

St Mary's CE VC First School



Complaints Policy

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1. Introduction

Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

2. What is 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 which requires a response'*.

St Mary's First School takes concerns and complaints seriously and will make every effort to resolve matters at the earliest stage possible. The school will endeavour to resolve issues informally wherever possible to prevent matters escalating to the formal procedure. If a parent or carer wishes to raise a concern, they should start by telling the class teacher about it. This is usually the best and quickest way of resolving issues as this will give all parties the opportunity to discuss your concern. The purpose of this discussion should be to establish the issues and to seek a realistic resolution. There is no requirement to complete a complaint form for most concerns.

The formal complaint procedure will be invoked when initial attempts to resolve an issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. Making a complaint

Complaints made to St Mary's First School should preferably be made by using a complaint form (see Appendix A). However, the complainant may have communication preferences due to disability or learning difficulties and the school will allow an alternative method of communication and it is recommended that they contact the **Clerk to the Governors**. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to records. Where there are communication difficulties a recording device may be used to ensure the complainant is able to access and review the discussions at a later point. The School will record the progress of the complaint and the final outcome. The Clerk to the Governors should be responsible for these records and hold them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

It is helpful to all concerned to register a complaint as soon as possible and ideally within 6 school weeks of the alleged issue.

4. Scope of the complaint procedure

This procedure covers all complaints with the **exceptions** listed below for which there are separate (statutory) procedures:

- admissions to schools;
- exclusion of children from school;
- statutory assessments of special education needs;
- school re-organisation proposals subject to statutory procedures;
- matters likely to require a Child Protection Investigation;
- whistle-blowing;
- staff grievances and disciplinary procedures;
- Complaints about services provided by other providers, such as contractors and other council service units.

Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

5. Resolving complaints

At each stage in the procedure, the school will want to resolve the complaint if possible. It might 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;
- 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 school policies in light of the complaint;
- an undertaking of further investigation that could lead to disciplinary procedures.

Roles and responsibilities are set out in this policy. Circumstances in which the Chair of Governors or the complaints panel may take action because of unreasonable behaviour of the complainant or an unreasonable complaint are set out in Appendix B.

6. Stages of the complaint procedure

The following stages will begin once the Clerk to the Governors has received the complaint form.

Stage 1 Complaint heard by a staff member	Stage 2 Complaint heard by Headteacher	Stage 3 Complaint heard by Chair of Governors	Stage 4 Complaint heard by Governing Body Complaints
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<p>A staff member hears the complaint and resolves it. The matter and outcomes are reported to the Headteacher.</p>	<p>If the complaint cannot be resolved informally, then the Headteacher will investigate.</p>	<p>If the complainant remains unhappy or the complaint is about the Headteacher the investigation will be undertaken by the Chair of Governors in a manner which s/he deems most appropriate.</p>	<p>Panel</p> <p>This will consist of Governors not involved in the complaints process at an earlier stage.</p>
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Stage 1: Complaint heard by a staff member

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the complainant could be referred to another staff member. If the member of staff directly involved feels too compromised to deal with a complaint the complainant could be referred to another staff member. The ability to consider the complaint objectively and impartially is crucial. The complainant should be asked at the earliest stage what they think might resolve the issue.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are required to sit on a panel at a later stage of the procedure.

Stage 2: complaint heard by the Headteacher

The headteacher’s influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 3: complaint heard by the Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should contact the Chair of Governors to request that their complaint is considered further. At this stage the Chair of Governors will seek to resolve the complaint and seek an acceptable resolution for all involved. If this is not possible the complaint will move to Stage 4.

Stage 4: complaint heard by the Governing Body Complaints Panel

The Chair of Governors will give details of the complaint to the Clerk to the Governing Body and will request that the governing body convenes a complaints panel. The complaints panel hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The panel will consist of three members who have had no previous involvement with the complaint. If it is not possible to find governors who are impartial governors from another first school will be sought. The panel will select their Chair. The aim of the panel will be to resolve the complaint and achieve reconciliation between the school and the complainant if possible.

