

# North Denes Primary School

## Complaints Policy and Procedures

### Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities that the school provides.

This policy is based on the NAHT model complaints procedure and informed by the most recent advice from the Department for Education (January 2016). The policy was agreed by governors on: 27/06/17 and will be reviewed every two years. The policy which includes the schools policy for Harassing or Abusive Complainants (please see *Appendix 3*), is intended for use by staff, governors and anyone with a concern or complaint relating to the school and must be published on the school's website.

There are some complaints that are not within the scope of this policy/procedure. These are outlined in *Appendix 4- Complaints not in the scope of this procedure*.

### Purpose and General Principles of the School Complaints Policy and Procedures

From time to time parents/carers, and others connected with the school, will become aware of matters which cause them concern. This procedure is intended to allow someone to raise a concern or complaint relating to the school, or the services that it provides. To encourage resolution of such situations the Governing Body has adopted this School Complaints Procedure. The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

It is in everyone's interest that any problems are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to involve formal procedures. The school takes informal concerns seriously and will make every effort to resolve the matter as quickly as possible. There are rare occasions when someone would like to raise their concerns formally. In these cases the school's formal procedure will be invoked as outlined below.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered. (The person raising the concern or complaint will be informed if this is the case).

### The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought.*' A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action.*'

## **Raising a Concern or Complaint**

### 1. Informal Stage

*It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most issues will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the chair of governors, if the complaint is about the Headteacher). If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.*

### 2. Formal Stage

If a 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 Headteacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Headteacher, the complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body. Please see *Appendix 1 for Complaint Form*.

The complainant should include 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 the concern.* Without this, it is much more difficult to proceed.

The completed form, should be passed, in a sealed envelope to the school office. The envelope should be addressed to the Headteacher, or to the clerk to the governing body, as appropriate. The Headteacher (or chair) may invite the complainant to a meeting to clarify the concerns and to explore the possibility of an informal resolution. If that invitation is accepted, the complainant may be accompanied by a friend, if they wish, to assist them in explaining the nature of their concerns.

It is possible that the complaint will be resolved through a meeting with the Headteacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case the complainant should be informed by writing, usually within 5 days of the school receiving the formal complaint, of how the school intends to proceed. This notification should 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.

## **Review Process**

If the complainant is not satisfied with the manner in which the *procedure has* been followed, they may request that the governing body reviews how their complaint has been handled by the school.

Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. Please see Appendix 2 for specimen Complaint Review Request Form *[If the complainant has any communication difficulties related to any language issues, disability or learning disability, then alternative methods of communication will be considered e.g. verbal, signing, interpreter.]*

Any review of the procedure followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of any request.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school (usually the Headteacher or the chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting. The matter will then be closed as far as the school is concerned.

### **Governing Body Involvement - Complaints Panel**

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process (see Appendix 4) it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- The content or the application of a governing body policy
- School facilities
- Services that the school provides.

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary. A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. *As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.*

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the head teacher and the governing body of the outcome, in writing.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is *not satisfied that the appropriate procedure has been followed*, they may request a review of that process by another panel of the governing body.

### **Review meeting**

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of a written request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school (usually the head teacher or the chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

### **Early Years Funding complaints**

Our Complaints Policy is issued to all families as part of the registration process. It is also available via our webpage/upon request.

Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in this funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to Joanne Lamb.

## Appendix 1: Formal Complaint Form



*Please complete this form and return it, via the school office, to the Headteacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage of the procedure.*

Your name:

Relationship with school (e.g. parent of pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number(s):

Email address:

Please give full details of your complaint (including dates, names of any witnesses etc) to allow the matter to be fully investigated:

*[You may continue on a separate piece of paper, if necessary]*

What action, if any, have you already taken to try and resolve your complaint? (i.e. who have you spoken to or written to and what was the outcome?):

What actions do you feel might resolve the problem at this stage?:

Signed:

Date:

**School Use:**

*Date form received:*

*Received by:*

*Date acknowledgement sent:*

*Acknowledgement sent by:*

## Appendix 2: Complaint Review Request Form



*Please complete this form and return it, via the school office, to the Headteacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage of the procedure.*

Your name:

Relationship with school (e.g. parent of pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number(s):

Email address:

I submitted a formal complaint to the school on..... and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school. I am dissatisfied by the way in which the procedure was carried out because:

*[You may continue on a separate piece of paper, if necessary]*

What action do you think might resolve the problem at this stage?

Signed:

Date:

**School Use:**

*Date form received:*

*Received by:*

*Date acknowledgement sent:*

*Acknowledgement sent by:*



## **Appendix 3:**

### **School Policy for Harassing or Abusive Complainants**

This policy is intended to be used in conjunction with the School Complaints Policy and Procedures. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate concern or complaint to resolve a difficulty. The Headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. The procedure outlined above is for parents/carers to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community. The aim of this policy is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

#### **What do we mean by 'an unreasonably persistent complainant'?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

#### **What is 'unreasonable behaviour'?**

Unreasonable behaviour may include:

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious

Or an insistence on:

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or
- making complaints in public or via a social networking site such as Facebook or Twitter; or
- refusing to attend appointments to discuss the complaint.

#### **What is 'harassment'?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

### **What does the school expect of any person wishing to raise a concern?**

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

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

### **What steps will be taken in the case of unreasonable persistent complaints or harassment?**

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

### **What steps will be taken in the cases of physical or verbal aggression?**

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

#### Appendix 4: Complaints not in the scope of this procedure:

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions to schools Matters likely to require a child protection investigation School re-organisation proposals Statutory assessment of Special Educational Needs (SEN)	Concerns should be raised direct with the local authority (LA).
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .
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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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 grievance and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises and facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.