

# Churchstanton Primary School



*Churchstanton*

## Complaints Guidance and Procedure

Approved by the Board of Governors of Churchstanton Primary School:

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Chair of Governors .....

Date: September 2018

**Complaints not in scope of the procedure**

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessment of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child protection investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions this will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p> <p>In the case of child protection contact the LADO - local authority designated officer.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Concerns will be dealt with under the school exclusion policy/procedure.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Our school has an internal whistleblowing procedure for our employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, or via email at <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>. The DfE (Department for Education) is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who use the school premises and/or facilities</li> </ul>	<p>Providers have their own complaints procedure to deal with complaints about the service they provide and should be contacted direct.</p>

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**Complaints Procedure**

At Churchstanton Primary School there are 3 stages to our formal complaints procedure; there is an initial informal stage where a complaint will either be heard by a member of staff (not the subject of the complaint). These stages are explained in more detail later in our complaints procedure. A complaints co-ordinator will manage the complaints process and the complaints co-ordinator for this school is the Head Teacher.

**Roles and Responsibilities:**

**The complainant** - or person making the complaint will receive a more effective response to their complaint if they:-

- Co-operate with the school in seeking a solution to the complaint;
- Contacts the school as early as possible with the full details;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed; and
- Treats all those involved in the complaint with respect.

**The Complaints Co-ordinator** will -

- Ensure that the complainant is fully updated at each stage of the procedure;
- Make sure that all involved in the procedure will be aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with any member of staff, the Headteacher, the Chair of Governors and Clerk to the Governors to make sure of the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding sharing 3<sup>rd</sup> party information and additional support such as an interpreter.

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**The Investigator** - is the person involved at stages 1 and 2 of the formal procedure. They will -

- Provide a comprehensive, open, transparent and fair consideration of the complaint through:-
  - A sensitive and thorough conversation with the complainant to establish what has happened and who has been involved;
  - Consideration of records and any other relevant information;
  - The interview of staff and children/young people and any others relevant to the complaint;
  - Analysing any relevant information
  - Liaison with the complaints co-ordinator to ascertain what the complainant feels would put things right;
  - Identifying solutions and making recommendations in regard to actions to resolve the issues;
  - Being aware and mindful of the timescales within the procedure to responding; and
  - Writing the outcomes to the complainant in plain and clear language.

The person doing the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arranging for an independent note-taker to record minutes of any meetings).

**The Board of Governors Panel Clerk** (this could be the clerk to the governors or the complaints co-ordinator) will be the contact point for the complainant for the panel meeting and would:-

- Set the date, time and venue of the hearing, making sure that dates and times are convenient to all parties and that the venue is accessible;
- Collate any written material and make sure that all parties are in receipt of this in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate minutes of the panel hearing;
- Notify all parties of the decision of the panel;
- Liaise with the complaints co-ordinator.

**The Panel Chair** - has a key role in making sure that:-

- The meeting is minuted;
- The remit of the panel is explained to the complainant and that they and the school will have the opportunity of putting their case before the panel and to seek clarity;

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- The issues are addressed;
- Key findings of fact are made;
- Those unfamiliar with speaking at such hearings are put at ease;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room 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 any part of the procedure prior to the hearing;
- Any written material has been seen by everyone attending the hearing;
- Liaise with the clerk and complaints co-ordinator.

**Panel members** - will be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so (no governor will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it);
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant (however it will be recognised that the outcome of the hearing might not always be to the satisfaction of the complainant and it may only be possible to be in receipt of established facts and make recommendations that provide the complainant with the assurance that their complaint has been taken seriously);
- Many complainants may feel nervous and inhibited in a formal setting;
- Extra care will need to be taken when the complainant is a child/young person and present during the hearing.

**The Stages**

It is in everyone's interest that complaints are resolved at the earliest possible stage by informal means. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint/concern will escalate. To that end, staff are aware of the procedures, they know what to do when they receive a complaint.

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The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

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

**Stage One: Complaint heard by the Headteacher or delegated to a staff member** (not the member of staff involved in the complaint) -

The Headteacher's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled informally by a member of staff the headteacher will hear, and investigate, the complaint although the headteacher can delegate the task of collating the information to another staff member but not the decision or any action to be taken.

**Stage Two: Complaint heard by 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 write to the Chair of Governors to request that their complaint is considered further.

If the complaint is about the Headteacher this stage of the complaints process will be stage one and the Chair will investigate. If the complainant remains dissatisfied they will have the right to escalate to Stage three.

**Stage Three: Complaint heard by the Complaints Panel**

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Complaints would not be heard by the whole Board of Governors at any stage, as this could compromise the impartiality of any governor that might need to be on a panel associated with a complaint.

The complainant will need to write to the clerk to the board of governors giving details of the complaint and asking that it is put before the appeal panel. The chair, or if the chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel.

The appeal hearing is the last stage of the school-based complaints process and is not convened merely to rubber-stamp previous decisions. Members of the panel will be drawn from the nominated members and will consist of three people. The panel will choose their own chair.

A panel of three governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more of the recommendations on policy as a result of complaints.

Remit of the Complaints Panel - the complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Checklist for the panel hearing -

- The hearing is as informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- If the hearing is to meet with the parties individually -
  - The panel will meet with the complainant and any witnesses, they will then leave;
  - The panel will then meet with head teacher and any witnesses to hear the school's response to the complaint.

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- After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
- The panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
  - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
  - The headteacher may question both the complainant and the witnesses after each has spoken,
  - The headteacher is then invited to explain the school's actions and be followed by the school's witnesses,
  - The complainant may question both the headteacher and the witnesses after each has spoken,
  - The panel may ask questions at any point,
  - The complainant is then invited to sum up their complaint,
  - The headteacher is then invited to sum up the school's actions and response to the complaint,
  - The chair of the panel will explain the time scales as to when all parties will receive notification of their decision,
  - All parties leave together while the panel decides on the issues.

### **Finally**

If the complainant, once the school complaints procedure is completed, remains dissatisfied with the outcome of the complaints procedure they have the right to contact the Secretary of State. Complainants will need to be advised to write to the School Complaints Unit (SCU) at the DfE, 2<sup>nd</sup> floor, Piccadilly Gate, Manchester, M1 2WD.

The DfE will make sure that the complainant has exhausted all the local procedures and will then examine if the complaints policy and any other relevant policies were followed. The department does not re-investigate the substance of the complaint. If breaches of policy or legislation are found the SCU will report them back to the school for action to be taken.

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Although complaints may be sent via email we also require a signed paper copy to be sent to the school office for the attention of the Head Teacher or Chair of Governors.

**Your Name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Daytime 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)?**

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

Are you attaching any paperwork? If so, please give details.

**Signature:**

**Date:**

**School use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

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## **Policy for Unreasonable Complaints**

Churchstanton 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.

Churchstanton Primary 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 raised 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

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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 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 Churchstanton Primary 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 Churchstanton Primary School

Barring from the school premises -

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Although fulfilling a public function, our school is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If a complainant or parents behaviour is a cause for concern they will be asked to leave school premises. In serious cases the Headteacher or Local Authority will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any written representation that they wish to make. The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of Governors. However, complaints about being barred cannot be escalated to the Department for Education. Once the school's complaints procedure has been completed the only remaining avenue of appeal is through the Courts.

**Proposed review date: September 2019**

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