



Complaints Policy

A statutory policy

Date effective from 2017

Signed, Head Teacher

Gary Price

Signed, Chair of Governors

Cathy Sane

Date approved by Governing Body

Date of next review

1 October 2016



Complaints Policy

A Statutory Policy

In accordance with Section 29 of the Education Act 2002, all local authority maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This policy fulfils our legal obligation to the above.

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'.

General principles

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Horsley school takes all concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible. We will ask the complainant what they think might resolve the issue. Many issues can be resolved informally, without the need to invoke formal procedures.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined below.

Who can make a complaint?

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).

Relevant information

Complaints against the 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.

There are certain complaints that are not covered in this procedure - see Appendix B.

The school will make brief notes of meetings and telephone calls and keep copies of written responses. Notes will be kept at each stage in the process and of the final outcome. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Act.

The Complaints Procedure

Stage 1 (informal): complaint heard by staff member

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 complaints will be resolved by this informal stage. **This process will take place within 5 school working days.**

Where the complainant feels that a situation has not been resolved through contact with the staff member, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaint very seriously, and investigates each case thoroughly. Most complaints are normally resolved by this stage. **This process will take place within 5 school working days.**

Stage 2 (formal): complaint heard by governors

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 Chair of governors.

A Complaint Form (Appendix A) is provided for this.

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 to the school office for the attention of the Chair of governors in a sealed envelope.

The Chair will invite the complainant to a meeting to clarify concerns and to explore the possibility of an informal resolution. If this invitation is accepted, the complainant may be accompanied by a friend to assist in explaining the nature of the concerns. **This process will take place within 5 school working days of receipt of the written complaint.**

If the complainant does not feel that the complaint has been resolved, arrangements will be made for the matter to be fully investigated by a governing body complaints panel. This will be convened by the Chair of governors, or if the Chair has been involved at any previous stage in the process, a nominated governor will convene the panel.

The panel will aim to resolve the complaint and achieve reconciliation between the school and the complainant.

Complaints will not be heard by the full governing body 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 be independent and impartial.

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.

Following the meeting with the chair, (if the complaint has not been resolved), the complainant will be informed within 5 school working days of when the panel will meet. The panel will meet within 10 school working days following receipt of the notification. The complainant will be informed in writing within 3 school working days of the panel's decision.

If the complainant is not satisfied with the manner in which the process has been followed, they may request that the governing body reviews the process followed by the school, in handling the complaint. 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. A Review Request form is provided (Appendix C). The review panel will consist of different governors to that of the complaints panel.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. 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 and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.

Serial and Persistent Complainants

See Appendix D

Key Documents

'Best Practice Advice for School Complaints Procedures 2016' (DfE)

'Understanding and Dealing with Issues Relating to Parental Responsibility' (DfE)

MONITORING AND REVIEW

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly.

This policy will be reviewed every three years, or before if necessary.

Appendix A

Horsley Primary School Formal Complaint Form

Please complete this form and return it to the school office in an envelope marked 'For the attention of the Chair of governors'.

Your name:

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

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

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

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

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

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:

Appendix B**Complaints not in the scope of the procedure**

- 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.

- 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 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.

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

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Appendix C

Horsley School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the school on and 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 with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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:

Appendix D

Unreasonable Complainants

Horsley Primary 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.

Horsley 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'.

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 12 and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;

- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Horsley 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 Horsley School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.