Rolvenden Primary School

Managing Complaints Policy

Policy Control	
Responsible Person:	James Tibbles Interim Headteacher Esme Thomas Deputy Headteacher Ellen Jones SENCO
Responsible Governor Team:	
Date of issue & Approved by Governors:	January 2018
Date due for Review:	January 2019
Other relevant documents to read be in conjunction with this policy:	• Teaching and Learning Policy • SEND Policy • Safeguarding and Child Protection Policy • Staff Code of Conduct • Home School Agreement

Our school policies are written with the objective of continuously improving our school and realising our school's vision:

Rolvenden Primary School is a small school that makes a big difference by providing a nurturing learning environment where every child matters. Our school's core values of CREATE: ***Creativity***, ***Resilience***, ***Engagement***, ***Aspirations***, ***Teamwork*** and ***Enjoyment*** encapsulates our ethos to enable every child to flourish, develop as an individual and CREATE a confident, life-long-learner and become a responsible member of the community and wider world in which they live in.

Contents

Introduction **2**

Aims and Principles **2**

Upholding or Not Upholding Complaints **3**

The Stages of the Complaints Process **3**

Stage 1 – Informal Complaint 3

Stage 2 – Formal Written Complaint 3

Stage 3 – Chair of Governor Review 4

Stage 4 – Governor Review Panel 4

Stage 5 – Escalation to Secretary of State for Education 5

Policy for unreasonable complainants **5**

Examples of Unreasonable Complaints 5

Barring from the School Premises **6**

Appendix 1 – Complaint Form **8**

Appendix 2: Model Complaints Procedure Flowchart **9**

Stage 1 ..... *9*

Stage 2 ..... *9*

Stage 3 ..... *9*

Stage 4 ..... *9*

Stage 5 ..... *9*

Appendix 3: Governor Complaints Panel procedure **10**

Introduction

Our school is committed to providing the very best education for our young people and we want 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.

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

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 the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

Upholding or Not Upholding Complaints

At each stage of the 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

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

The Stages of the Complaints Process

(flowchart of process at appendix 2)

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. In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

- It is recommended that you make an appointment to speak to the class teacher 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
- It is good practice for the class teacher or form tutor to make a brief written record of the concerns raised and any actions agreed

Stage 2 – Formal Written Complaint

(non- parental complaints are likely to go straight to this stage)

If you feel dissatisfied with the outcome of discussions with the class teacher, you should then contact the Headteacher or Deputy Headteacher either by arranging an appointment to see them or by putting your complaint in writing. *You may 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 also helpful if you can set out what resolution you are seeking.

The Headteacher 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 Headteacher 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 assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- 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 Headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed response within a maximum of 20 school days. 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 the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. 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 Chair of Governors.

Stage 3 – Chair of Governor Review

If you are not satisfied with the response of the Headteacher, 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 Chair of Governors. The school will provide you with the Chair of Governors name, or you can find it on the school's website. You should either complete the complaints form or write to the Chair of Governors at the school address, marking any envelope "urgent, private and confidential".

The Chair of Governors will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that they will investigate and respond within 20 working days of receiving the complaint.

Stage 4 – Governor Review Panel

If you are not satisfied with the response of the Chair of Governors you can formally request that another review be undertaken by a panel of governors.

The Chair of Governors or Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working days 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. 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/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 five school working days. If it is not possible to meet these timescales then the chair of the panel will contact 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.

Stage 5 – 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

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 of Unreasonable Complaints

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 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 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.

