

Complaints Policy



SWANMORE COLLEGE

Centre of Excellence

Statutory	Yes
Website	Yes
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Swanmore College Complaints Policy

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1. Introduction

A complaint is a commentary upon the quality of our services as experienced by pupils and parents/carers. As such we take it seriously and always aim to learn from the information given and the process followed to raise our standards. Our first question at any stage will be to ascertain what the person bringing the complaint considers will be a satisfactory outcome.

Swanmore College is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the College, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the general public, may make a complaint about provision of facilities or services that Swanmore College provides, unless separate statutory procedures apply.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Swanmore College, other than complaints that are dealt with under other statutory procedures, including those listed below. Complaints about the following matters can be initiated through this policy but will then be dealt with under separate policies or regulations.

Exceptions	Who to contact
<ul style="list-style-type: none">• 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 Hampshire County Council
<ul style="list-style-type: none">• 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 (01962

	876364) or the Multi-Agency Safeguarding Hub (MASH – 0300 555 1373).
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing (protected disclosures) 	<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 whistleblowers 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>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> 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>
<ul style="list-style-type: none"> 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.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

Swanmore College uses the following definitions:

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 is 'an expression of dissatisfaction with the College however made about actions taken or a lack of action which requires a response'

Anonymous complaints

The College will not respond to anonymous complaints under this policy; however, the Headteacher and/or Chair of Governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

For more information on the College's provision for protecting our pupils, please refer to our **child protection** policy and our **allegations of abuse against staff** policy, both of which are available on our website www.swanmore-school.co.uk .

Timescales

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.

If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

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

How to raise a concern or complaint

A concern or complaint can be made in person, in writing, by email via enquiries@swanmore-sec.hants.sch.uk 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.

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.

2. When an issue or concern first arises

If you have a concern that you would like to take up with the College you should initially inform a member of staff either in person, over the telephone (01489 892256) or in writing. You should approach your child's **Tutor** (tutor contact details are on our website <https://www.swanmore-school.co.uk/contact-us>) first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

The Governor's Complaints Committee will only consider any complaint at Stage 2 of the Complaints procedure outlined below i.e. once a complaint has been investigated and responded to in writing by the Headteacher through Stage 1 of the procedure. Any complaint (other than those relating to the Headteacher) made direct to the Chair of Governors will be referred to the Headteacher for investigation and a response under Stage 1 of the Colleges Complaints procedure.

2.1 Initial informal procedure

Informal Step 1

If you have a concern that you would like to take up with the College you should initially inform a member of staff – your child’s tutor either in person, over the telephone (01489 892256) or in writing (<https://www.swanmore-school.co.uk/contact-us>). When a concern has been received, you may receive a telephone call from the member of staff to discuss your concerns, or you may be invited to attend a meeting with a member of staff.

If invited to a meeting, you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 College days**

Informal Step 2

If you still have concerns after your initial contact with your child’s tutor you can request via the tutor a review of the outcome by a member of the Colleges Senior Leadership Team (SLT). The process will be like that outlined in Step 1 above.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 College days**

All staff will do their best during the informal stage to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the Headteacher (Stage 1) as detailed below.

3. Formal Complaints

How to make a complaint

A complaint can be made in person, in writing (<https://www.swanmore-school.co.uk/contact-us>) or by telephone 01489 892256. 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.

If your complaint is about the Headteacher, you should make your complaint in writing to the Chair of Governors via the school office in writing and marked Private & confidential. It is preferable for you to make your formal complaint by letter or by using the electronic form on the Colleges website <https://www.swanmore-school.co.uk/contact-us/comments-compliments-complaints>

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 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.

In order to ensure complaints are dealt with efficiently and effectively Swanmore College deals with formal complaints in two stages.

3.1 Stage 1 – Complaint heard by the Headteacher

If you feel that your concern has not been dealt with as you would like at the informal stage, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint to the Headteacher. It is preferable for you to make your formal complaint in writing and we provide an electronic form for you to complete which can be accessed on the College website <https://www.swanmore-school.co.uk/contact-us/comments-compliments-complaints> , but complaints can be made in person or by telephone (written confirmation will be required). This form can be emailed to enquiries@swanmore-sec.hants.sch.uk

The Headteacher will acknowledge your complaint in writing or offer a full response within **5 College days** of receipt. Within this response, the Headteacher may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. If further investigation is required, the Headteacher will acknowledge receipt of your complaint will advise you that a full response will be provided within **20 College days** of receipt.

The Headteacher may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If your complaint is about a member of staff, the Headteacher will talk to that employee and invoke the relevant procedure if required. It will **not** be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.

The Headteacher will respond to you in writing within **20 College days** of receiving your complaint outlining their full response to your complaint, and any action that has or will be taken. If the Headteacher has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the Headteacher's response.

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 1.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 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.

3.2 Stage 2 – Complaint heard by the Governor’s Complaints Committee

If, having received the Headteacher’s response to your complaint at Stage 1 of this procedure and wish to take the matter further, you can escalate the complaint to Stage 2 – a meeting with members of the board of Governors complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaint’s procedure.

A request to escalate to Stage 2 must be made to the Clerk to the governors within **10 College days**¹, explaining why you are dissatisfied with the response received at Stage 1 to your complaint, via governors@swanmore-sec.hants.sch.uk

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 College 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 College days** of receipt of the Stage 2 request. 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Swanmore College available, the Clerk will source any additional, independent governors through another local school or through their LA’s Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

¹ Exceptions to this time frame may be considered

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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.

At least **10 College 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 College days** before the meeting.

Any written material will be circulated to all parties at least **3 College 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 Swanmore College with a full explanation of their decision and the reason(s) for it, in writing, within **5 College days**.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Swanmore College

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 heard by a committee of independent, co-opted governors.

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 Swanmore College will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Swanmore College. They will consider whether Swanmore College has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

Resolving complaints

At each stage in the procedure, Swanmore College 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.

Withdrawal of a Complaint

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

4. Unreasonable Complainant Behaviour

Swanmore College 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 College. Operating from a position of mutual respect, 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.

Swanmore College defines unreasonable complainants as “those who, because of the frequency or nature of their contacts with the College, hinder our consideration of their or other people’s complaints”.

A complainant 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, despite offers of assistance
- 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 College’s 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 fully answered, often immediately and to their own timescales
- makes unjustified comments 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 a complaint where the College’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 College time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

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

Complainants should limit the numbers of communications with the College whilst a 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Swanmore College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Swanmore College.

5. Governing Body review and monitoring of complaints

The Headteacher will report annually to the Board of Governors on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The governing body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

6. Staff Complaints

The [Public Interest Disclosure Act 1998](#) (as amended) gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as Whistleblowing. The Board of Governors of the College will treat all matters of malpractice very seriously and allegations about such matters will be dealt with quickly and with appropriate confidentiality.

Staff should acknowledge their individual responsibilities in bringing matters of concern to the attention of senior leadership in the college. This is particularly important where the welfare of children may be at risk.

A clear procedure is provided for staff to raise issues with the purpose of assisting in reducing the risk of serious concerns being mishandled, whether by the individual or by the college. Please refer to the colleges Procedure for Protected Disclosures (“Whistleblowing”) which can be obtained by emailing enquiries@swanmore-sec.hants.sch.uk .

The procedure for dealing with any other staff complaint or employment grievance is set out in the College’s **staff discipline, code of conduct and grievance** policies which are available upon request.

7. Complaints Policy Review

The Board of Governors of Swanmore College will review this policy every 2 years or sooner if there are any legislative changes.

Appendix 1

Complaints Form

Complaint Form

Please complete and return to Swanmore College 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:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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: