



Joy Lane Primary & Nursery School & SRP

COMPLAINTS POLICY

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Signed by Executive Headteacher	D Hines
Signed by Chair of Governors	G Skinner
Date Policy to be Reviewed	July 2018

JOY LANE PRIMARY, NURSERY & SRP (ASD)
COMPLAINTS PROCEDURE

GENERAL

The governing body is required by the Education Act 2002 (section 29) to have a policy for dealing with complaints.

The school's complaints policy allows complaints about school issues to be dealt with efficiently and sensitively and at the appropriate level.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Complaints can cover a wide variety of matters that concern the school community. The school expects ALL complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

AIMS

The policy aims to ensure that all complaints are dealt with as quickly, fairly, honestly and sensitively as possible and by the person best able to do so.

As far as possible all concerns will be dealt with as informally as possible.

A member of the school community or other complainant will be able to expect to have an initial response to their complaint within two working days of having made the complaint (term time only).

The procedures must be published under arrangements made by the Head and approved by the Governing Body.

CONCERNS AND COMPLAINTS

Concerns

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 concern may progress to a complaint when there is dissatisfaction about actions taken or lack of action.

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.
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem.

- It is essential the class teacher makes a brief written record of the concerns raised and any actions agreed.

Complaints

A complaint may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action.

Complaints against the Executive Headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

All Complaints should be made as soon as possible after an incident arises.

RECORDING COMPLAINTS

The School must comply with its obligations under the Equality Act 2010. Therefore:

- If parents, carers, pupils or other complainants wish to register a formal complaint they may complete the school’s Formal Complaint Form. However, complaints may also be made in person, by telephone, in writing or by email.

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 record. Where there are communications difficulties, THE school adversarial process

- may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. This will be by mutual agreement.
- The school will record the progress of the complaint and the final outcome. The Complaints Co-ordinator will be responsible for these records and hold them centrally
- The school must be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

COMPLAINTS PROCEDURE

The complaints procedure is in three distinct stages.

Stage 1: Informal complaint

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. To that end staff must be made aware of the procedures so they will know what to do when they receive a complaint.

The school will respect 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 complaints co-ordinator can refer the complainant to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

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 must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure

Where the complaint concerns the Executive Head Teacher, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Stage 2: Formal 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 Executive 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 Executive 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 Executive 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 task of collating the information may be delegated to another staff member but not the decision on the action to be taken.

If the concern or complaint is not resolved at the informal stage the complainant may choose to put the complaint in writing and pass it to the Executive Headteacher who will be responsible for ensuring that it is investigated appropriately. Only if the complaint is about

the Executive Headteacher should it be passed to the Clerk to the Governing Body, for the attention of the Chair of the Governing Body.

A complaint form is provided by the school to assist complainants. This form is not compulsory but is preferred as it includes details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that the complainant includes a clear statement of the actions that they would like the school to take to resolve their concern. Without this, it is much more difficult to proceed.

The completed form should be returned in a sealed envelope to the school office. The envelope addressed to the Executive Headteacher, or to the Clerk to the Governing Body, as appropriate.

The Executive Headteacher will invite the complainant to a meeting to clarify their concerns and to explore the possibility of an informal resolution. The complainant may be accompanied by a friend, to assist them in explaining the nature of their concerns.

It is possible that the complaint will be resolved through a meeting with the Executive Headteacher. If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case the complainant will be advised in writing, within five days of the school receiving the formal complaint, of how the school intends to proceed. This notification will include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing of its conclusion.

The Executive 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 Executive 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 Executive 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: Formal: Governing Body Independent Review Panel

The complainant must write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Clerk will convene a governing body independent review panel, which will revisit the complaint and review the process. The governors' panel hearing is the last school-based stage of the complaints process.

Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel.

There is nothing in this policy which gives a complainant the right to 'veto' panel members. The panel needs to be 'independent'. However, in any community it is likely that governors will know, or know of, many parents. It is not a court of law, nor is it a hearing where someone's livelihood is at stake, this is an opportunity for a panel to consider a complaint. In order to ensure that the School acts fairly and professionally, the considerations will be recorded and the reasons behind any decision on whatever the final outcome will also be recorded.

The governing body will nominate a number of members with delegated powers to hear complaints at this stage. The terms of reference shall be to:

- reinvestigate the complaint
- draw up its procedures
- hear individual appeals
- make recommendations on policy as a result of complaints.

The panel will be drawn from the members of the governing body and normally will consist of three governors, though it may sit with two in exceptional circumstances. The panel will choose one of their number to act as Chair. If the Chair of the Board of Governors has not been previously involved in the matter then they may be one of the panel members.

THE REMIT OF THE 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.

Panel members must remember that:

- 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 be sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which will 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. The governors sitting on the panel need to be aware of the complaints procedure.

The independent review panel may request the assistance of an independent investigator

This panel will aim to meet within ten school days of the clerk receiving the request. However it may not always be possible to find three governors who are available within this period, in which case timescales for the hearing will be agreed with the complainant.

ROLES AND RESPONSIBILITIES

The role of the Clerk

The panel meetings 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).

- meet and welcome the parties as they arrive at the hearing.
- record the proceedings.
- notify all parties of the panel's decision.
- The Clerk will share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary challenged.

