



Leckhampton
C of E Primary School

COMPLAINTS POLICY

December 2018

To be reviewed biannually – December 2020

Contents

- General Principles
 - Purpose
 - Procedure to raise a concern or complaint – a staged approach
 - Schematics
-
- Annex 1
 - Complaint form
-
- Annex 2
 - Investigating Procedure
-
- Annex 3
 - Governing Body Complaints Panel Meeting
-
- Annex 4
 - Policy for handling spurious or abusive complaints

General Principles:

We believe our school to be a successful and happy place, where everyone is an active learner. However we understand that very occasionally some issues may arise over which not everyone is in agreement. The school and Governing Body have therefore created a procedure to enable legitimate concerns or complaints to be made and properly investigated.

The school and Governing Body take complaints most seriously.

The school and Governing Body will ensure that complaints are investigated with due urgency and thoroughness.

Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to try to prevent a reoccurrence of the problem.

The school and Governing Body will not in general investigate anonymous complaints, unless there are exceptional circumstances.

The school and Governing Body will not investigate malicious or abusive complaints. Where such complaints are received, the school reserves the right to take appropriate actions to maintain the effective running of the school.

The school and Governing Body will respect confidentiality and the identity of informants will be protected whenever necessary.

The school and Governing Body will provide appropriate support to any school employee who is the subject of a complaint.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event, being complained of, will not be considered.

The school will maintain full records of every complaint. Records of complaints will be kept for four years.

Purpose:

The purpose of our complaint procedure is to ensure that:

- The parent, student, staff or community member complaining has an easy, accessible, straightforward means of making representations to us, which offers prompt action and a speedy resolution.
- All complainants are confident that their complaint is being dealt with effectively and fairly, and with appropriate discretion and confidentiality, even if the outcome is not to their satisfaction.
- We use complaints positively and take subsequent action to maintain and improve service quality and responsiveness.

Procedure to raise a concern or complaint – a staged approach:

The school and Governing Body will work with any complainant to resolve the concern of complaint as quickly as possible. We have therefore adopted a staged approach.

1 Informal Stage - discussing the issue

In the first instance we hope that parents and others who have concerns will contact an appropriate member of staff to discuss the issues informally. This may mean initial contact is made with the office staff, class teacher, year group leader, subject leader, Assistant Head Teacher or Head Teacher. In the case of serious concerns it may be appropriate to address them directly to the Head Teacher [or to the Chair of the Governing Body, if the complaint is about the Head Teacher].

A complainant who is not clear who to contact, should seek advice from the school reception or the Clerk to the Governing Body.

All concerns may be made by telephone, in writing or in person by appointment.

The member of staff who receives the complaint will attempt to address the issue immediately if that is at all possible.

A complainant will be kept informed of progress regarding their complaint and every attempt will be made to resolve the issue within five working days. A complainant can expect a telephone call or holding letter from the school regarding their complaint within two working days. If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.

Most concerns are dealt with informally to everyone's satisfaction. However, failing this, the procedure becomes more formal and the next stages may be used.

2 Making a formal complaint in writing to the Head Teacher

If the concern or complaint is not resolved at the informal stage and the complainant wishes to take the matter further they must put the complaint in writing and pass it to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately.

A complaint form is provided at Annexe 1.

The complaint should include a clear statement of the actions that the complainant would like the school to take to resolve the concern; without this, it is much more difficult to proceed.

The completed form should be passed in a sealed envelope to school reception, marked for the personal attention of the Head Teacher. The Head Teacher or a designated senior member of staff will respond within five working days after receiving the complaint. If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.

The Head Teacher may suggest a meeting to clarify the concerns with the complainant and to seek an informal resolution. If the complainant accepts that invitation, they may be accompanied by a friend, if appropriate, to assist in explaining the nature of the concerns.

If the complaint is specifically about the Head Teacher, please instead mark the envelope for the Clerk to the Governing Body, for the personal attention of the Chair of Governors. The Chair of Governors will respond within five working days after receiving the complaint. If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.

If the concern or complaint is not resolved at a meeting and the complainant wishes to take the matter further they should write to the Chair of Governors.

3 Making a formal complaint in writing to the Chair of Governors

The complainant should write to the Chair of Governors, outlining their complaint, explaining their reasons for pursuing it beyond the Head Teacher's response and enclosing any relevant paperwork. The Chair of Governors and the Head Teacher will aim to resolve the complaint and agree a way forward at this stage. That may involve the Chair of Governors looking at the whole issue afresh and asking for any new information to be considered by the Head Teacher.

If the matter relates to the Head Teacher's conduct the Chair of Governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the Local Authority Complaints Adviser or Educational Personnel Services. For matters that are the Head Teacher's responsibility, the Chair of Governors is only empowered to look at whether the Head Teacher's decision or action was reasonable in the light of the information available at the time.

The Chair of Governors, the Vice Chair or the Clerk to the Governing Body will respond within five working days after receiving the complaint. If an in-depth investigation is necessary every attempt will be made to respond within 20 working days.

Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing whether their complaint has been upheld or not.

In the rare circumstance that a complainant is unhappy with the outcome, the Chair of Governors may offer a right of appeal to the Governing Body's Complaints Panel. This will only be offered if there are suggestions that due process has not been followed or that the decision appears in contradiction of the facts. The complainant must make such an appeal in writing to the Clerk to the Governing Body within 10 school days of receiving notice of the outcome and include a statement specifying any perceived failures to follow the procedure. A review request form can be obtained from the Clerk to the Governing Body.

4 Review by a panel of the Governing Body

Any review of the process followed by the school will be conducted by a panel of three members of the Governing body, none of whom will have had direct involvement in the original complaint. This will take place within 10 school days of receipt of the request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (usually the Head Teacher or the Chair of the Governing Body), as appropriate, to make a response to the complaint. If the school member is asked to appear in person, they may be accompanied by a person of their choice.

The panel may also have access to the records kept of the process followed.

The panel will inform the school and the complainant of the outcome, within five school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

If there is evidence that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.



Complaints Form

Please complete this form and return it to the school marked "For the personal attention of the Head Teacher" or to the Clerk to the Governing Body marked "For the personal attention of the Chair of Governors" if the complaint is about the Head Teacher. The school or Governing Body will acknowledge its receipt and inform you of the next stage in the procedure.

Your name :

Relationship with the school:

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

Your address:

Home telephone number:

Mobile telephone number:

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

You may continue on a separate sheet or attach additional documents if you wish. Number of additional pages attached..... (if applicable)

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

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

Signature.....

Date.....

FOR SCHOOL USE ONLY

Date form received:

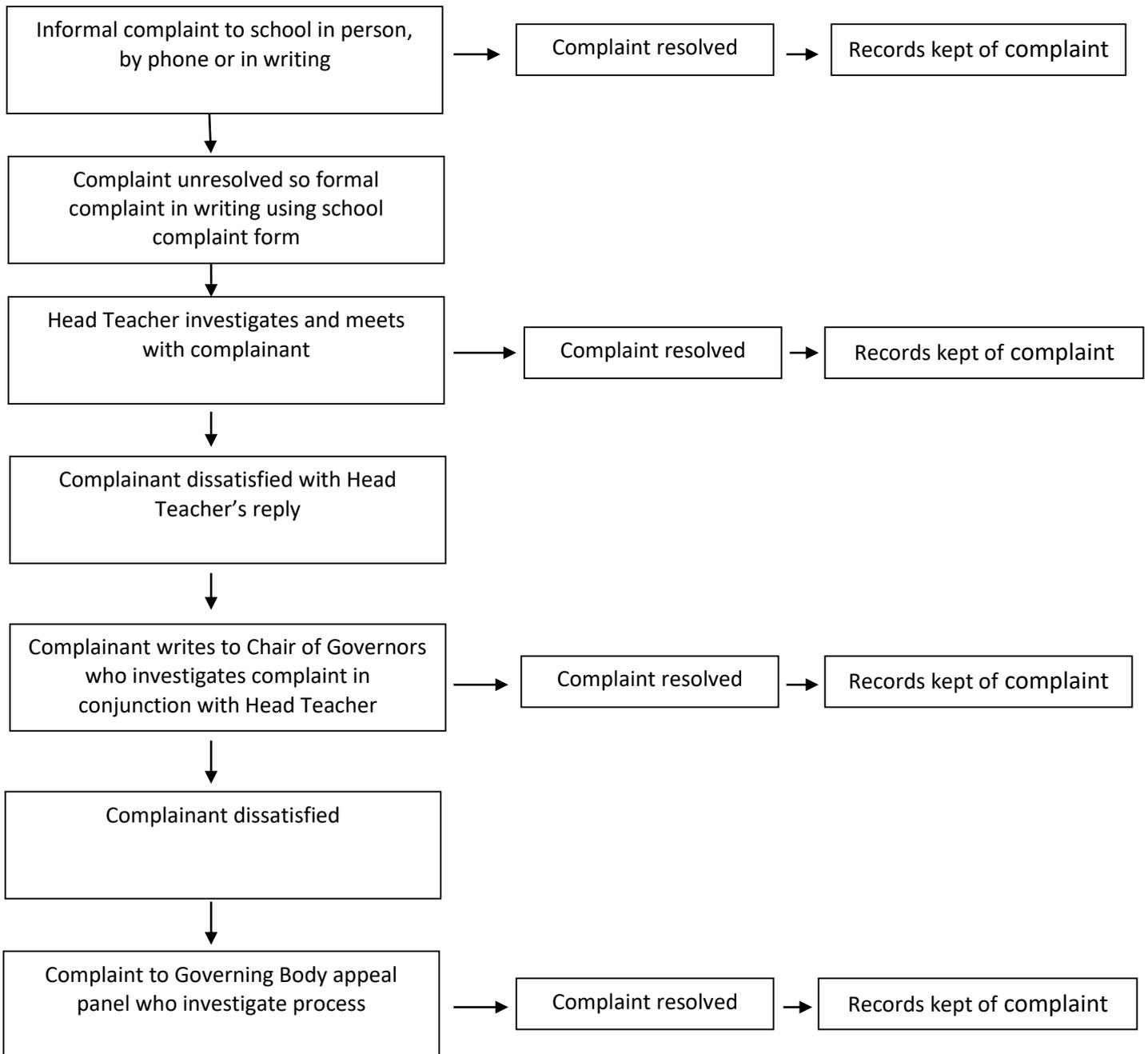
Received by:

Complaint referred to:

Date acknowledgement sent:

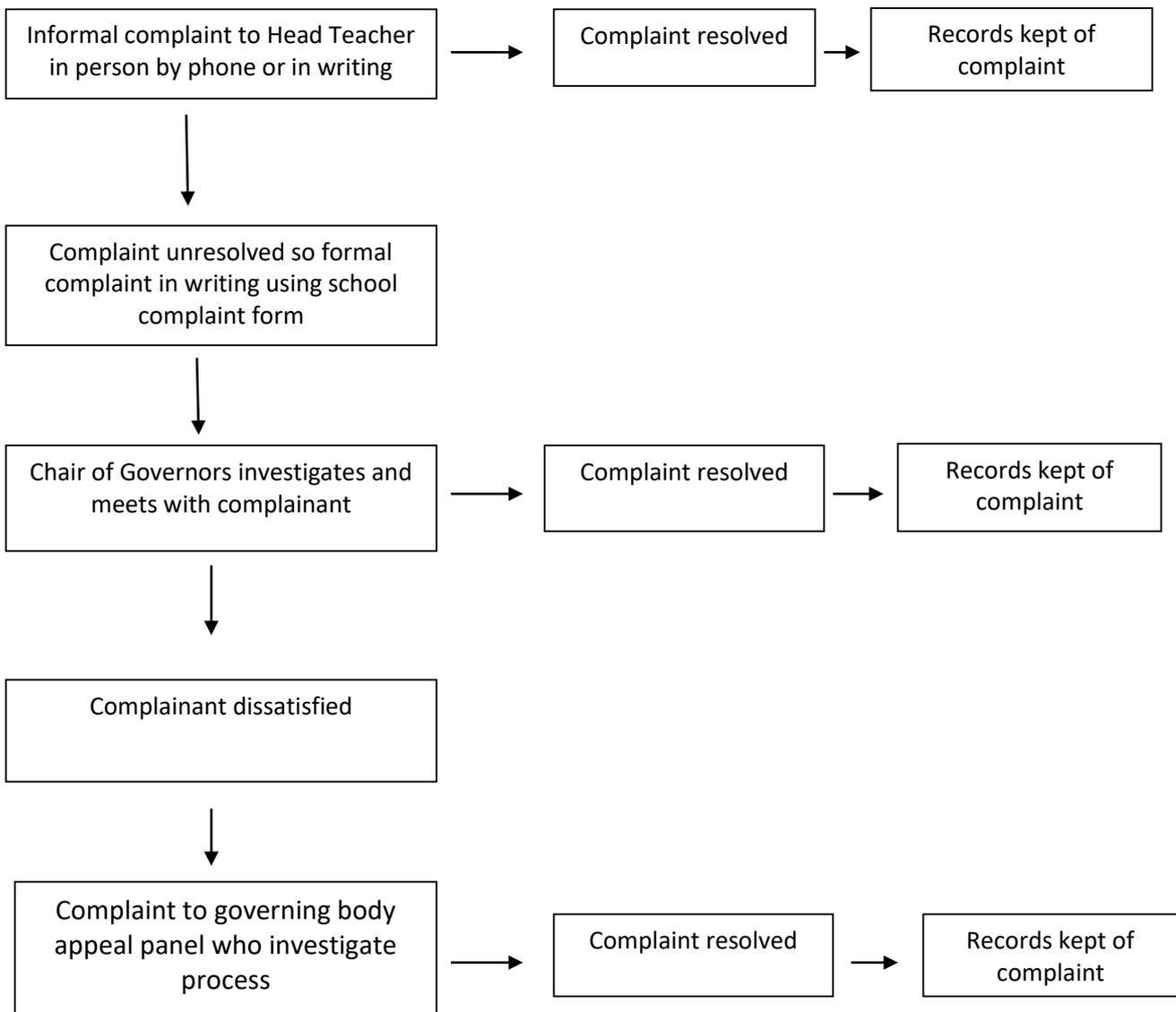
Acknowledgement sent by:

Complaints Policy Schematic for General School Complaints



If the complaint is not resolved, a parent may make representation to the Secretary of State. A meeting is chaired by an independent person, who considers all evidence and makes a further judgment in an attempt to resolve the complaint. If any parent is still not content that the complaint has been dealt with properly, then he/she is entitled to appeal to the Secretary of State for Education

Complaints Policy Schematic for complaints against the Head Teacher



If the complaint is not resolved, a parent may make representation to the Secretary of State. A meeting is chaired by an independent person, who considers all evidence and makes a further judgment in an attempt to resolve the complaint. If any parent is still not content that the complaint has been dealt with properly, then he/she is entitled to appeal to the Secretary of State for Education

Complaint Investigation Procedure

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

Where the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. [If an investigator is appointed there may need to be more detailed follow-up.]

Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the school needs to determine which procedure is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

If a member of staff is the subject of the complaint, they should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

Annex 3:

Governing Body Complaints Panel Meeting

If the school receives a formal complaint that is not dealt with by another statutory process and which relates to school or the services that it provides, it may be necessary to convene a panel to consider the matter and formulate a response.

If a committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the Clerk should convene a panel of three governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the Clerk. The Clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place within 10 school days, to consider the matter. The complainant [who may be accompanied by a friend if they wish] and representative[s] from the school may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the GB of the outcome, in writing.

Consideration of the complaint by the GB and the school, save for any actions that are agreed, will terminate at this point.

Annex 4:

Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Head Teacher 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. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, those pursuing complaints or other issues 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.

The aim of this annex is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious
- an insistence on pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- 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.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause
- 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;
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;

- respect the needs of pupils and staff within the school;
- respect the need for confidentiality;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- 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;
- 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.

Physical or verbal aggression

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:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

"The school and Governing Body may, exceptionally, deal summarily with complaints which appear malicious, abusive or vexatious. In such cases, the school reserves the right to take appropriate actions to maintain the effective running of the school."