

# MEREWORTH COMMUNITY PRIMARY SCHOOL



## Handling Complaints Policy

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Person with responsibility	Head Teacher
Governing Body	Full Governing Body
Review Date	November 2017
Chair of Governors <i>Signature and Date</i>	
Head Teacher <i>Signature and Date</i>	

## **Mereworth Community Primary School**

### **Complaints Procedure**

**Mereworth Community Primary School is committed to providing the very best education for our young people and 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.**

**Any person, including members of the general public, may make a complaint about any provision of facilities or services that Mereworth Community Primary School provides, unless separate statutory procedures apply (such as exclusions or admissions – see Appendix 5). We do not limit complaints to parents or carers of children that are registered at the school.**

**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**

**The governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.**

**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.**

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## **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 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**

All concerns should initially be addressed by telling the class teacher. This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer concerns to a more senior or experienced member of staff who will try to resolve the concern informally.

- *Making an appointment to speak to the class teacher as soon as possible gives both parties the opportunity to talk about the issue without being interrupted. It may not always be possible to offer an appointment straight away, but priority will be given to concerns.*
- *The purpose of this meeting will establish the nature of the concern and aim to seek a resolution to the problem*
- *The class teacher will 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 the complainant is dissatisfied with the outcome of discussions with the class teacher, they should contact the Head Teacher *(or member of the Senior Leadership Team)* either by arranging an appointment to see them or by putting the complaint in writing. *The form attached as appendix 1 should be used to do this.*

If not using the form, a letter should set out clearly the concern and why the issue has not been resolved through informal channels. It is also helpful if the complainant sets out a possible resolution.

- The 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 the complainant if they need further information;
  - Clarify what would put things right if this has not been set out in the letter or included on the 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 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 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 Head Teacher will discuss the outcome of their consideration of the complaint and will send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, the complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where the complainant is unhappy about the decision the Head Teacher has made, this does not become a complaint about the Head Teacher. However, if a complaint is about the conduct of the Head Teacher and has not been resolved at the informal stage, then the complainant should move directly to **Stage 3** of the procedure and write to the Chair of Governors.

### **Stage 3 – Governor Review Panel**

If a complainant is not satisfied with the response of the Head Teacher, or a concern or complaint is specifically about the Head Teacher which has not been resolved informally, then a formal letter of complaint should be sent to the Chair of Governors. This information can be found on the school's website or by contacting the school office. This can be made on the complaints form or by writing to the Chair of Governors at the school address, marking any envelope "urgent, private and confidential".

To comply with our obligations under the Equality Act 2010 the complainant may have communication preferences due to disability or learning difficulties and if this is the case Mereworth Community Primary School allows alternative methods of contact (in person, by telephone, or in writing). 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 the records. Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

- *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 and 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 Head Teacher, 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. If the whole governing body is aware of the substance of a complaint before the final stage has been completed, an arrangement will be made for an independent panel to hear the complaint (by approaching a different school, or the local Governor Services team at the LA, or the Diocese).*

- *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 both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3. Roles and responsibilities are outlined in appendix 4.*

*Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.*

#### **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](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2<sup>nd</sup> 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: 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 Head Teacher 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. The Head Teacher will therefore act to ensure that Mereworth Community Primary School remains a safe place for pupils, staff and other members of the community.

If a person's behaviour is a cause for concern, the Head Teacher can ask him/her to leave school premises. In serious cases, the Head Teacher or the local authority can notify the person in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the person may wish to make. There will be an opportunity to formally express views on the decision to bar in writing. The decision to bar would then be reviewed, taking into account any representations made and either confirmed or lifted. If the decision is confirmed the person will be notified in writing, with an explanation of how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher 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.

**This policy and the complaints procedure is reviewed annually to enable the school to take into account any new guidance issued by the Department for Education or legislative changes.**

Date Produced: November 2016

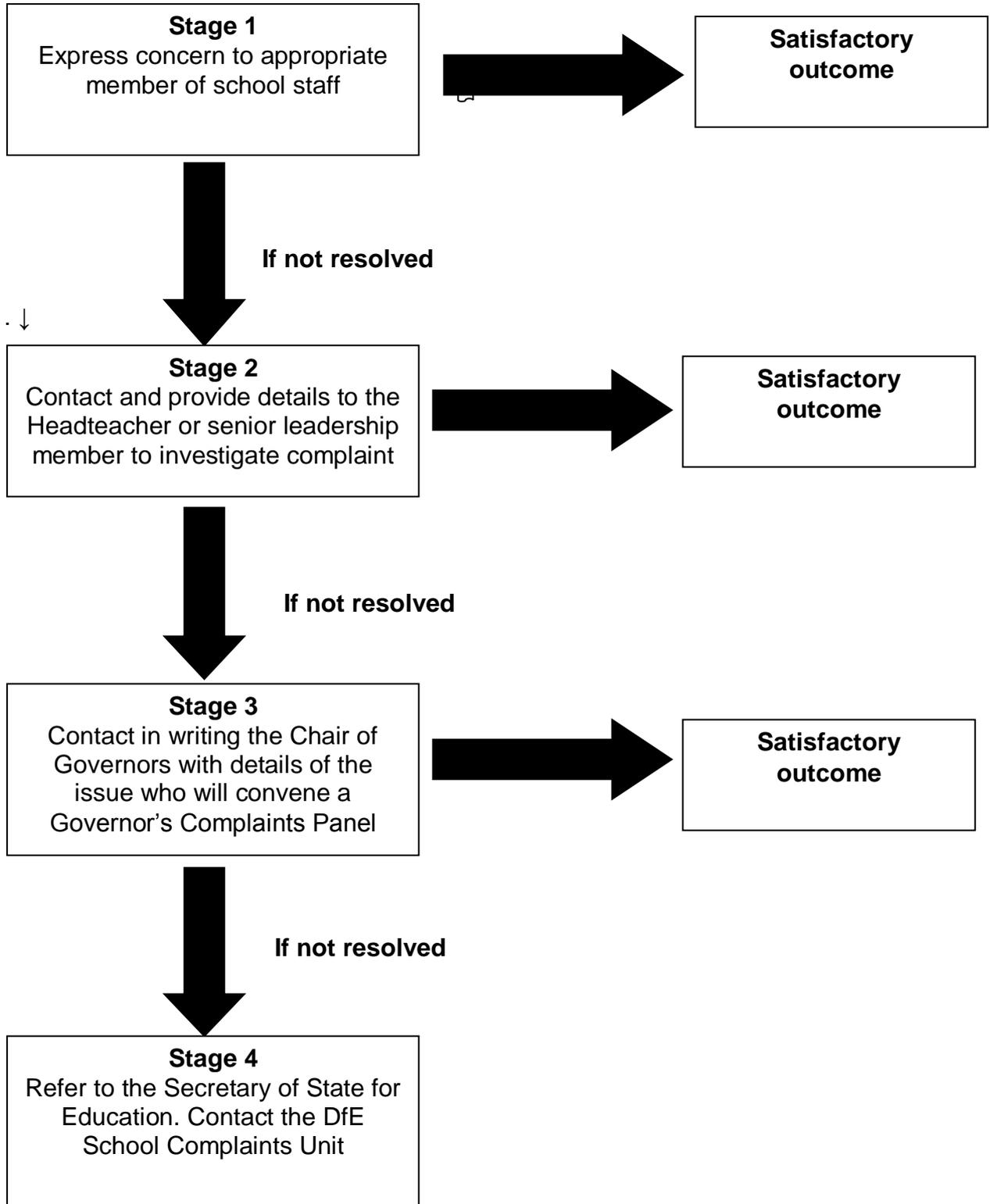
To be Reviewed: November 2017

## Complaints Form

## Appendix 1

Please complete and return to .....	
who will acknowledge receipt and explain what action will be taken	
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	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

### Model Complaints Procedure Flowchart



### Governor Complaints Panel procedure

- At the panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The Head Teacher 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 Head Teacher.
  - The Head Teacher 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 Head Teacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, 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 will be sent to the complainant and Head Teacher. The letter to the complainant will also advise how to take the complaint further.
- The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records are kept separately from the pupil's personal records.

## Roles and Responsibilities

### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### The Complaints Co-ordinator (or Head Teacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Head Teacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - including interpretation support.

### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- 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;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond;
- responding to the complainant in plain and clear language.

The person investigating the complaint will make sure that they:

- conduct interviews with an open mind

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- care is taken to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will:-

- be independent and impartial, and 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.

- aim to resolve the complaint and achieve reconciliation between the school and the complainant;
- take extra care when the complainant is a child/young person and present during all or part of the hearing; Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- ensure that the welfare of the child/young person is paramount.

## Complaints not in scope of the procedure

### Exceptions

### Who to contact

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

- Whistleblowing

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

- Complaints about services provided by other providers who may use school premises or facilities.