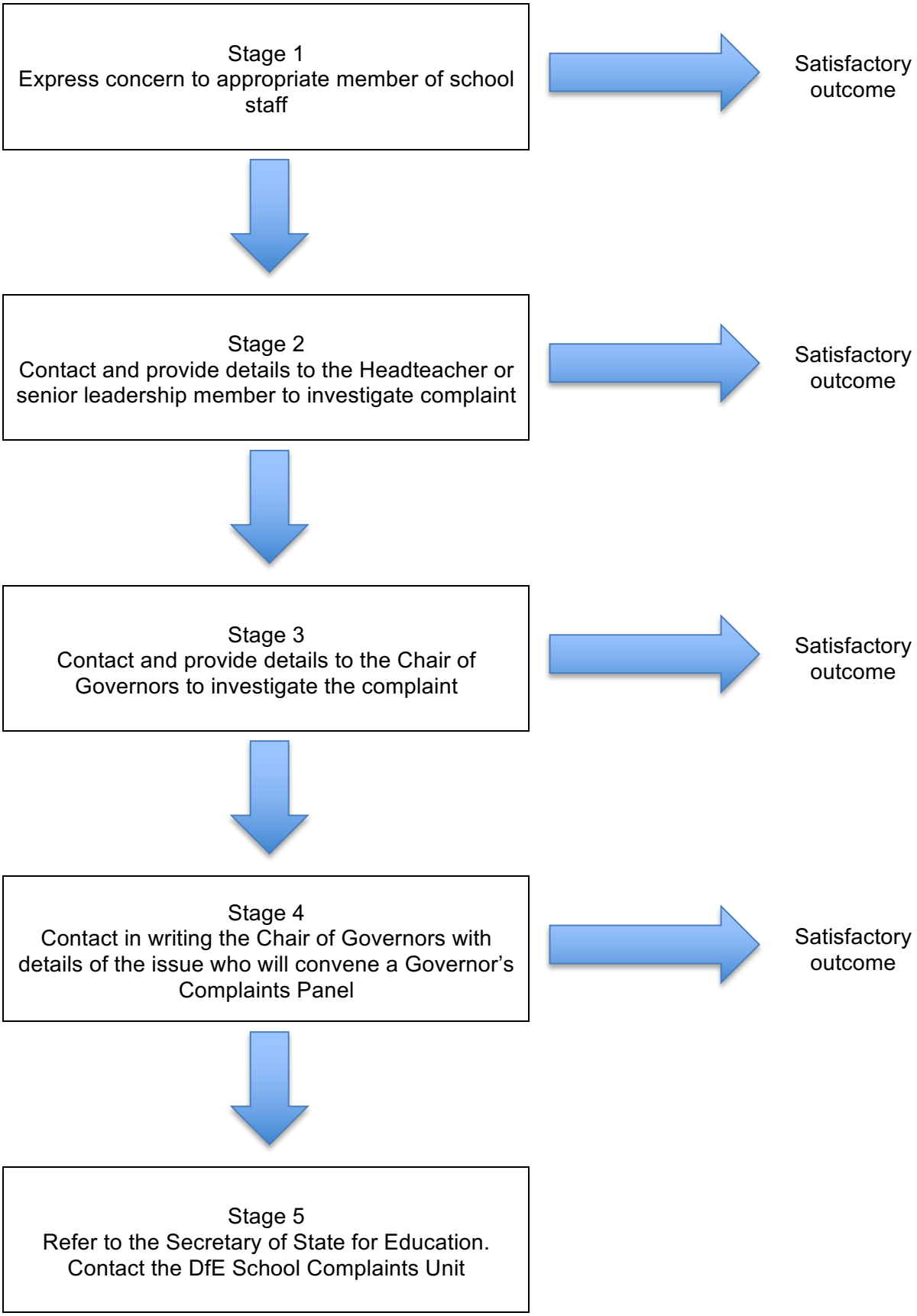
Appendix 1 – Complaint Form

Please complete and return in a sealed envelope to the School Office, marked for the confidential attention of the Head Teacher

Your name:
Pupil's name:
Your relationship to the pupil:
Address: Postcode: Day time telephone number: Evening telephone number: Mobile telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:

For official use only	
Date acknowledgement sent: By whom:	Data Complaint Referred Referred to:

Appendix 2: Model Complaints Procedure Flowchart



Appendix 3: Governor Complaints Panel procedure

At the panel hearing:

- The complainant will have the opportunity to present their complaint.
- The Headteacher 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 Headteacher.
- The Headteacher 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 Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, 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 Headteacher. The letter to the complainant should also advise how to take the complaint further.

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.