

# Stepney Greencoat Church of England Primary School



## School Complaint Procedure

Review Date: April 2016

Next Review Date: March 2018

## Introduction

- It is not intended that these guidelines should replace the normal discussion on day-to-day problems and concerns which take place in schools as they arise. It is only where a complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.
- Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised.
- The vast majority of concerns and complaints can be resolved informally.
- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. The procedure refers to this person as a complainant.
- The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.
- For an outline of how all parties in the complaint are expected to behave, please see their roles and responsibilities in Appendix 1.

## Special Circumstances

Any complaint that suggests a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect is referred without notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate this will postpone or supersede investigation by the HT or governing body.

## Other Solutions to Complaints

This complaints policy covers complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures:

- Admissions – contact Local Authority directly
- Formal assessment of special educational need – contact Local Authority directly
- School reorganisation proposals – contact Local Authority directly
- Permanent exclusions of a child – see <https://www.gov.uk/school-discipline-exclusions/exclusions> for further information
- Service providers who may use school premises – these providers should have their own complaints policies
- Staff grievances and disciplinary issues – dealt with in our internal grievance policy

- Whistleblowing – dealt with in a separate Whistleblowing policy

### **Dealing with concerns informally**

On occasions, if a concern is particularly serious, it may be appropriate to go straight to the HT and to bypass the other levels but in most cases concerns will be raised as follows:

1. Speak to your child's class teacher or support staff (TA)
  2. Speak to the phase leader or subject leader responsible for the area of concern
  3. Speak to the Deputy HT or Assistant HT
  4. Speak to the HT
- The complainant should be given an opportunity to discuss their concern with the appropriate member of staff, or the HT.
  - The complainant should be able to bring a friend to any discussion.
  - The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
  - This stage should be completed speedily and concluded in writing with appropriate detail.
  - Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the HT. To assist in this process a complaint form should be provided. Please see Appendix 2 for this.

### **Possible outcomes at the informal stage**

- The matter is resolved.
- The complaint is found by the HT to be valid and the HT takes appropriate action.
- The HT or complainant refers the matter to the Governing Body for their consideration.

### **Formal complaint stage 1 – Referral to the HT for investigation**

1.1 The HT should acknowledge the complaint in writing. In some cases, the HT will have already been involved in looking at the matter; in others it will be his/her first involvement.

1.2 The HT should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

1.3 If the complaint is against a member of staff the HT should talk to the staff member against whom the complaint has been made.

1.4 If necessary, the HT should interview witnesses and take statements from those involved.

1.5 The HT should keep reasonable written records of meetings, telephone conversations and other documentation.

1.6 Once all the relevant facts have been established, the HT should produce a written response to the complainant. The HT may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

1.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

1.8 Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the HT should write to the complainant giving a revised target date.

1.9 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

1.10 The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

1.11 **Complaints against the HT** - If the complaint is wholly or mainly about the HT, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the HT to respond to the complaint in writing within ten school days. The Chair will send a copy of the HT's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

## **Stage 2 – Consideration by the Governing Body**

2.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the HT and the Clerk to the Governing Body. (The standard letter in Appendix 3 may be used at this stage).

2.2 Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the HT. However, where the complaint is against the HT and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

2.3 Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will 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.

2.4 The HT should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint, then the Chair **must not** sit on the CAP.

2.5 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

2.6 The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

2.7 The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the HT.

2.8 The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

2.9 The complainant and HT should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and HT, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

2.10 The HT should also be invited to prepare a written report for the CAP in response to the complaint.

2.11 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the HT in advance of the meeting.

2.12 If the HT and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

2.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

2.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

2.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

2.16 The meeting should allow for:

- The complainant to explain his or her complaint and the HT to explain the reasons for his or her decision;
- The HT to question the complainant about the complaint and the complainant to question the HT;
- The CAP to have an opportunity to question both the complainant and the HT;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the HT and complainant.

2.17 The Chair of the CAP should explain to the complainant and the HT that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, HT and any witnesses will then leave.

2.18 The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

2.19 As in Section 1.8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

2.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the HT. This decision is final.

2.21 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee should write to the complainant and HT giving a revised target date.

### **Further rights of appeal**

If the complainant thinks that the Governors' complaints panel has acted unreasonably, or that the governors have not followed their own procedures in considering the complaint, then the complainant may be able to approach the Secretary of State, Department for Education to intervene. Guidance on making a submission about a school complaint to the Department for Education can be found on Department for Education website at the following link:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

### **Unreasonable Complaints**

Stepney Greencoat 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.

We 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*'.

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 HT or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the HT 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 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 the school.

### **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, the school can ask him/her to leave school premises. In serious cases, the HT 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. We will 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 HT 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 of appeal is through the Courts; independent legal advice must therefore be sought.

## **Appendix 1 – Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or HT)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, HT, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support – this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

**Appendix 2 – School Complaint Form** (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the HT. [If your complaint is against the HT you will need to send the form to the Chair of the Governing Body]

Your Name:

Address:

Post Code:

Telephone Number (Home):

Telephone Number (Mobile):

Name of Child:

Child's Date of Birth:

What is your complaint about and what would you like us to do to resolve this issue?

*Continue on a separate sheet as necessary*

When did you discuss your concern / complaint with the appropriate member of staff?

*Continue on a separate sheet as necessary*

What was the result of the discussion?

*Continue on a separate sheet as necessary*

Signed:

Date:

### **Appendix 3 – Example letter**

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body

Dear

**Complaint re:**

Thank you for your letter dated..... setting out the reasons why you are not satisfied with the HT's response to your complaint about .....

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

***{for in the case of complaints against the HT***

I have received your complaint against the HT of .....School.

I write to let you know that I have forwarded a copy of your complaint to the HT with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the HT's response will be sent to you as soon as possible.

If you are not satisfied with the HT's response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely

**Chair of the Governing Body**

Cc The HT

The Clerk to the Governing Body

Enc. Complaints Procedure