

Tunbury Primary School

Complaints Policy

Agreed May 2017

School Complaints Procedure

Our school is committed to providing the very best education for our pupils; to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

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 generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school, other than those covered by separate legislation and formal procedures and are covered by other policies and guidance. These include:

- **Admissions**
- **Exclusions**
- **Special Educational Needs**
- **Staff Grievances / Discipline**
- **Child Protection**
- **Whistleblowing**

It is expected that all complaints will be referred to the school in the first instance and that all stages will be pursued before considering a referral to the Secretary of State for Education (DfE Complaints Unit) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Key principles of this policy are:

- **Accessibility** – the policy will be available on the school’s website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge
- **Good communication** – the school will be happy to explain the process for dealing with concerns and complaints
- **Timescales**- there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality**- appropriate confidentiality will be maintained by all those involved (including and school staff and governors).

The governing body will appropriately monitor the nature of both informal and formal complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

The Stages of the Complaints Process

Stage 1 – Informal Complaint

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues. Please contact the school by letter or telephone to arrange an appointment to speak to the class teacher.

If you are not satisfied with the outcome you should contact the Head of Year for your child's class who will try to resolve the concern informally.

- It is recommended that you make an appointment to speak to the class teacher/Head of Year as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- The class teacher/Head of Year will make a brief written record of the concerns raised and any actions agreed

The complainant may choose to take no further action or take their complaint to the next stage.

Stage 2 – Formal Written Complaint (non- parental complaints are likely to go straight to this stage)

Upholding or not upholding complaints

At each stage of the formal complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

If you feel dissatisfied with the outcome of discussions with the class teacher and Head of Year, you should then contact the Head Teacher by putting your complaint in writing. *Please use the form attached as appendix 1 to do this.*

If you are not using the form, your letter should set out clearly the concern and why you feel the issue has not been resolved through informal channels. It is very important that you set out what resolution you are seeking.

The Head Teacher will receive all formal complaints in the first instance. However, a complaint received under the stage 2 formal complaint process can be processed via two possible routes:

Part A

Where appropriate to do so, the Head Teacher may delegate the complaint to another member of the Senior Leadership Team e.g. an Assistant Head Teacher or the Deputy Head Teacher for investigation. The complainant will be notified in writing if a decision is made to delegate the complaint to another member of the Senior Leadership Team.

Part B

Where appropriate to do so, the Head Teacher will receive and investigate the complaint directly.

- The Senior Leader/Head Teacher will consider the complaint and in doing so will:
 - Establish what has happened so far, and who has been involved;
 - Meet or contact you if they need further information;
 - Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
 - Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
 - Conduct any interviews with an open mind;
 - Keep notes of any interview for the record

- The Senior Leader/Head Teacher will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology
 - an explanation
 - an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
 - an explanation of the steps that have been taken as a result of the complaint received
 - an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Senior Leader/ Head Teacher will notify you of the outcome of their consideration of your complaint by sending a detailed response within a maximum of 10 working days during term time however, this is dependent on the nature of the complaint and investigations undertaken. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision at Stage 2, this does not become a complaint about the Senior Leader/Head Teacher. However, if your complaint is about the conduct of the Headteacher and you feel that it has not been resolved at the informal stage, then you should move directly to **Stage 3** of the procedure and write to the Clerk of Governors via the school office marking it urgent and private and confidential.

Any complaints relating to a member of the Governing Body should be directed to the Clerk of Governors and should be marked private and confidential.

Stage 3 – Governor Review Panel

If you are not satisfied with the response at Stage 2, or you have a concern or complaint that is specifically about the Headteacher **which has not been resolved informally**, then you must write a formal letter of complaint to the Clerk of Governors within 20 working days during term time. You should either complete the complaints form or write to the Clerk of Governors at the school address, marking any envelope "urgent, private and confidential".

- *The Clerk to the Governing Body will acknowledge receipt of the letter within 5 working days during school term time. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 schools days during term time of receiving the complaint. The letter will invite the complainant to attend also explain that the complainant has the right to submit any further documentation relevant to the complaint which should be provided to the Clerk within 5 working days during term time of the date of the invitation. The complainant may bring a friend or someone else for support.*
- *For complaints specifically about the Headteacher, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator.*

- *A meeting of the Governors Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An*

experienced governor will chair the panel meeting. The Chair of the Panel will be responsible for ensuring the panel meeting is minuted. The chair/clerk of the complaints panel will contact the complainant with the arrangements.

- *Once the panel has been held, the complainant and the school will be informed of their decision within 15 working days in term time. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3.*
- *Minutes of the panel meeting will be available to all relevant parties when finalised.*

As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point and the matter will then be closed as far as the school is concerned.

Stage 4 – Escalation to Secretary of State for Education

If the complainant remains unsatisfied by the outcome of the governor's panel, they will be advised to contact the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably.

The School Complaints Unit considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. They will look at whether the school's complaints policy and other relevant statutory policies were adhered to. They will also check whether the school's policy adheres to education legislation. However the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Policy for unreasonable complainants

The Head Teacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

1. What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, 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.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, 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 adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are 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, 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 a school while 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 Head Teacher 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 the 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 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 school premises.

Barring from the School Premises

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

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

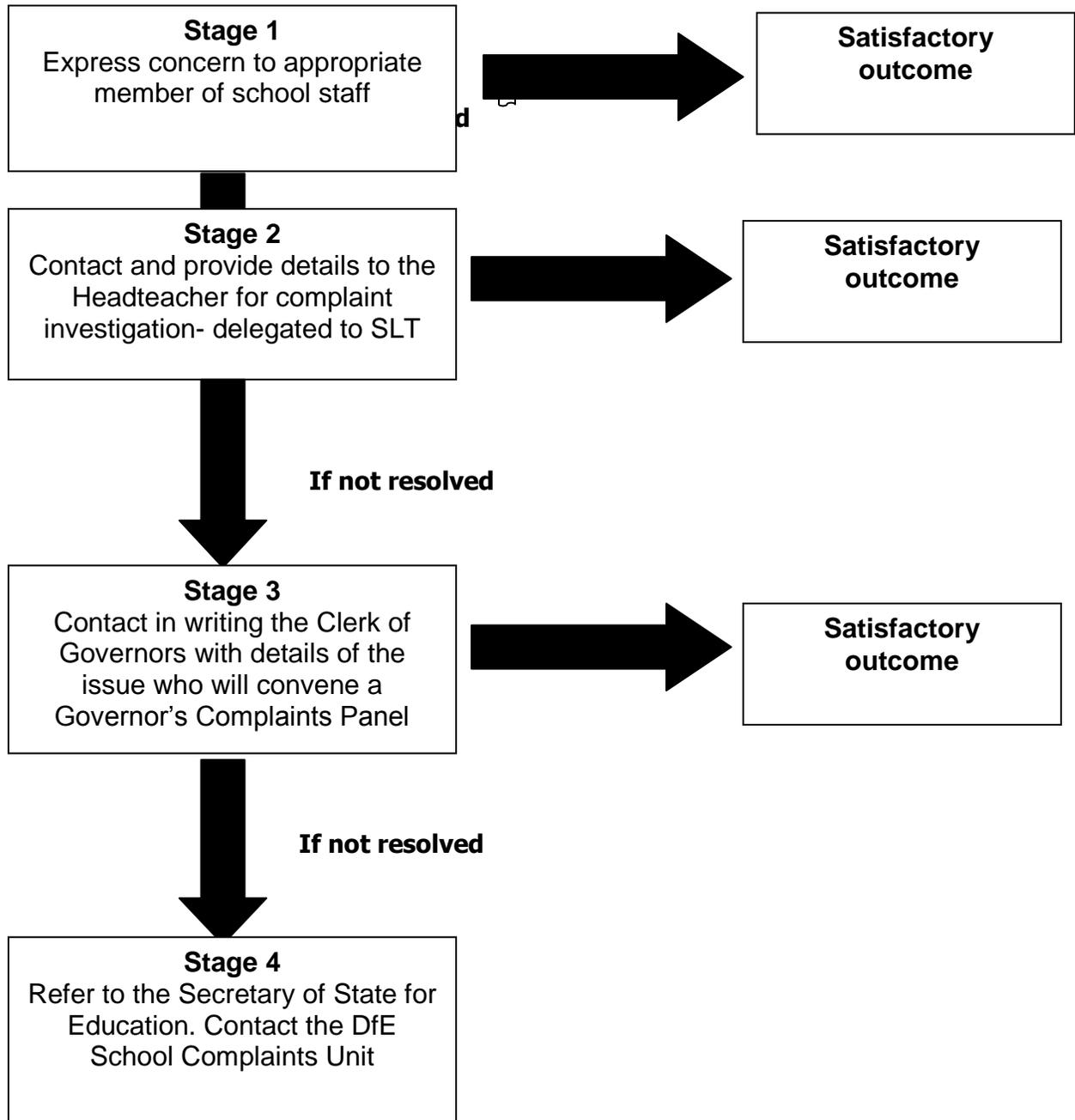
Formal Complaints Form

Appendix 1

Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Appendix 2

Model Complaints Procedure Flowchart



Governor Complaints Panel procedure

- At the panel hearing:
 - The complainant (who may be accompanied by a friend if they wish) will have the opportunity to present their complaint to the Panel.
 - The school representative (who may be accompanied by a workplace colleague or representative will explain the school's position.
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the school's representative.
 - The school's representative will be given the opportunity to make a final statement to the panel.
 - The complainant will be given the opportunity to make a final statement to the panel.
 - The chair will ask the complainant if he or she feels they have had a fair hearing.

- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.

- The Chair of the Panel will explain to the complainant and school's representative that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days during term time. The complainant, school's representative, other members of staff and witnesses will then leave.

- The Panel will then consider the complaint and all the evidence presented and
 - Agree a decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

- A written statement clearly setting out the decision of the Panel must be sent to the complainant and school's representative. The letter to the complainant should also advise how to take the complaint further.

- Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point and the matter will then be closed as far as the school is concerned.

- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.