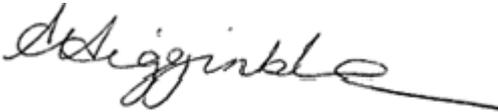




Complaints Procedure Policy (Learning and Growing Together)

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| Date ratified by Governing Body | 8th November 2021 |
| Review Cycle | Every 2 years or when there is a change in statutory guidance or legislation |
| Review Date | November 2023 |
| Signed Headteacher |  |
| Signed COG |  |



1. Rationale:

We believe that our school provides a good education for all our children, and that all staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases.

2. General Principles:

a) Initial concerns:

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

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'.

(Best Practice Advice for School Complaints Procedures 2016 – DfE).

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress. Sometimes these concerns may need discussions with other members of staff or the Headteacher to be resolved.

If a parent feels that a concern has not been solved through these discussions, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint. At this stage (Stage 1) it should still be regarded as being dealt with at an informal level. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved at this stage.

Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Anyone can make a complaint about any provision or services that the school provides. Our complaints procedure is not limited to parents or carers of children in our school but will also include members of the general public. Those complaints not in the scope of the procedure and that are covered by a separate statutory procedure are shown in the table in **Annex A**.



b) Formal complaints Procedure:

There are three stages to our formal complaint's procedure:

- a. Stage one – complaint heard by the Headteacher, or a member of staff.
- b. Stage two – complaint heard by the chair of Governors, or the Headteacher
- c. Stage three – complaint heard by the Governing Body's Complaints Panel

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant.

Complaints about the Headteacher will be dealt with initially by the chair of Governors.

An unsatisfied complainant can always take a complaint to the next stage.

The 3 stage complaints procedure can be found at **Annex B**. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings

c) Framework of Principles:

Our complaints procedure will:

- i. Encourage resolution of problems by informal means wherever possible;
- ii. Be easily accessible and publicised;
- iii. Be simple to understand and use;
- iv. Be impartial;
- v. Be non-adversarial;
- vi. Allow swift handling with established time-limits for action and keeping people informed of the progress;
- vii. Ensure a full and fair investigation by an independent person where necessary;
- viii. Respect people's desire for confidentiality;
- ix. Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- x. Provide information to the school's senior management team so that services can be improved.

d) Investigating Complaints:

At each stage the person investigating the complaint will ensure that they:

- i. Establish what has happened so far, and who has been involved;
- ii. Clarify the nature of the complaint and what remains unresolved;
- iii. Meet with the complainant or contact them (if unsure or further information is necessary);
- iv. Clarify what the complainant feels would put things right;
- v. Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- vi. Conduct any interviews with an open mind;
- vii. Keep notes of any interviews.



e) Resolving Complaints:

At each stage in the procedure, we will keep in mind ways in which a complaint can be resolved. It might 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:

- i. An apology;
- ii. An explanation;
- iii. An admission that the situation could have been handled differently or better;
- iv. An assurance that the event complained of will not recur;
- v. An explanation of the steps that have been taken to ensure that it will not happen again;
- vi. An undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

f) Serious and Persistent Complainants:

If followed properly our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing body will inform them in writing that the procedure has been completed / exhausted and that the matter is now closed.

If the complainant contacts the school again, and the complainant has completed the procedure, the school will view the correspondence as 'serial' or 'persistent' and will not respond.

We will only take the decision to stop responding if:

- i. We have taken every reasonable step to address a complainant's needs;
- ii. The complainant has been given a clear statement of the school's position and their options (if there are any);
- iii. The complainant is contacting the school repeatedly but making substantially the same points each time;
- iv. The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience as confirmed in a letter, email or telephone call;
- v. Letters, emails and telephone calls are often or always abusive or aggressive; or
- vi. They make insulting personal comments about or threats towards staff.

We have a separate policy for dealing with Unreasonable Complaints provided in **Annex C**.

g) Time-Limits:



Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

3. Managing and Recording Complaints:

a) Recording Complaints:

We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in **Annex D**. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

b) Governing body review:

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Governing body is a useful tool in evaluating our school's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole governing body will not name individuals.

c) Publicising the Procedure:

There is a legal requirement for the complaints procedure to be publicised. As a governing body we include details of our procedure in:

- a) Information given to new parents when their children join the school;
- b) On our website

d) The Role of the School Complaints Unit:

Once a complainant has completed the school procedures and if they remain dissatisfied, they have the right to refer their complaint to the Secretary of State (SoS). The SoS has a duty to consider all complaints raised but will only intervene where the board of governors has acted unlawfully or unreasonably and where it is expedient or practical to do so.

