



# COMPLAINTS POLICY

St Mary's and St Saviour's

Reviewed by the Local Governing Body: **Spring 2018**

To be reviewed: **Annually**

Next review: **Spring 2019**

*\*Except in the case of dismissal the term 'Head Teacher' refers to the Executive Head and the Heads of School (Federation). The power to dismiss is vested in the Executive Head Teacher or Head Teachers of individual schools. Executive Head/ Head Teacher/Head of School/Associate Head (henceforth referred collectively as Head Teacher, unless specifically stated)*

## **1. Introduction**

This document establishes the framework within which complaints will be addressed and the philosophy underpinning the framework. It is not intended to cover those aspects of school life for which there are specific statutory requirements, e.g. allegations of child abuse, financial improprieties or other criminal activities.

## **2. General Principles**

The following principles will be observed whenever a complaint is made:

- 2.1 **Speed.** Procedures should be as speedy as possible. Where there are delays, information about progress will be given to the complainant.
- 2.2 **Confidentiality.** We will treat conversations and correspondence with discretion. However, from the outset all parties to a complaint need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.
- 2.3 **Anonymous complaints.** When an anonymous complaint is made, it will be left to the Head Teacher's discretion to decide whether the gravity of the complaint warrants any further action.
- 2.4 **Record keeping.** Formal complaints will be reported termly to the Governing Body.

## **3. Definition of a complaint**

- 3.1 A statement that something is unsatisfactory or unacceptable.
- 3.2 A complaint is an expression of significant dissatisfaction, however made, by a person or persons with a legitimate interest in the school, but not employed in the school, about the conduct, actions or omissions of members of staff employed at the school or about the standard of teaching of members of the teaching staff.
- 3.3 Complaints may be written or verbal. It is not always appropriate to ask for complaints to be put in writing as this might formalise the situation unnecessarily, resulting in the involved parties taking more defensive or entrenched positions thus making the conflict more difficult to resolve.

## **4. Responsibility of the school**

The Articles of Government for the school state that "the conduct of the school shall be under the direction of the Governing Body" and that "the head teacher is responsible for the internal organisation and management of the school". This makes the head teacher responsible for investigating complaints in the first instance and, if appropriate, referring complaints to members of staff to deal with.

While emphasis is placed upon the informal resolution of complaints, the Governing Body may be called upon to consider, resolve or adjudicate if complaints are referred to them by the head teacher or by a complainant who is not satisfied with the result of the informal process.

## **5. Values underpinning the process**

Children learn best if there is an effective partnership between school staff and parents.

- ✓ All members of the school community are entitled to have their points of view heard.
- ✓ Unresolved complaints might result in unhealthy conflict.

## **6. Aims**

6.1 To enhance the school mission by giving due consideration to the complaints of parents.

6.2 To ensure that all complaints are considered fully, fairly, carefully and confidentially.

6.3 i) To resolve complaints to the satisfaction of the complainant, or...

ii) To issue a clear decision which will enable the complainant, the Head Teacher or the Governing Body to consider how (if at all) the matter should be taken further.

## **7. The Process**

It is important to remember that every expression of concern is not a complaint. Discretion needs to be applied in determining whether action, over and above the normal day by day discussions on parental concerns, is needed. All senior members of staff are expected to exercise such discretion before referring matters to the head teacher.

Problems and expressions of concern should be dealt with, as far as it is possible, at the point of first contact. Continued dissatisfaction on the part of the parent/carer indicates a need for upward referral.

## **8. Referral structure**

The referral structure is as follows:

class teacher → phase leader → senior leader → Head of School → Executive Head

Office staff → office manager → senior leader → Head of School → Executive Head

On occasions it will be appropriate to by-pass levels in the referral structure – this will be at the discretion of school staff.

When a complaint is made to the Head of School or Executive Head, (s)he may decide to deal with it or to refer it to an appropriate level in the structure. Where they have asked a colleague to deal with a complaint, feedback should be given to them.

Where a teacher other than the Head Teacher receives a complaint (as opposed to an expression of concern) and deals with it, the head teacher should be notified of the complaint and how it was resolved.

If all informal channels have been exhausted and there is still dissatisfaction, the complainant should be made aware of how formal procedures can be initiated.

## **9. Stage 1: The First Contact:**

### **Guidelines for Dealing with Concerns and Complaints Informally**

Complaints will be dealt with promptly, thoroughly and, in the first instance, on an informal basis.

- 9.1 The majority of concerns and complaints should be able to be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or SLT.
- 9.2 If contacting the school to request a meeting about an area of concern, parents and carers should always indicate the general area of concern to the member of staff they are speaking to. This will enable them to be referred to the right person and enable this person to gather any appropriate information enabling them to respond to the concern quickly.
- 9.3 Complaints should be dealt with at the most appropriate level. This will be determined by the nature and seriousness of the complaint. Under no circumstances should teachers become involved in discussions about the professional performance of a colleague. Where a member of staff feels that there should be upward referral of complaints, the referral structure is given above. In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak to the head teacher or Head of school to resolve the matter informally. Governors must not prejudice themselves by discussing the complaint as this would prevent them participating in a panel at a later stage.
- 9.4 When parents raise their concern with the appropriate member of staff they will clarify with the parent the nature of the concern. It can be helpful to identify at this point what outcome the parent is looking for.
- 9.5 The staff member will seek to resolve the complaint at this stage. The staff member will ensure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing where this seems the best way of making things clear. The staff member will keep a record of the complaint and the action taken. The staff member will notify the Head of School that a complaint has been made.
- 9.6 If the member of staff first contacted cannot immediately deal with the matter, s/he will refer the complaint to the Head of School or Deputy/Assistant Head. On certain issues, the Head of School may decide to deal with concerns directly at this stage.
- 9.7 If the concern relates to the Executive Head, the parent should contact the Chair of the Governing Body through the school office. The Chair may investigate the complaint, or may delegate this task to another Governor.

