

St Andrew's CE VC Primary School

Complaints Policy

Equality Impact Assessment (EqIA)

This policy has been assessed with regard to its impact on equalities issues. The equality impact assessment has been conducted by the relevant Governors' sub-committee and focused on race, gender, disability, age, sexual orientation, gender identity and religion/belief. Community Cohesion has also formed part of the impact assessment work in order to ensure respect for diversity, alongside a commitment to common and shared bonds.

EqIA outcomes



The assessment found no areas of potential negative impact and actions resulting in positive impact are in place.

Policy adopted May 2019

Signed Dated
Chair of Governors

1. Introduction

1.1 St Andrew's CE VC Primary School aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

1.2 We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

2. Actions before making any complaint

2.1 Our complaints procedure is not intended to replace the normal informal discussions which take place between parents, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

2.2 These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

2.3 The first point of contact regarding concerns should always be the class teacher.

Appointments to see the class teacher are available after school and may be made via the office. Please bear in mind though that teachers may have involvement with clubs or staff meetings after school, so may not always be available at short notice.

2.4 When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Discuss desired actions for the school and parent, timescales, and further meetings during your appointment.

2.5 If a parent feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

3. Referral of Complaints

3.1 The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are six categories of complaint for which there are separate procedures and the Local Authority will usually become involved.

- Admission to the school
- Statutory Assessment of special educational needs
- Exclusion of pupils from the school
- Concerns or allegations against staff or volunteers
- Child protection related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

3.2 In any of these six categories, the school will advise you of the procedure for your complaint.

4. General Principles Regarding Any Complaint

4.1 The following principles will apply to any complaint

- The complaint will be handled with care and sensitivity.
- All stages of the complaints procedure will be investigatory rather than adversarial

- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

4.2 If any Governor is contacted directly by a parent regarding a complaint then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.

4.3 If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 2 via the Complaints Form to the Chair of Governors as described below.

4.4 If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.

4.5 If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. Typically, an anonymous complaint will not be investigated, however if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate. If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.

4.6 The Complainant should not attempt to bypass steps in the complaints procedure. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the schools procedure by those bodies.

5. Complaints Procedure

5.1 Stage 1 (Informal) - School Level

a) Complaint handled by the Headteacher

5.11 If a parent feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

5.12 If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

5.13 The investigation will be completed within **10 school days** and a follow on meeting held with the parent to discuss the results of the investigation. Further meetings may be held as

required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

5.14 The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

5.15 If discussions between the Headteacher and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Headteacher will advise the Complainant that the Chair of Governors will contact them to try and resolve any issues or that they may make a formal complaint to the Governing Body, by putting the complaint in writing (using the Complaints Form) to the Chair of Governors within **15 school days**.

b) Complaint about the Headteacher

5.16 The above procedures apply if the complaint is about the Headteacher, but the informal investigation will be undertaken by the Chair of Governors unless the Chair decides it is necessary to move straight to Stage 2.

5.17 If the complainant decides to proceed to Stage 2 they must submit their complaint on the Complaints Form (Appendix 3). This must be completed as fully as possible to allow the Governor panel to have a clear understanding of the concerns to be addressed.

5.2 Stage 2 (Formal) – Governing Body

5.21 When the Chair of Governors has received a formal complaint, a panel of two or three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

5.22 The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents.

5.23 The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by a friend who can speak on their behalf if necessary and by invitation. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement

5.24 The meetings will be minuted. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the school secretary to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

5.25 The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. It will also be reported back to the next meeting of the full governing body. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

5.26 Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

5.27 When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for written evidence will be sent to the Complainant within **10 school days**. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Governors involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. Following the conclusion of the complaints meetings with all parties, the panel will provide a written response to the complaint within **15 school days**.

5.28 N.B - Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

5.3 Stage 3 (Formal) – Appeal To the Secretary Of State

5.31 If the complainant feels that the complaints procedure has not been followed correctly he/she may appeal to the Secretary of State using the DfE's online form.

5.32 A complaint may be made to the Secretary of State for Children, Schools and Families if a person believes that a Governing Body or Local Authority is acting "unreasonably", or is failing to carry out its statutory duties properly. However, intervention can only occur if the Governing Body has failed to carry out a legal duty or has acted Complaints Policy Page 5 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 could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint. Any appeals should be made using the on-line form on the DfE website.

6. Monitoring and Review

6.1 The Governing Body will review this complaints policy on a regular basis. The Headteacher will log all formal complaints received by the school and will record how they were resolved.

6.2 Governors will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

7. Staff Disciplinary Procedures

7.1 It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the Local Authorities Human Resources department will be sought.

7.2 The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However the details of any disciplinary proceedings will not be released to the Complainant.

8. School Policy Regarding Harassment or Abusive Behaviour

8.1 The Headteacher 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.

8.2 Sometimes, however, parents or carers pursuing complaints or other issues may 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.