It will be the School Complaints Unit (SCU) that will consider complaints relating to LA maintained schools on behalf of the SoS. They will look at whether the complaints policy and any other relevant statutory policies were adhered to. In addition, they will look at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint; this is the responsibility of the school.

The SCU will not overturn a school's decision unless there are exceptional circumstances such as the school having acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with the school's procedure they may request that the complaint is looked at again, by the school.



If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. A written assurance will also be required as to future conduct. A failure by the school to carry out remedial actions or provide written assurances could result in a formal direction being issued by the SoS.

4. School Policy Regarding Harassment or Abusive Behaviour:

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. **Annex E** details school policy regarding Harassment and / or abusive behaviour.

5. Monitoring and Review:

The Governing Body will review this complaints policy on a regular basis. The Headteacher will log all formal complaints received by the school and will record how they were resolved. Governors will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

Annex:

- A. Complaints not in Scope of the Procedure.
- B. 3 Stage Complaints Procedure.
- C. Policy for Unreasonable Complaints.
- D. Complaints Procedure, Complaint Form.
- E. Policy Regarding Harassment or Abusive Behaviour.



COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

| <u>Exceptions</u> | <u>Who to Contact</u> |
|---|--|
| 1. Admissions to schools 2. Statutory assessment of Special Educational Needs (SEND) 3. School re-organisation proposals 4. Matters likely to require a Child protection investigation | Concerns should be raised directly with local authorities (LA). For school admissions this 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. In the case of child protection contact the LADO – local authority designated officer |
| Exclusion of children from school | Concerns will be dealt with under the school exclusion policy / procedure. |
| Whistleblowing | Our school has an internal whistleblowing procedure for our employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 03001233155, or via email at whistleblowing@ofsted.gov.uk The DfE (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 use the school premises and / or facilities | Providers have their own complaints procedure to deal with complaints about the service they provide and should be contacted direct. |



3 STAGE COMPLAINTS PROCEDURE

1. Stage One: Complaint heard by the Headteacher or Staff Member

- a. 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, if staff are made aware of the procedures, they know what to do when they receive a complaint.
- b. 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 will 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.
- c. 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.
- d. The complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

2. Stage Two: Complaint heard by the Headteacher or Chair of Governors

- a. 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 at stage one by a member of staff the headteacher will hear, and investigate, the complaint and make decisions on any action to be taken.
- b. If the headteacher has heard the complaint, at stage one, then the chair of governors will hear the complaint. The complainant will write to the chair of governors giving details of the complaint. This will be investigated and the chair will write to the complainant.
- c. Should the complainant still not be satisfied he / she may ask for the matter to be referred to stage three.

3. Stage Three: Complaint heard by the Complaints Panel

- a. Complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- b. A panel of three governors, with delegated powers to do so, will hear the complaint. The Clerk to the Governors is responsible for convening the panel and, in conjunction with the chair of Governors, for choosing its chair and other members and will record the minutes



of meetings (see below – roles and responsibilities). The terms of reference for the panel are to:

- i) Draw up its procedures.
 - ii) Hear individual complaints.
 - iii) Make one or more of the recommendations below as a result of complaints.
- c. Remit of the Complaints Panel – the complaints panel can:
- i) Dismiss the complaint in whole or part.
 - ii) Uphold the complaint in whole or part.
 - iii) Decide on the appropriate action to be taken to resolve the complaint.
 - iv) Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

4. Panel members – points to remember.

- a. There are several points which any governor sitting on a complaints panel needs to remember:
- i) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor will 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, the Clerk to the Governing Body, in consultation with the chair of Governors, will ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
 - ii) 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 the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In this case it may well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
 - iii) Our panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
 - iv) Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, we will give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
 - v) The governors sitting on the panel will be aware of the complaint's procedure.

5. Roles and Responsibilities.

- a. The clerk will be the contact point for the complainant and is required to:
- i) 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.
 - ii) Collate any written material and send it to the parties in advance of the hearing.
 - iii) Meet and welcome the parties as they arrive at the hearing.
 - iv) Record the proceedings and notify all parties of the panel's decision.
- b. The chair of the complaints panel will ensure that:



- i) There is a check that the correct procedure has been followed.
 - ii) If a hearing is appropriate, that the clerk is notified to arrange the panel.
 - iii) The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
 - iv) The issues are addressed.
 - v) Key findings of fact are made.
 - vi) Parents and others who may not be used to speaking at such a hearing are put at ease.
 - vii) The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
 - viii) The panel is open minded and acts independently.
 - ix) 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.
 - x) Each side is given the opportunity to state their case and ask questions - written material is seen by all parties.
 - xi) If a new issue arises all parties will be given the opportunity to consider and comment on it.
 - xii) The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.
- c. Checklist for the panel hearing:
- i) The hearing is as informal as possible.
 - ii) Witnesses are only required to attend for the part of the hearing in which they give their evidence.
 - iii) After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
 - iv) The headteacher may question both the complainant and the witnesses after each has spoken.
 - v) The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
 - vi) The complainant may question both the headteacher and the witnesses after each has spoken.
 - vii) The panel may ask questions at any point.
 - viii) The complainant is then invited to sum up their complaint.
 - ix) The headteacher is then invited to sum up the school's actions and response to the complaint.
 - x) The chair of the panel explains that both parties will hear from the panel within five school days.
 - xi) All parties leave together while the panel decides on the issues.



POLICY FOR UNREASONABLE COMPLAINTS

1. Merriott and Haselbury Plucknett First Schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who raise a complaint. 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.
2. Merriott and Haselbury Plucknett First Schools define 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.”
3. A complaint may be regarded as unreasonable when the person making the complaint:
 - a. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - b. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - c. Refuses to accept that certain issues are not within the scope of a complaint’s procedure.
 - d. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - e. 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.
 - f. Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
 - g. Changes the basis of the complaint as the investigation proceeds.
 - h. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
 - i. 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.
 - j. Seeks an unrealistic outcome.
 - k. 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.
4. 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:
 - a. Maliciously.

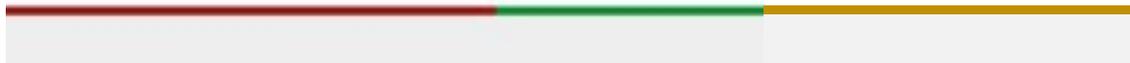


- b. Aggressively.
 - c. Using threats, intimidation or violence.
 - d. Using abusive, offensive or discriminatory language.
 - e. Knowing it to be false.
 - f. Using falsified information.
 - g. Publishing unacceptable information in a variety of media such as in social media websites and newspapers.
5. 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.
6. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
7. 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 the School causing a significant 10 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.
8. 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 the School.
9. Barring from the school premises.
- a. Although fulfilling a public function, the 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.
 - b. 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 license 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.
 - c. 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.



COMPLAINT'S PROCEDURE COMPLAINT FORM

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| <p>Your Name:</p> <p>Pupil's name:</p> <p>Your relationship to the pupil:</p> <p>Address:</p> <p>Postcode:</p> <p>Daytime telephone number:</p> <p>Evening telephone number:</p> |
| <p>Details of the complaint:</p> |
| <p>What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?</p> |
| <p>What actions do you feel might resolve the problem at this stage?</p> |
| <p>Are you attaching any paperwork? If so, please give details.</p> |



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| Signature: |
| Date: |
| <u>School use:</u> |
| Date acknowledgement sent: |
| By whom: |
| Complaint referred to: |
| Date: |



POLICY REGARDING HARASSMENT OR ABUSIVE BEHAVIOUR

1. 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.
2. Sometimes, however, parents or carers pursuing complaints or other issues may 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.
3. Unreasonable behaviour may include:
 - a. Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious.
 - b. An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints.
 - c. An insistence on pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or making complaints in public; or refusing to attend appointments to discuss the complaint.
4. We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.
5. Behaviour may fall within the scope of this policy if:
 - a. It appears to be deliberately targeted at one or more members of school staff or others, without good cause.
 - b. 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.
 - c. It has a significant and disproportionately adverse effect on the school community.
6. The school expects anyone who wishes to raise concerns with the school to:
 - a. Treat all members of the school community with courtesy and respect.
 - b. Respect the needs of pupils and staff within the school.
 - c. Avoid the use of violence, or threats of violence, towards people or property.
 - d. Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint.



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- e. Follow the school's complaints procedure.
7. In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:
- a. Inform the complainant informally that his / her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach.
 - b. Inform the complainant in writing that the school considers his / her behaviour to be unreasonable or unacceptable, and request a changed approach.
 - c. 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.
 - d. 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.
8. 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:
- a. Ban the individual from entering the school site, with immediate effect.
 - b. Request an Anti-Social Behaviour Order (ASBO)
 - c. Prosecute under Anti-Harassment legislation.
 - d. Call the police to remove the individual from the premises, under powers provided by the Education Act 1996
9. Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.