



St Margaret's CE Primary School, Withern COMPLAINTS POLICY

Introduction

All schools in England are required to have a procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provide. There are certain complaints which fall outside of this procedure because there are established statutory or other prescribed procedures available, for example staff grievances or disciplinary procedures.

At St Margaret's all staff 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/carers and believe that school and parents/carers must work together in partnership, each carrying out our own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

If you feel that something is not going quite as you would like, that we are doing something that you are unhappy with, or not doing something that you feel we should, please tell us about it.

• The first step:

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be sorted out this way. If you are not the parent/carer of a child at our school, please start at the second step and make contact with the Headteacher to discuss your concerns.

• The second step:

If, after speaking to your child's teacher, and having allowed sufficient time to deal with the issue, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with that teacher's manager. In our school this is the Headteacher. In almost all cases we can sort things out satisfactorily in this way.

• The third step:

You should make a formal written complaint to the headteacher, unless the complaint is about the conduct of the headteacher. If your complaint is about the conduct of the Headteacher, you should make a formal written complaint to the Chair of Governors, addressing your envelope to the Clerk to Governors, care of the school's address.

You should receive an acknowledgement from the Headteacher (or Chair of Governors if the complaint is about the conduct of the Headteacher) within five school working days. The acknowledgement letter should also indicate the date by which you can expect to receive the Headteacher's written response (or the written response from the Chair of Governors if your complaint is about the conduct of the Headteacher) to your formal complaint letter. This will normally be within ten school working days from the date of the acknowledgement letter.

• **Taking matters further:**

If you are dissatisfied with the headteacher's response to your formal complaint letter, or if your complaint is about the conduct of the Headteacher and you are dissatisfied with the Chair of Governors' written response, then you will need to contact the Clerk to Governors who will convene the Governors' Complaints' Committee.

For complaints against the Chair of Governors or any individual governor, you should also write to the Clerk to Governors, who will initiate the correct process. The Chair of Governors would normally consider complaints against an individual governor and the ice Chair would normally consider complaints against the Chair of Governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign.

The Clerk to Governors will write to acknowledge receipt of your complaint within five school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for that process. Where your complaint is considered under written representations, this process may take up to twenty-eight school working days to allow for the collection of representations and evidence.

The Governors' Complaints' Committee (or the relevant governor in the case of a complaint against an individual governor) will consider your complaint and write to advise you of the outcome within the timescale provided by the Clerk to Governors. If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, we will contact you to inform you of the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

• **External Appeal:**

The decision of the Governors' Complaints' Committee is normally final; however, if you are dissatisfied with their response, you may be able to take your complaint to an external body. For certain complaints about schools maintained by the Local Authority, complainants can write to the Secretary of State for Education. You must do this in writing, either by post to:

School Complaints Unit
Department for Education
2nd Floor
Piccadilly Gate
Manchester
M1 2WD

or, by using the online School Complaints form. This can be accessed at:

<https://www.gov.uk/complain-about-school>

You should be aware that the School Complaints Unit (SCU) will usually only consider a complaint once the school's internal processes have been exhausted. The SCU will examine whether the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU will also examine whether the school's policies adhere to education legislation. The SCU will not re-investigate the substance of the complaint.

Please note that, unless your complaint is about the governors' response or lack of response, your complaint will generally have to be considered first by the governing body of the school.

Date of next review: January 2016

Signed Head Teacher

Signed Chair of Governors

Date

Appendix 1A

Time Limits

You should make the school aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the school within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account.

The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit.

Unreasonable Complainant Behaviour

Staff and Governors are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of our procedure.

Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school. Examples of behaviours that we consider to be unacceptable are as follows:

- Using abusive or threatening language and/or behaviour.
- Making excessive demands on staff time and resources in pursuit of a complaint, whether in person, by phone, email or letter.
- Harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution.
- Refusing to cooperate with the complaints procedure as set out in this policy.
- Persisting in repetitious complaints when these have been previously determined under the school complaints procedure.
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint.
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.

The school expects that any person wishing to raise a concern or complaint will:

- Follow the school complaints procedure.
- Treat all members of the school community with courtesy and respect.
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond/address any issues.

Where a complainant raises a complaint in a manner which the school feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified.
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified.
- Setting limitations on the method and frequency of contact with staff/school personnel.
- Refusing to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing and deliberately targeted at one or more members of staff without good cause.
- Setting limitations on the person's access to the school site.

It should be noted that parents/carers and members of the wider community do not have an automatic right to enter school grounds and may be banned from entering the school site with immediate effect after an incident where behaviour has been verbally and/or physically aggressive.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted.

Again, we would emphasise that the Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a person does not.