The meeting:

1. The panel will set a date and time for the hearing and will notify the complainant. Normally this will be within 20 school days of receiving the request. A minimum of 3 working days' notice is required for postponing the meeting by any party and failing this the Chair of the panel will consider whether to proceed with the complaint.
2. The complainant will be invited to submit further written or other evidence at least 5 working days before the date of the meeting.
3. An agenda will be sent out one week before the meeting.
4. The meeting will be held in private, this would normally take place during the school day and at the school. The complainant and the headteacher will be present throughout, unless the complaint is against the headteacher. The Clerk to the Governors will be present to record the meeting.
5. Once the panel is satisfied that they have heard all the information and seen all the evidence they will agree a time-scale with the complainant for responding in writing with their decision. This should normally be within 15 school days.
6. All parties will receive a copy of the minutes of the meeting within 5 working days.
7. Following the meeting the panel will decide on a course of action i.e. what further evidence is required and whom to speak to. They will then reach a decision, recommend to the Chair of Governors any action that is required and inform the complainant of the outcome.

7. The remit of the Governing Body Complaints Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;

- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel should remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

8. Roles and responsibilities

The role of the Clerk

Any panel or group of governors considering complaints will be clerked. The Clerk is the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- record the proceedings;
- share copies of the panel meeting minutes with all parties involved, providing a reasonable opportunity for the minutes to be agreed;
- notify all parties of the panel's decision.

All information and communication relating to the complaint will be treated in strict confidence by the Clerk. If the Clerk has any involvement in the complaint a Clerk to Governors from another first school will be sought.

The role of the chair of the panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- a time-scale is agreed by all parties for investigating, collecting evidence, speaking to those involved, deciding on the outcome and reporting back.

9. Notification of the panel's decision

The Chair of the Panel should ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) within a deadline agreed at the meeting. The letter should explain if there are any further rights of appeal and, if so, to whom they should be addressed. This may be the Local Authority. The final stage of appeal is to the Secretary of State for Education.

See Section 5 for range of possible outcomes.

The Department for Education

If a complaint has exhausted the local procedures, The School Complaints Unit (SCU) will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Complainants are advised to write to:

The School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD
Tel: 0370 000 2288
www.education.gov.uk

Complaint Form

Please complete and return to the Clerk to the Governors via the school or email to clerk@charminster.dorset.sch.uk 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.
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:
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

APPENDIX B

Policy for dealing with unreasonable complaints

The Headteacher and staff at St Mary's First School deal with concerns and specific complaints as part of their day-to-day management of the school in accordance with its 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 committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain and they will not normally limit the contact complainants have with the school. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing their concerns and the school does not expect their staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. In these circumstances the school may take action in accordance with this policy.

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the School, including governors and parents;
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

St Mary's First 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"*.

Our expectations are that complainants will:

- articulate their complaint and specify the grounds of a complaint or the outcomes sought;
- co-operate with the complaints investigation process;
- accept that certain issues are not within the scope of a complaints procedure;
- accept that the complaint being dealt with in ways which are compatible with the complaints procedure and that reflect good practice;
- accept the timescales that are agreed and not introduce trivial or irrelevant information or raise large numbers of detailed but unimportant questions;

- be respectful and courteous;
- not deviate from the basis of the complaint as the investigation proceeds;
- not repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- accept the findings of the investigation into that complaint where the school's complaint process has been fully and properly implemented and exhausted including referral to the Department for Education;
- seek a realistic outcome;
- not make excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone whilst the complaint is being dealt with;
- not record meetings or conversations without the prior knowledge and consent of the other persons involved.

A complaint will 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;
- acting in a persistent way by:
 - sending numerous letters;
 - making multiple phone calls;
 - sending multiple e-mails;
 - leaving multiple voicemails;
 - sending multiple text messages;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Headteacher or Chair of Governors will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unacceptable and is being considered under this policy. The letter will specify what behaviour is unreasonable and ask them to change it. The Headteacher or Chair of Governors may also specify methods of communication and times in a communication plan. If a complainant contacts the school about the same issue persistently once the matter is closed the

correspondence may be viewed as “serial” or “persistent” and the school may choose not to respond.

Any serious incident of aggression or violence the concerns and action will be put in writing immediately and the Police informed. Any legitimate new complaint will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Unreasonable Complaints.

The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.