## **10. Stage 2: Referral to the Head of School for Investigation**

- 10.1 If the parent is not satisfied that their complaint has been adequately dealt with,

they may put their complaint in writing to the Head of School and ask them to investigate. The Head of School may delegate the investigation to the Deputy Head or Assistant Head

- 10.2 If the Head of School has been involved at Stage 1, the Stage 2 investigation will be carried out by another member of SLT or a Governor.
- 10.3 As necessary, the Head of School (or designate) will interview witnesses and take statements from those involved.
- 10.4 Once all the relevant facts have been established, the Head of School (or designate) will produce a written response to the complainant.

## **11. Possible Outcomes at Stage 2**

11.1 When informal procedures have been exhausted, complainants should be informed clearly by the head teacher that:

- a) the matter about which they complained has been dealt with appropriately by staff within the context of school policies and procedures, OR
- b) the complaint has been found by the head teacher to be valid and that the head teacher within his/her responsibility for overall internal management of the school will take appropriate action, OR
- c) The Head of School / Executive Head will refer the matter to the Governing Body for their consideration.

- 11.2 The written response will include an explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint
- 11.3 The complainant will be advised in the written response. Should s/he feels that their complaint has not been investigated in line with these procedures, they should write to the Chair of the Governing Body within two weeks of receiving the written response to request a review. This request for a review will need to set out the reasons for the request, clearly stating which aspects of this procedure they feel have not been followed correctly

## **12. Stage 3: Review by the Governing Body**

- 12.1 The Governing Body will not take any role in a complaints investigation, other than to review a case to determine whether the complaints procedure was followed correctly. The only exception will be if the complaint relates to the Governing Body or a member of the Governing Body. In these cases the Chair of the Governing Body will appoint an Investigating Officer.
- 12.2 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for review.
- 12.3 The acknowledgement will inform the complainant that the complaint will be heard by three members of the school's Governing Body. The letter will reiterate that the role of the panel is to review whether the correct procedure has been followed by the

school in addressing the original complaint and that the Panel will not review the decisions taken at Stage 1 and Stage 2, nor will the Panel hear any new evidence.

- 12.4 The Chair of the Governing Body will arrange to convene a Governors' Complaints Panel. The panel members will be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair or Vice Chair of the Governing Body will generally chair the panel; however if both have been involved or are unavailable, another Governor will chair the panel.
- 12.5 The Chair of the Panel will write and inform the complainant, Head of School / Executive Head and members of the Panel at least five working days in advance, of the date, time and place of the meeting. The request for review setting out why the complainant believes the complaints procedure has not been correctly followed will be enclosed with this letter. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter.
- 12.6 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted by the Clerk to Governors.
- 12.7 The meeting will allow for:
  - the complainant to explain why they believe their complaint has not been handled in accordance with this procedure
  - the Head of School / Executive Head to explain the procedure followed by the school
  - Panel members to have an opportunity to question both the complainant and the Head of School / Executive Head
  - final statements by both the complainant and the Head of School / Executive Head.
- 12.8 The Chair of the Panel will explain to the complainant and the Head of School / Executive Head that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant and Head of School / Executive Head will then leave.
- 12.9 The Panel will then reach a decision on whether this procedure has been correctly followed.
- 12.10 A written statement outlining the decision of the Panel will be sent to the complainant and Headteacher within 15 working days.
- 12.11 The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records will be kept separately from a pupil's personal records.

### **13. Dealing with serial, persistent or unreasonable complaints**

The school will endeavour to be helpful to individuals contacting us with a concern, request for information or a complaint.

However, in cases where a school is contacted repeatedly by an individual making the same points, or asking the school to reconsider their position despite all stages of the complaint procedure being followed, the school will need to act appropriately in such circumstances.

The school reserves the right to not respond to complaints that have been previously investigated and completed fully in accordance with the school's complaints procedure.

Should the school view the persistent and unreasonable contact of a complainant as constituting spurious, vexatious, abusive, unreasonably persistent or harassing and threatening behaviour, we will take steps supported by legal action as appropriate to ensure the school can continue its work safely and securely.

The Genesis Education Trust defines unreasonable complaints 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' (DfE January 2016).

A complaint may be regarded as unreasonable when the person making the complaint:-

- Refuses to articulate their complaint or specify the grounds of their complaint and outcomes sought, despite offers of assistance.
- Refuses to co-operate with the complaints investigation whilst still wishing for it to be resolved.
- Refuses to accept certain issues are not within the scope of the complaints procedure.
- Insists on the complaint being dealt with in ways which are not compatible with the complaints procedure and good practice.
- Introduces trivial or irrelevant information and expects these to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists these are answered fully and often immediately and to their own timescales.
- Makes unjustified complaints about staff dealing with the issued and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigation and outcome concluding the complaint is groundless).
- Refuses to accept the findings of the investigation into the complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthily, 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.

Whenever possible, the Executive Headteacher or the Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking to a complaint.

If the behaviour continues, the Executive Headteacher 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 will be informed. This may also include banning individuals from school premises.



### Genesis Education Trust Complaint Form

Please complete this form and return to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Name of School in the Trust		
Your Name		
Relationship with the school (e.g. Parent of a pupil on the school's roll)		
Pupil's Name (if relevant to your complaint)		Class
Your Address		
Daytime Telephone Number		
Evening Telephone Number		
Please give 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 paperwork, if you wish. If you have already provided information it would be helpful if you could summarise the main points above.		
Number of additional pages attached		

What action, if any, have you already taken to try and resolve your complaint? (i.e. whom 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:

Complaint referred to:			
Date:			