The role of the Chair of Governors

The role of the Chair of governors is to:

- check that the correct procedure has been followed
- if a hearing is requested, notify the clerk to arrange the panel

The role of the Chair of the Panel

The review will normally be conducted through a consideration of written submissions. However the complainant must be given opportunity to make any written representations regarding the complaint to the panel. Any reasonable requests to make oral representations will be considered sympathetically. In the event that verbal evidence is taken by the panel, then 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

NOTIFICATION OF THE PANEL'S DECISION

The Chair of the Panel needs to 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 maximum of twenty working days of the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to:

The School Complaints Unit (SCU)
 Department for Education
 2nd Floor, Piccadilly Gate
 Manchester M1 2WD

What will the Department for Education do?

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. The 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 and the decision of the Governors Panel is binding on all parties.

If legislative or policy breaches are found, the 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.

MONITORING AND REVIEWING

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The school logs all formal complaints received by the school and records how they are resolved. Governors have a verbal report from the Executive Headteacher at main Governing Body meetings and consider the need for any changes to the procedure on an annual basis.

COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory Assessments of Special Education Needs (SEN) • School re-organisation proposals • Matters likely to require a child protection investigation 	<p>Concerns should be raised with the Local Authority. For this school the admissions authority is the Local Authority. Complaints about admissions appeals for maintained school are dealt with by the Local Govt. Ombudsman</p>
<ul style="list-style-type: none"> • Exclusion of child from school 	<p>Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>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 e mail at whistleblowing@ofsted.gov.uk or by writing to :</p> <p>WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD</p> <p>The Department of Education is also a prescribed body for whistleblowing in education</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the schools internal grievance procedures. Complainants will not be informed of the outcomes of any investigation</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use School premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

PERSISTANT, UNREASONALBE AND VEXATIOUS CPMLAINTS

The School's expectations of all members of the school community

The school expects members of the school community who wish to raise problems with the school to:

- Treat all school staff with courtesy and respect
- Respect the needs and well-being of pupils and staff in the school
- Avoid any use, or threatened use, of violence to people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff and governors in schools work and allow the school reasonable time to respond
- Recognise that resolving a specific problem can sometimes take some time
- (In case of a complaint) follow the School's Complaints Procedure or (if a member of staff) the appropriate internal staff procedure

Persistent complaint

For the purpose of this policy, a persistent complainant is someone who habitually complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable

Vexatious Complaints

If the complainant persistently tries to reopen the same issue, the Chair of the Governing Body will be able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be considered as vexatious and there will be no obligation on the part of the School to respond. It is not the complainant who is vexatious; it is the correspondence.

In some instances continued actions as outlined above may amount to Harassment.

Generally speaking harassment is behaviour which causes a person distress or alarm. The Protection from Harassment Act 1997 ss2 also says you must have experienced at least **two incidents** by the **same** person or group of people for it to be harassment.

It is for the Court to decide if something amounts to harassment under the Act. The courts will look at whether most people or a reasonable person would think the behaviour amounts to harassment.

Protection from Harassment Act 1997 ss4 adds additional penalties if the victim is put in fear of violence being used.

Harassment includes alarming or causing distress. Conduct used includes speech. The occasions can be separated by a period of time, but it is the decision of the court as to whether or not this is a continuing course of conduct. Clearly the further they are separated in time the less chance there is of this being considered a continuing course of conduct.

Unreasonable Behaviour

Examples of what the school might consider to be unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Changing the basis of the complaint/request as the matter proceeds
- Denying or changing statements made at an earlier stage
- Covertly recording meetings and conversations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous school staff, or detailed letters every few days, and expecting immediate responses
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Causing distress to staff
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

The school's actions in cases of Unreasonable or persistent complaints

In the first instance the school will inform the complainant (in writing) that his/her behaviour is considered to be becoming unreasonable or unacceptable and, if it is not modified, action may be taken in accordance with this policy.

If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school to be in writing only
- In the case of physical or verbal aggression the School will take advice from HR / Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a ban
- Consider taking advice from the Legal Services on pursuing a case under Harassment legislation.
- Consider taking advice from HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Executive Head Teacher but only a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complain is reasonable or vexatious and then advise the Executive Head Teacher/Governing Body accordingly. However, legitimate new complaints may still be considered under the usual policy even if the person making

them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in School.

- If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR/Legal Services.

Concerns regarding pupils with special educational needs

If a parent/carer wishes to raise a concern about the school's SEN support for their child, or wishes to make a complaint regarding any other matter the issue should first be raised with the Special Needs Co-ordinator (SENCO). If the issue cannot be resolved informally then the school's complaints procedure from Stage 2 should be followed.

REVIEWS

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

The Complaints Policy will be reviewed by the Governing Body at any time in the light of prevailing circumstances, and in any event at least once in the school year.

LEGISLATION

This policy is linked to:

Section 29 Education act 2002

1. The governing body of a maintained school in England shall:
 - a. establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - b. publicise the procedures so established.
2. In establishing or publicising procedures under subsection
 1. The governing body shall have regard to any guidance given from time to time by the Secretary of State
<https://www.gov.uk/government/publications/school-complaints-procedures>

Joy Lane Primary School, Nursery & SRP (ASD)
Complaints Policy
Ratified by Governing Body: 10 July 2017
Review: July 2018

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?

Signature

Date

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

