



Beech Green Primary School

COMPLAINTS POLICY and Procedures Autumn 2016

A: INTRODUCTION

In accordance with Section 29 of the Education Act 2002, all Local Authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. We will comply with our obligations under the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.

The purpose of the following policy is to establish a structure whereby parents/carers' complaints can be heard and resolved. It is not intended that the procedures in this document should replace normal discussion on day to day problems and concerns as they arise. It is only when a complainant remains dissatisfied with the outcome of such discussions that further steps will need to be taken.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

B: AIMS

We aim to work in partnership with parents/carers and the community in the best interest of the children and any complaint will be given careful consideration and dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

We aim to resolve most complaints informally. If parents/carers have any concerns about the school, the education provided or their child's progress and welfare, they will be encouraged to discuss the matter with their child's teacher in the first instance. However, complaints about a particular class teacher should be made directly to the Headteacher. Complaints about the Headteacher should be made directly to the Chair of Governors or, should the Chair of Governors be the subject of the complaint, then to the Clerk to the Governing Body.

The aim of a hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

C: PRINCIPLES

The following principles underpin the Complaints Policy:

- Parents / Carers / Complainants will have ready access to the complaints procedure.
- Complaints will be handled in a conciliatory, as opposed to a confrontational, manner.
- All parties involved have equal rights.
- The proceedings surrounding a complaint, both oral and written, will be handled confidentially.
- There will be close monitoring of all complaints.

D: COMPLAINTS PROCEDURE

Stage 1 - Informal

If the parent/carer (the complainant) feels that a concern has not been resolved through discussion with the class teacher, or that the concern is of a sufficiently serious nature, they will be encouraged to make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaints very seriously and will aim to resolve the issue amicably. However, if this is not achieved the complaint will be moved to the "formal" stage.

The Headteacher or the Chair of Governors will arrange for the complaint to be investigated. They may ask to meet the complainant to clarify the nature and detail of the complaint. They will give the complainant full details of how they will carry out any further investigation and keep the complainant up to date with progress.

Stage 2 - Formal

If the matter has not been resolved informally, then it may be appropriate for the parent/carer to write to the Chair of Governors to make a formal complaint. The letter must state the nature of the complaint, the steps already taken to resolve it and what the complainant wants to happen as a result of the complaint. Receipt of the letter of complaint will be acknowledged within 4 working days.

A panel of governors (not less than 3, one of whom being the Chair or Vice-Chair), will arrange to meet to consider the complaint and make a final decision about it on behalf of the Governing Body. The panel will consist of governors who have no detailed prior knowledge of the complaint, or connection with the complainant. The meeting will normally take place within 15 working days of the parent/carers written complaint.

The parent/carer/complainant will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also in most circumstances will be invited to attend part of the meeting, accompanied by a friend/partner if required, to put their case. In most circumstances the person complained against (PCA) will be given the same opportunities.

The panel will write to all those concerned with its conclusion within 10 working days of the meeting.

The decision of the panel is final.

If the parent/carer/complainant has completed the procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education at the following address:-

Secretary of State

Department of Education

Sanctuary Buildings

Great Smith Street

London

SW1P 3BT

Telephone 0870 000 2288 or [Department for Education](#)

The complaint has to be submitted to the Secretary of State because the Local Authority (LA) can only intervene in the day to day running of the school in very specific circumstances, and cannot overturn a properly made and legal decision of the Governing Body. In certain circumstances, the LA can work with and advise the school and its governors, particularly where the LA has statutory responsibilities or duties (for instance, where there is an allegation of discrimination or complaints about a school curriculum).

E: MONITORING AND REVIEW

The Governing Body monitors the complaint procedure in order to ensure that all formal complaints are handled properly.

Complaints will not be shared with the whole Governing Body, except in very general terms at the next available meeting. This reporting will be confidential and will avoid naming individuals.

F: SERIAL AND PERSISTENT COMPLAINANTS

The Department for Education advises that schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

G: UNREASONABLE COMPLAINANTS

Beech Green Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate

unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Beech Green Primary School defines 'unreasonable complainants' as those people who submit a number of complaints that are judged by the Governor's Complaints Panel to be unreasonable.

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

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

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

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

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Beech Green Primary 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 Beech Green Primary School.

H: 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, a school can ask him/her to leave school premises. In serious cases, the Headteacher 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. In such circumstances Beech Green 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 Headteacher 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.

I: AVAILABILITY

A copy of this procedure is available to all parents upon request and will be published on the school website.

Signed..... (Headteacher) Date.....

Signed..... (Chair of Governors) Date.....

Formal Complaint To School's Governing Body – Conduct Of Hearing

The procedure will be as set out below but will be conducted as informally as possible. The Hearing will be minuted.

1. Conduct of Hearing

- a. The complaint will be heard by three members of the *Governing Body*, one of whom will be the *Chair* or *Vice-Chair* of *Governors*.
- b. The *Complainant* and *Person Complained Against (PCA)* will under normal circumstances be invited to join the meeting, with a representative if so desired.
- c. The procedure will be explained, including the role of *Clerk*.
- d. The *Complainant* presents case.
- e. Questions to *Complainant* by *Governors* and *PCA*.
- f. *PCA* presents case.
- g. Questions to *PCA* by *Complainant* and *Governors*.
- h. Any further questions or points from any of the parties.
- i. Summing up by *PCA*.
- j. Summing up by *Complainant*.
- k. Concluding remarks by *Chair* and explanation of what happens next.
- l. *Complainant* and *PCA* are asked to leave the meeting.

2. The Decision

- i) The *Complaints Panel* can:
 - a) uphold the complainant in full
 - b) uphold it in part
 - c) dismiss it
- ii) The *Complainant* and *PCA* will be informed in writing as soon as possible, but no longer than 10 days after the *Governing Body's* decision.



Beech Green Primary School
Complaints Procedure Summary

If you have a complaint relating to the school, in most instances the following procedure should be followed:

Discuss with child's class teacher

If unresolved



Discuss with Deputy Headteacher or Headteacher

If unresolved



Submit complaint in writing to Chair of Governors

(At this stage and if both parties are willing to do so, an informal meeting could be arranged to discuss and hopefully resolve the issue)



Within 15 working days

Complaints Appeal Panel will sit and conduct complaint hearing



Within 10 working days

Written decision to all concerned parties

If complainant is not satisfied



Complainant has the right to refer their complaint to the Secretary of State

Complaints not in scope of the procedure

Our complaints procedure covers 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

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

Who to contact

Concerns should be raised direct with local authorities (LA).
For school admissions, it will depend on who is the admission authority (either the school or the LA).
Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions

- Whistleblowing

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: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.
The Department for Education is also a prescribed body for whistleblowing in education.

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- Complaints about services provided by other providers who may use school premises or facilities.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.