

# **Policy for Dealing with Concerns and Complaints**

## **United Nations Convention on the Rights of the Child**

Article 3 – The best interests of the child must be a top priority in all actions concerning children.

**June 2018**

## Introduction

The Governors and staff of Bowesfield Primary School are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents, families and the community.

All schools must have procedures in place for dealing with all complaints relating to the school and the services we provide.

Our aim is to deal with any concern or complaint raised in a fair, open and responsive way, so that it can be quickly resolved. We will listen to questions or criticisms, respond positively and recognise that reflecting on practice can lead to improvements in policies and practice.

## Concern or complaint?

**Concern** – an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

**Complaint** – an expression of dissatisfaction however made, about actions taken or a lack of action.

(DfE Best Practice Advice for School Complaints Procedures 2016)

## Who can make a complaint?

Any person, including members of the general public, can make a complaint about the provision of a school. There are complaints which not in the scope of the school complaints policy as follows:

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it 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.
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities.</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

## Steps to follow in the event of a concern or complaint

### **First Contact: Initial Concerns and Complaints**

It is in everyone's interest that complaints are resolved at the earliest possible stage and we expect that the majority of concerns will be resolved in this way. If you have a complaint, please initially raise this directly with the member of staff most directly involved. If you are not satisfied then please discuss your concerns with a senior member of staff. It will help us to deal with your complaint if you can suggest ways to resolve the issue.

If the complaint is against the Headteacher then the first point of contact is the Chair of Governors. Our Chair is David Bowes and his contact details are available from the school office. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk of the Governing Body. School and Governor Support can be contacted on 01642 526414.

Complaints received from parents regarding special educational needs provision within school will be referred immediately to the Headteacher.

### **Second Contact: Referral to Headteacher**

If you are not satisfied with the response from the senior member of staff you should:

- Raise any concerns directly with the Headteacher, preferably in writing, using the attached formal complaints form (Appendix 1).
- The Headteacher will investigate the complaint via discussions with those involved.
- Once all of the relevant facts have been established, the Headteacher will produce a written response and/or will wish to speak to you to resolve the matter directly.
- The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take/has taken to resolve the complaint. (It is best practice for the Headteacher to include in the letter the right for the complainant to write to the Chair of Governors if not satisfied with the decision). ***(NB In some cases it may be useful to use a recorded delivery service to ensure that written communication can be evidenced.***
- As far as is reasonable this will take place within **10 school working days** of the initial complaint being received by the Headteacher.

### **Third Contact: Referral to Chair of Governors**

If you are not satisfied with the Headteacher's response then they have the option to put their complaint in writing within 10 school working days of the Headteacher's response, addressing their correspondence to the Chair of Governors or Clerk to the Governing Body c/o the school in a sealed envelope marked 'For Immediate Action' 'Private and Confidential'.

To help resolve the issue, please indicate in writing how you would like the matter to be resolved and what outcome you would like to see achieved. The Chair of Governors will acknowledge the complaint in writing within five school days of receipt.

The Chair of Governors will conduct their own investigation into the complaint and may provide an opportunity for you to meet informally with them to discuss the detail, clarify the nature of the complaint and what remains unresolved and finally what they feel would put things right.

The Chair of Governors will make a decision, on the basis of the information gathered, and possible outcomes may include:

- 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.

All decisions will be recorded in writing within **10 school working days** of the Chair of Governors completing their investigation, as far as is reasonably practical, and a copy provided to you. The letter/report will offer the right of appeal to the Governing Body Complaints Committee.

**If the complaint relates to the Headteacher, you should write directly to the Chair of Governors, c/o the school, with their complaint.**

#### **Fourth Contact: Referral to the Complaints Committee**

If you wish to appeal you must do so in writing to the Chair of Governors, c/o the school, within **10 school working days** providing a clear explanation as to why you wish to lodge an appeal.

Individual complaints would 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.

You will be offered the opportunity to attend a meeting where they will be able to discuss their complaint with the committee (minimum of three governors, not previously involved) and explain why you are not satisfied with the Chair of Governor's decision. Should you or school intend to call witnesses to the Committee meeting, their name/s should be notified to the Clerk to the Governing Body prior to the meeting in order that appropriate meeting room requirements can be sourced. It is the responsibility of the complainant and school to ensure that witnesses are invited to the meeting. (A checklist for a Complaints Committee meeting is attached as Appendix 2)

The complaints committee will consider the issue and write to inform the complainant within **10 school working days** of their decision. Possible outcomes may include:

- 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.

**This is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions**

Should the complainant not be satisfied with the outcome then they may complain to the Secretary of State for Education. Concerns, reasons why the complaint is being submitted and copies of all correspondence relevant to the complaint should be mailed to:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

#### **Anonymous Complaints**

The School/Governing Body will not consider anonymous complaints.

#### **Vexatious Complaints**

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (e.g. the complainant tries to re-open the same issue), the Chair of Governing Body can inform the complainant in writing that the procedure has been exhausted and the matter is now closed.

### **Serial and Persistent Complaints**

Bowesfield Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Bowesfield Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Bowesfield Primary School and cause 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 result in an individual being barred from the school in serious cases.

### **Monitoring**

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The Governing Body should review this policy within their policy review cycle.

**Date adopted: 19 June 2018**

**To be reviewed: June 2020**

## Formal Complaint Form

<b>Name:</b>	
<b>Address</b>	
<b>Postcode:</b>	
<b>Pupil's Name (if applicable)</b>	
<b>Pupil's Class Teacher (if applicable)</b>	
<b>Telephone Number – Daytime/Mobile</b>	
<b>Telephone Number – Evening</b>	
<b>Email Address:</b>	
<b>Relationship to the School i.e. parent, carer, neighbour, member of the public</b>	

**Please provide details of your concern/complaint**

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**Have you raised this with another member of staff?**

**Yes**

**No**

**If so, can you please provide details**

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**When did you do this?**

**Date:**

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**What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?**

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

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

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<b>Name: (please print)</b>	
<b>Signed:</b>	
<b>Date:</b>	

**Please return this form to the Headteacher**



## Proposed Format for a Complaints Meeting

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- The Complainant and Headteacher will enter the room where the hearing is taking place together.
- A Chair for the Committee meeting will be appointed who will introduce the panel members and the Clerk as well as outline the process for the meeting.
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- The complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The panel will question the complainant.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel will question the Headteacher.
- The complainant is invited to sum up their complaint.
- The Headteacher is invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Committee decides on the issues.
- The Chair of the Committee explains that both parties will hear from the Committee within a set time scale.
- The Clerk will remain with the panel to clarify any issues.