8.3 Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints Complaints Policy Page 6
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or making complaints in public or via social networking sites; or refusing to attend appointments to discuss the complaint.

8.4 We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

8.5 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 disproportionately adverse effect on the school community.

8.6 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;
- 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.

8.7 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 be unreasonable or unacceptable, and request a changed approach
- 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

8.8 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:

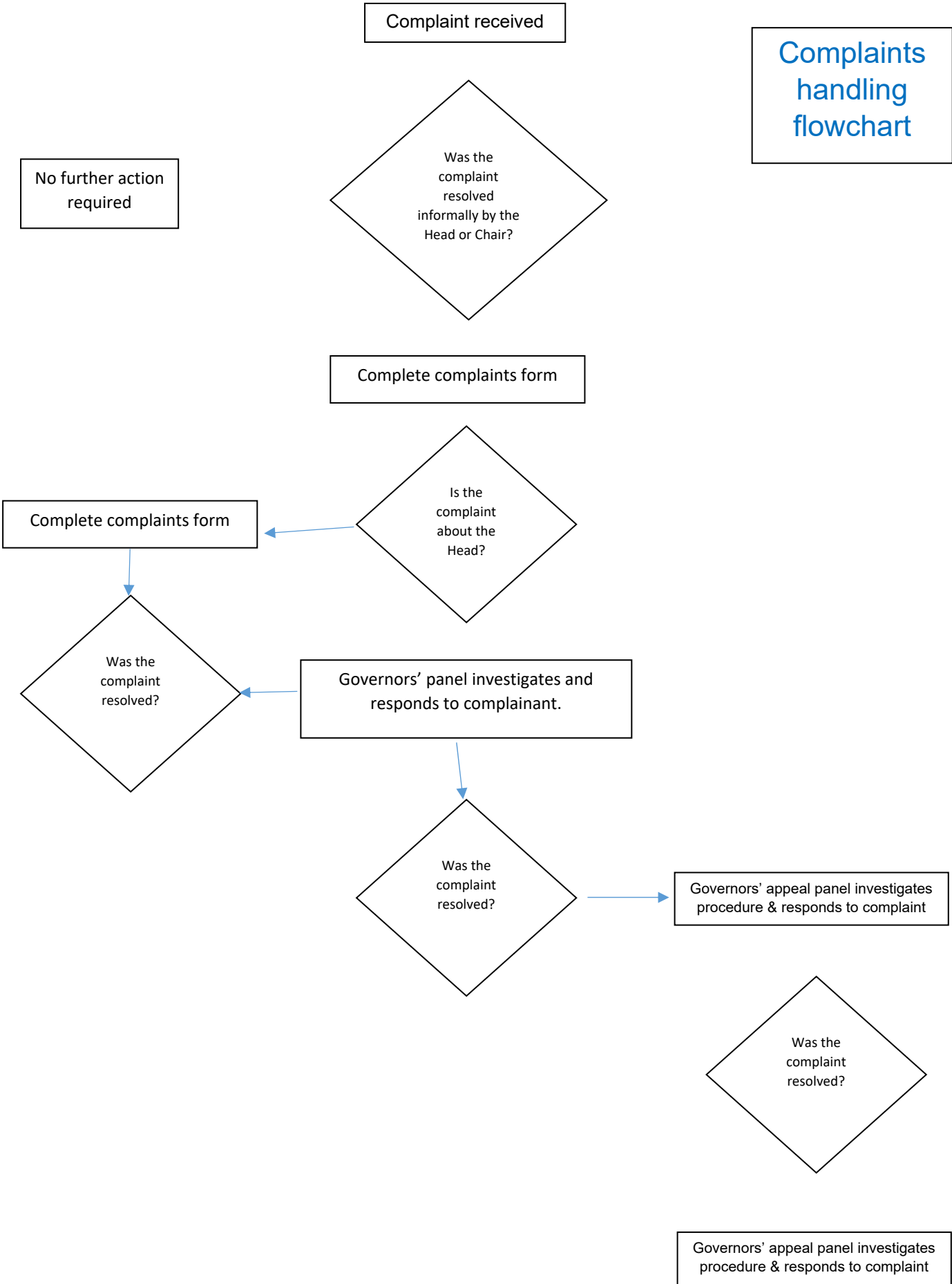
- Ban the individual from entering the school site, with immediate effect
 - Request an Anti-Social Behaviour Order (ASBO)
 - Prosecute under Anti-Harassment legislation
 - Call the police to remove the individual from the premises, under powers provided by the Education Act 1996
- 8.9 Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

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9. Vexatious Complaints

9.1 A complaint may become vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. If the Chair of Governors judges that a complaint has become vexatious he/she will inform the complainant in writing of this, stating that the matter is now closed.

Complaints handling flowchart



Appendix 1 – Extract from South Gloucestershire Council Guidance 2012

Complaints not covered by this policy

17. Separate guidance is available for complaints about admission to school; about the SEN service and the statutory assessment of a child's special educational needs; the exclusion of pupils from school; concerns or allegations against staff or volunteers and child protection.

The following is a brief guide.

Admission to school

18. If a place is not offered at a parent's/carer's preferred choice of school there is the right of appeal to an independent body under the School Standards and Framework Act of 1998 - Section 94 and Schedule 24. Appeals for community and controlled schools are arranged by South Gloucestershire Council Legal and Democratic Services. Appeals for places at academies, voluntary aided and foundation schools are the responsibility of the Academy Trust or Governing Body to arrange.

19. Appeals for Community and Controlled Schools must be made in writing to: Admissions and Transport, South Gloucestershire Council, Department for Children and Young People, PO Box 2082, Council Offices, Castle Street, Thornbury, BS35 9BQ.

20. Complaints about any aspect of the Admissions and Transport Service should be made following the South Gloucestershire Council Complaints Procedure which is available on the South Gloucestershire Website.

Special Educational Needs (SEN)

21. The provision for pupils with special educational needs is the responsibility of the Governing Body and any complaints about SEN provision should be addressed using the complaints procedure.

22. Complaints about any aspect of the SEN Service should be made following the South Gloucestershire Council Complaints Procedure which is available on the South Gloucestershire Website.

23. If the Local Authority has refused to carry out a Statutory Assessment of a child's SEN or the parents disagree with their child's proposed statement of SEN, they should first ask for a meeting with a Local Authority Officer. If they are not satisfied, they are entitled to ask for a formal Disagreement Resolution process.

24. Parents also have a statutory right of appeal if the Local Authority has:

- refused a request to begin a Statutory Assessment of their child's SEN
- refused to issue a Statement of SEN at the end of a Statutory Assessment
- issued a Final Statement and the parents disagree with Parts 2, 3 or 4
- ceased to maintain a child's statement of SEN
- refused to change the name of the school in Part 4 of a child's statement, provided the statement is at least 12 months old and the parent is asking for another maintained school.

The appeal rights are to the SEN and Disability Tribunal and last for two months from the date of the formal notification of the Authority's decision.

Exclusions from school

25. Subject to certain conditions, the governing body has a duty to consider parents' representations about an exclusion. They may delegate their responsibility to a designated sub-committee of at least three members.

26. The procedure for appeals against the governing body's decision has been revised by the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Under the regulations, if a parent applies with fifteen days of receiving notice that a governing body has decided not to reinstate a permanently excluded pupil, the Local Authority must arrange for an independent review panel hearing to review the decision.

27. Full details of the process and remit of governing bodies and independent review panels are available in the statutory guidance 'Exclusion from maintained schools, Academies and pupil referral units in England.'

Allegations

28. Concerns or allegations of abuse against people who volunteer or work with children or those who are in positions of trust should be directed to the senior manager or employer for the organisation with operational responsibility for dealing with allegations. The Local Authority should also be notified (Tel: 01454 866000)

29. Child Protection ANY concerns about possible child abuse should not be dealt with as a complaint but MUST be reported to ACCESS and RESPONSE on 01454 86 6000 or email: accessandresponse@southglos.gov.uk. If it is out of office hours then concerns should be raised with the Emergency Duty Team on 01454 615165 or the Police on 999.

Appendix 2

Parent Concern (Stage 1 – Informal – optional form)

To be completed by a school professional during meeting.

Appendix 3

St Andrew's Primary School Complaint Form

Please complete this form and return it to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Appendix 4

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. (See General Principles) 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 (school or LA) 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.

The member of staff subject to the complaint 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 from the LA.

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.

Taken from the National Association of Head Teachers Policy and Guidance (2012).

Appendix 5 – Example Prospectus or Website Page

What should you do if you have a query or aren't happy about something?

If there is something you don't understand or you are not happy about, please come in and see us. (You may just want to get something off your chest.) You can discuss this with the class teacher or other appropriate member of staff, such as the Special Needs Coordinator (SENCO) if it is about special needs.

The beginning and end of the school day is a very busy time for class teachers, who usually have a class of children to welcome, so you may need to be flexible when arranging a time to meet. In some cases you may need to make an appointment to see the Headteacher.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right.

If you feel you need to complain when you've discussed your query or concern there is a form you'll need to use. (The school office and Clerk to the Governing Body have copies of this form and guidance for making a complaint.)

If you make a complaint using the complaints form this is what will happen:

- You will receive a response within ten school working days, even if this is just a courtesy call to acknowledge receipt of the complaint
- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- If your complaint is urgent we will deal with it more quickly
- We will keep you up to date with progress at each stage
- You will get an apology if we have made a mistake
- You will be told what we are going to do to put things right
- You will get a full and clear written reply to formal complaints within 15 school days of the complaint being heard
- The Headteacher will keep a copy of all complaints made in a complaints log.