Appendix 1B Complaint Form

Please complete and return to the Headteacher or the Clerk to Governors depending on the stage of your complaint. You will receive an acknowledgement and an explanation of the process.

Your name:

Pupil's name:

Your relationship to the pupil:

Your address

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you taken to try and resolve your complaint?

(Who did you speak to and what was the response?)

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

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

Signature:

Date:

Official Use Only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date of referral:

Appendix 2 COMPLAINTS ABOUT SCHOOLS – GUIDANCE FOR GOVERNORS

Governors Complaints' Committee Procedure (Maintained Schools)

Refer also to the flow chart at the end of this section

General Principles

- If a person is not satisfied with the response from the Headteacher, or from the Chair of Governors if the complaint is about the Headteacher, then he/she is entitled to take the complaint to the Governing Body's Complaints' Committee.
- All complaints to the Governing Body's Complaints' Committee must be in writing and should include full details of the complaint, along with any supporting evidence. This should be sent to the Clerk to the Governors, care of the school. The Clerk will then ensure the complaints process is started as soon as practicable (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).
- A minimum of three governors should be selected from a bank of nominated governors to form the Complaints; Committee to consider the complaint. It is recommended that the Chair of Governors is not on this committee. Those governors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves. The Complaints' Committee can choose its own Chair.
- It is appreciated that it may not always be possible to find governors with no knowledge at all, particularly in some rural schools. However, the Governing Body should use their best endeavours to find governors who are as impartial as can be.
- Once the Complaints' Committee has been formed, members of the Complaints' Committee should ensure they are familiar with the school's complaints procedure. They must then decide how they wish to consider the complaint.
- Governors of LA maintained schools effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. The LA advises maintained schools that, wherever possible and appropriate, it should be through written representations.

Oral Hearings

- If the governors of a maintained school choose to have an oral hearing, the Clerk to Governors will invite the complainant to attend a meeting where they will be able to put their complaint personally to the Governors' Complaints' Committee. The complainant should receive not less than ten days' notice of the meeting. The complainant should also be advised that they have the right to submit any further information or documentation relevant to the complaint and that this information should be received in sufficient time so it can be provided to the Committee at least five working days before the hearing. They should also be informed that any written materials will be provided to the headteacher in advance of the hearing.
- The Clerk to Governors should inform the headteacher of the time and date of the meeting, invite him/her to attend and provide all the details of the complaint available at that time, so that the headteacher can provide a written report in response to the complaint. This report should be provided at least five working days before the meeting so it can be shared with all parties.
- The headteacher should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the headteacher, or where this is not appropriate, by a governor either before or after the meeting with the complainant. Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. Please seek advice from the Data Protection Officer at County if there are concerns as to what materials can be shared. The governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.

- The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Committee should outline the procedure. The complainant will then present his/her case. The Complaints' Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the headteacher. The complaint should then be responded to by the headteacher and both the complainant and the Committee will have the opportunity to ask questions. Each party can then be asked to summarise their position in brief. Both parties will then leave to allow the Committee members to make their decision in private. The complainant and the headteacher should enter and leave the room at the same time; neither should be alone with the Committee.
- Both the complainant and headteacher are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors before the hearing to notify them.
- The hearing should be clerked and the DfE advise that it is best practice to share copies of the minutes with all parties involved in the hearing; affording them a reasonable opportunity to agree and if necessary challenge their content.

Written Representations

- If the governors do not wish to hold an oral hearing - that decision being at the discretion of the Complaints' Committee - the consideration will proceed by way of written representations.
- Should the governors choose to adopt this procedure, the Clerk to the Governors will write to the complainant, outlining the procedure.
- The complaint will be forwarded to the headteacher who will then have 7 working days in which to respond.
- That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 working days.
- Finally, that response will go to the headteacher who has 7 working days in which to respond to the Clerk.
- A copy of the headteacher's final response should be sent to the complainant with the advice that it is only for their information and that any further response will not be considered except in exceptional circumstances.
- All the responses are then put before the Complaints' Committee for consideration.
- For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.

Adjudications

- Regardless of which method is adopted, the Complaints' Committee must take a robust approach and not simply endorse the decision of the headteacher without any consideration of the evidence.
- The Complaints' Committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints' Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the Complaints' Committee should be given to the complainant in writing within 5 working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints' Committee. In the case of written

representations, the decision letter should be sufficiently thorough so as to obviate the need for minutes to include any other information.

- Under the Data Protection Act, complainants can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section A06 of this handbook.

It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child. However, schools are advised to keep a central register of complaints received. The DfE advise that the monitoring and review of complaints can be a useful tool in evaluating a school's performance.

Governors are advised that the model flowchart and standard letter templates are contained in section B02 of the School Admin Handbook.