ Knowingly providing falsified information
- ☞ Publishing unacceptable information on social media or other public forums

14.3 Complaints pursued in an otherwise unreasonable manner

Where the complainant's behaviour or language towards staff, trustees or members is aggressive, abusive, offensive, discriminatory, or threatening or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined in 14.2 and 14.3 above, we may:

- ☞ Inform the complainant that we consider their complaint to be vexatious or the manner in which they are pursuing their complaint to be unreasonable and why, and ask them to desist
- ☞ Conduct the Complaints Committee on the papers only i.e. not hold a hearing
- ☞ Refuse to consider the complaint any further and refer the complainant directly to Stage 4.

We may also restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts or banning the complainant from the academy's premises (in line with our Parental Conduct Policy).

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, trustees, or members, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

15. Roles and Responsibilities

15.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- ☞ Explain the complaint in full as early as possible
- ☞ Co-operate with the school in seeking a solution to the complaint
- ☞ Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ☞ Ask for assistance as needed
- ☞ Treat all those involved in the complaint with respect
- ☞ Refrain from publicising the details of their complaint on social media and respect confidentiality

15.2 Investigator

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



- 🔊 Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - 🔊 Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - 🔊 Interviewing staff and children/young people and other people relevant to the complaint
 - 🔊 Consideration of records and other relevant information
 - 🔊 Analysing information
- 🔊 Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

- 🔊 Conduct interviews with an open mind and be prepared to persist in the questioning
- 🔊 Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- 🔊 Ensure that any papers produced during the investigation are kept securely pending any appeal
- 🔊 Be mindful of the timescales to respond
- 🔊 Prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- 🔊 The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

15.3 Complaints Co-ordinator

The complaints co-ordinator should:

- 🔊 Ensure that the complainant is fully updated at each stage of the procedure
- 🔊 Liaise with staff members, headteacher, Chair of Governors or the Clerk and to ensure the smooth running of the complaints procedure
- 🔊 Be aware of issues regarding:
 - 🔊 Sharing third party information
 - 🔊 Additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- 🔊 Keep records

15.4 Clerk to the Trust 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 General Data Protection Regulations (GDPR)



- 🔊 Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- 🔊 Collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- 🔊 Record the proceedings
- 🔊 Circulate the minutes of the meeting
- 🔊 Notify all parties of the committee's decision

15.5 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 DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- 🔊 Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- 🔊 The issues are addressed
- 🔊 Key findings of fact are made
- 🔊 The committee is open-minded and acts independently
- 🔊 No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- 🔊 The meeting is minuted
- 🔊 They liaise with the Clerk (and complaints co-ordinator, if the school has one)

15.6 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.
- ☛ The welfare of the child/young person is paramount



Appendix 1 - Complaint Form

Please complete and return to the Headteacher/Chair of Governors or Clerk to Governors as relevant who will acknowledge receipt and explain what action will be taken.

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



[Empty text box for input]

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

[Empty text box for input]



Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:

