



Grimley & Holt C of E Primary School

Excellence and excitement every day for every child

Complaints Policy

Approved by: Mike Saunders **Date:** 3/10/20

Last reviewed on: September 2020

Next review due: September 2021

1.0 Introduction

Purpose: To establish a procedure for dealing with complaints relating to the school

Scope: All matters relating to the actions of the staff and application of school procedures where they affect the individual pupils concerned, except matters (i.e, relating to curriculum, admissions) which are subject to separate procedures.

This is informed by Best Practice Advice for School Complaints Procedures (DfE 2016)

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the school as soon as possible. Any matter brought to the attention of the school more than 3 months after the event will not be considered.
- Investigation of any complaint or review request will begin within 5 days of receipt, unless there are exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

2.1 Complaints about the actions of a member of staff other than the Head Teacher

Informal Stage

It is usual that the complainant will arrange to communicate directly with the member of staff concerned at an informal meeting. Many concerns can be resolved through clarification or the provision of information and it is anticipated that the vast majority of cases will be resolved at this stage. If the complaint is not able to be resolved with the member of staff concerned, an informal meeting with the Head Teacher can then be arranged to support a resolution. If reasonable requests to find an informal resolution are declined, the process may be terminated immediately.

Any dispute in relation to the 'reasonableness' can be established via the review process. In addition please see section 4.0 regarding unreasonable complaints.

Formal Stage

If the initial complaint is not resolved at the informal stage the complainant MUST put the complaint in writing using the school's complaints form (see Appendix A) and pass this to the Head Teacher who will be responsible for carrying out an investigation. The complaint should include details which may assist the investigation, such as names of potential witnesses, dates and times of events and copies of any relevant documents (ie, previous correspondence). The Head Teacher will collect other evidence if necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, they may choose to bring a representative or friend to the meeting. Minutes of the meeting will be taken by the Clerk to the Governors.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld:
- The complaint is not substantiated by evidence:
- The complaint was partly or fully substantiated. Some details may then be given of action the school may be taking to review procedures etc., but details of the investigation or disciplinary procedures will not be released:
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

The complainant will be informed that consideration of their complaint is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, they may request that the Governing Body review the process undertaken by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a specific statement detailing alleged perceived failures to follow the procedure. In this instance the Procedure described in section 2.3 will be followed.

If the complainant considers that the decision of the Head Teacher is incorrect, or that the Head Teacher has acted unreasonably, then the complainant may bring a complaint against the Head Teacher, under section 2.2 of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

2.2 - Complaining about the actions of the Head Teacher

Informal Stage

The complainant is usually expected to arrange to speak directly with the Head Teacher where the detail of the complaint can be outlined. Many concerns can be resolved through an initial meeting, where the issues are discussed and clarified. If the matter is not resolved at this initial meeting, if both parties agree, a further meeting would take place - with a third party acting as mediator if required. A refusal, unreasonably, to work through the process and attempt an informal resolution may result in the procedure being terminated at this point. In addition please see section 4.0 for dealing with unreasonable complaints.

Formal Stage

If the complaint cannot be resolved through the informal stage, the complainant must put the complaint in writing and pass it to the Chair of Governors (or Vice Chair if the Chair is unable to lead due to not being available), who will determine which of the arranged procedures to invoke. If it is determined that the complaint is 'General', the Chair will arrange for its investigation.

The complainant should include detail which will help the investigation. In addition, the complainant may be invited to meet with the Chair to present oral evidence or to clarify the complaint. The Chair will collect other evidence as is deemed necessary. This may well include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once the Head Teacher has had time to consider this, they will be invited to meet with the Chair of Governors in order to respond. A friend or representative may accompany the Head Teacher at this meeting. When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint is now complete. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is incorrect, or that the Chair has behaved unreasonably in considering the complaint, the complainant may request that the Governing Body review the handling of the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

2.3 - Review Process

A panel of three members of the Governing Body shall conduct any review of the process that has been followed by the Head Teacher and/or Chair. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should also be considered. The panel will first receive written evidence from the complainant. The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint. The panel may also request access to records kept of the processes followed.

The complainant and the Head Teacher (or Chair) will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full, but that the procedural failure did not affect the outcome significantly and the matter is closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where practicable).

As clarification the complainant is not entitled to access any details of the investigation except for statements that may have been provided by their child. Any information relating to application of internal processes, such as disciplinary matters, is strictly confidential. If a complainant feels that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant should make representations to the Secretary of State for Education.

3.0 Investigation Procedures

3.1 Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and

responsibly. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that 'anonymous complaints will not be investigated'. There may be serious allegations that should be investigated if reported anonymously, such as child protection or bullying allegations. In such cases the school would either involve appropriate external agencies or else conduct its own internal review to test whether or not there is any corroborative evidence which may trigger an informal investigation.

Where the Head Teacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made should be notified that a complaint has been received; provided with a copy of the complaint; and be informed that an investigation will be carried out.

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.

Once the complaint has been confirmed the investigator should establish whom they wish to interview and which documentation (if any) they will need to review.

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 and member of staff should be given the opportunity to offer documentation and to identify potential witnesses and other sources of evidence.

The member of staff subject to the complaint should be advised that a friend or Trade Union representative may accompany them at interviews. 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 would younger pupils be interviewed. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh to minimize 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 interviews. The investigator should allow the interviewee to answer in their own way. Responses should be listened to attentively. The temptation to cut answers short or ask 'leading' questions must be avoided. Any attempts by the interviewee to introduce information relating to other members of staff or to unrelated issues must be resisted. The investigator should avoid reaching conclusions or passing judgment until the investigation has been completed. A summary of the process undertaken and the outcome should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution **MUST** be exercised when reporting back to the complainant as certain details must not be revealed due to confidentiality.

Any recommendations should also be shared with all parties, unless there is good reason not to do so. Wherever possible, recommendations should be constructive and not punitive. The complainant should be advised that he/she may request a review of the process if they are not happy that the process has been undertaken properly.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance is: 'All documentation regarding a complaint should be stored securely for a period of 6 years'.

3.2 Exceptions to the Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA).</p> <p>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.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>

<ul style="list-style-type: none"> • Whistleblowing 	<p>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: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

4.0 Procedure for dealing with Unreasonably Persistent Complaints, Harassment or Aggression

The Head Teacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

1. 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;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).

2. What do we mean by 'unreasonably persistent complainants'?

For the purpose of this policy, 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 the following (not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing insubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful;
- making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced;
- abusive or threatening behaviour or language towards school staff;
- failing to specify grounds of the complaint, despite offers of assistance from the school.

3. What is harassment?

We regard harassment as including 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 issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

4. School's responses to unreasonably persistent complaints, harassment or aggression

This policy sets 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, harassment or aggression 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 or Aggression procedures;
- require any 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 a third party chosen by the school, for example the Local Authority or County Solicitor;
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- take legal advice on pursuing a case under Anti-Harassment legislation.

Appendix A

Formal Complaints Form: Please complete and return to the Head Teacher who will acknowledge receipt and follow the complaints procedure as documented in the Complaints Policy.	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent: Complaint referred to:	By Whom: Date:

