

## **Concerns and Complaints Policy**

### **Status**

Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

The school's values are concerned with meeting the needs of pupils, parents/carers and others who have a stake in the school. The governing body believes that constant feedback is an important ingredient in self-improvement and raising standards. Pupils, parents, carers, or other adults who have concerns or complaints should feel that they can be voiced and will be considered seriously. All complainants have the right to be accompanied when making the complaint, and pupils may be accompanied by a parent or another adult.

Our complaints policy is issued to all families as part of the registration process. It is also available via our website or upon request at the school office.

There are various principles behind this procedure:

- We will seek to resolve complaints by informal means wherever possible.
- Investigations will be full, fair and swift, and people will be kept informed of progress and the decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from those voicing complaints in order to minimise complaints and maximise accountability.

If parents/carers, pupils or members of the public have concerns they should:

- 1 discuss their concerns with the member of staff most directly involved and, if not satisfied
- 2 discuss their concerns with a senior member of staff and, if not satisfied
- 3 discuss their concerns with the headteacher.

At each stage in the procedure we will attempt to resolve the complaint or concern. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- 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 at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the chair of governors or clerk to the governing body.

### **Relationship to other policies**

This policy should be read in conjunction with all other school policies. The attached flowchart shows the possible points of interaction with other policies.

### **Recording Complaints**

The progress of the complaint and the final outcome should be recorded. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

### **Roles and responsibilities of headteacher, other staff, governors**

The **headteacher** will ensure that:

- this complaints policy and the procedures are made known to all stakeholders through newsletters and the school web site
- all **formal complaints** are dealt with in the first instance by the headteacher or a member of the leadership team, who will document the complaint (names, dates, times, events), acknowledge in writing within three days of receipt, and consult with all those directly concerned
- the complainant receives a written explanation of the action taken within ten working days following the complaint.

All **staff** are expected to encourage pupils, parents and carers who have concerns to follow the complaints procedure.

The **governing body** will ensure the following.

- it has identified members of the governing body who will hear a complaint should it not have been resolved by the headteacher or chair of the governing body
- at least one of the panel has received training/guidance on how to conduct a hearing
- the following complaints procedure is followed.
- where there is evidence that the complaint is justified appropriate action is to taken to prevent a recurrence.

### **Arrangements for monitoring and evaluation**

All complaints and the action taken will be documented and a summary included in the headteacher's termly report to the governors, with advice on any implications for policies.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

## **Concerns and Complaints Procedure**

### **Level 1 – informal**

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

#### **Guidance on informal level 1:**

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- A class teacher or head of year should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.
- If the member of staff directly involved feels too compromised to deal with a complaint, the complaint may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure

### **Level 2 – informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the headteacher or, a member of the leadership team, a deputy headteacher or assistant headteacher.

If a resolution to the issue is proving difficult to find, the headteacher, a member of the leadership team, a deputy headteacher or assistant headteacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from a Children's Services Representative. The issue that is the focus of the complaint will determine the person contacted. The headteacher, member of the leadership team, deputy headteacher or assistant headteacher will know who to ring.

### **Guidance on informal level 2:**

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher or head of year then he/she can ask for an appointment to meet with the headteacher or, in a larger school, a member of the leadership team, a deputy head or assistant headteacher.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is good practice for headteachers or member of the leadership team, a deputy head or assistant headteacher to write a letter to parents summarising what has been agreed regarding the issue.
- The headteacher, a member of the leadership team, a deputy head or assistant headteacher may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.
- The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.

It is hoped that most problems will have been resolved by now.

### **Level 3 – formal complaint letter to headteacher**

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Headteachers should consider the complaint and discuss a resolution with the complainant. The headteacher should offer a resolution to the complainant in writing within 10 school days of receipt of the letter.

### **Guidance on level 3- formal:**

- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

**Concerns or complaints specifically about the headteacher.**

The decision that the headteacher has made as a result of the complaint does not become a complaint about the headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors’ Complaints Panel.

If the concern or complaint is specifically about the headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor’s name and the complainant should write to him or her at the school address marking the envelope ‘urgent, private and confidential’. The Chair of Governors should acknowledge the complainant’s letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

**Level 4 – formal complaint requesting a Governors’ Complaints Panel**

**Time Scales:**

Receipt of complainant’s letter	Acknowledgement within 5 school days
Receipt of complainant’s letter	Governors’ Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors’ Panel Members and complainant and headteacher	5 school days before meeting.
Governors’ Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors’ Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the headteacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope ‘urgent and confidential’. The letter will need to set out the complaint that has previously been formally discussed with the headteacher and show why the matter is not resolved.

**The Remit of The Complaints Panel**

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.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to 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. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective 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.
- d. Extra care needs to 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, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure, and ensure that latest guidance from DfE or LA is checked and followed.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The clerk would be the contact point for the complainant and be required to:

- 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;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body**

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- 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; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Procedure - Before the meeting:**

The Chair of Governors should appoint a clerk to the Governors' Complaints Panel, acknowledge the complainant's letter in writing within 5 school days of receipt and arrange for a panel of Governors to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of term it may not be possible to organise the governors' panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.

- The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.

The headteacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and headteacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and headteacher (or representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points.

- Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.

#### **Procedure - At the meeting:**

- The Complaints Panel must be made up of at least three members and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present:  
Governors, stating who is the Chair of the Governors' Complaints Panel  
Headteacher (or his/her representative) and any other members of school staff  
Parents and anyone accompanying them, eg, friend  
Clerk
- The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.
- The chair of the Governors' Complaints Panel should request a verbal statement from the headteacher (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the headteacher's point of view.
- The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Governors' Complaints Panel must ask the complainant and the headteacher (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.



- When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

**Procedure - After the meeting:**

- The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- When the Panel have reached a decision the Clerk will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact Norfolk Children's Services.

Under the Education Act 1996, paragraphs 496 and 497, anyone can complain to the Secretary of State for Education and Skills if he or she believes that a governing body is acting "unreasonably" or is failing to carry out its statutory duties properly. However, intervention can only occur if the governing body or the Local Authority has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education could instruct either party to do to put matters right.

The decision of the Governor's Complaints Panel is final.

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The headteacher or deputy headteacher can give information about these issues or advice can be sought from Norfolk Children's Services.

Extended Schools: the Governing Body should ensure that any third party provider offering activities and services through the extended schools programme has their

own complaints procedure in place. Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

**Vexatious Complainants:** it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

## **Dealing with Unreasonable Complaints**

St John's Community Primary and Nursery 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.

St John's Community Primary and Nursery 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;
- Reputedly 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 and unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, be email and by telephone whilst the complaint is being dealt with.

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

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as social media websites and newspapers.

Complainants should limit the numbers of communications with the 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 St John's Community Primary and Nursery 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 St John's Community Primary and Nursery.

### **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 is through the courts; independent legal advice must be sought.

Please see the next page for flowchart.

Ratified by Governors on

2017

Chair of Staffing and Pay Committee \_\_\_\_\_