



Goat Lees Primary School

Complaints Policy

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Date Agreed	09-03-16
Signed by Headteacher	<i>TA Adams</i>
Signed by Chair of Governors	<i>R Hawes</i>
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Introduction

The Governors of Goat Lees Primary School have adopted this procedure to deal with all complaints relating to the school and to any community facilities or services that the school provides. The procedure has been agreed in accordance with Section 29 of the Education Act 2002 and with regard to the Best Practice Advice for School Complaints Procedures 2016 issued by the Department of Education. It should be used only when informal attempts to resolve problems have been unsuccessful.

At Goat Lees School the Governors, Headteacher and staff place great importance on strong communications, co-operation and trust between all sections of the school community.

At all times emphasis is placed on the value of listening to other points of view, be they children, parents or members of staff. Concerns will be dealt with promptly and sensitively. Therefore, the aim is, wherever possible to avoid formal complaints. Every effort will be made to prevent a situation escalating into a cause for complaint.

The Governors and staff are committed to an approach that receives a complaint as a constructive and positive means of informing the school's management of a concern.

Any complaint relating to the internal organisation and running of the school should in the first instance be referred to the Headteacher. Governors will not become involved until the Headteacher has had the opportunity to deal with the issue or unless the complaint is about the Headteacher.

The governors consider a 'concern' to be 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint is an expression of dissatisfaction however made, about actions taken or a lack of action'. Complaints can normally be dealt with through informal discussion with the class teacher or Headteacher. The school considers any concerns very seriously and most problems can be resolved at this stage.

Complaints that directly concern the Headteacher should be referred to the Chair of Governors who may consult with the Local Government Ombudsman (LGO).

The school will give careful consideration to all complaints and deal with them 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.

General Procedures

- This procedure is designed to ensure that wherever possible an informal resolution is attempted.
- All stages of the complaints procedure should be investigatory rather than adversarial.
- The procedure is intended to extend to those persons who may have a legitimate complaint relating to the school and where that complaint may not be pursued through statutory complaints procedures.
- The responsibility for dealing with general complaints lies solely with the school.
- Any anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues, bullying allegations, where the school would either involve outside agencies or else conduct its own internal review to decide whether there is any evidence which might trigger a formal investigation.
- There should be a mechanism for determining spurious complaints and those brought by vexatious complainants.
- In the event that a complainant believes that the proper procedures have not been followed by the person dealing with the complaint, the complainant may make a request/appeal for the governing body to review the process that has been followed to ascertain whether the procedure has been adhered to.
- Any review request or appeal that is based solely on dissatisfaction with the outcome rather than any identified failure to deal with the complaint according to procedure will not be accepted.

- Any governors involved in the process should receive appropriate training for their role.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being sent to other parties including the Local Authority, Secretary of State, Councillors, MP, local paper, individual governors, etc. Reference will be made to the existence of the general complaints procedure in the school prospectus and school website.
- It is helpful to place a limit on the time after which a complaint will normally not be considered. Complaints should be raised within one month of the event.
- The procedures should be designed to facilitate the resolution of the concerns with a minimum of conflict. Therefore, it is important that procedures adopted carry the confidence of all interested parties so that it secures closure.
- The use of a formal complaints form will assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least be able to cite relevant incidents.

Statutory Complaints

Statutory complaint procedures exist separately for issues relating to:

Type of Complaint	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Curriculum (including Acts of Worship, Relationships & Sex Education) • 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). 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: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. 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>
<ul style="list-style-type: none"> • Financial Irregularities 	<p>Concerns should be raised direct with local authorities (LA). Also refer to the School's Anti-Fraud Policy.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Responsibilities

Governing Body: for approving the policy, procedures and guidelines, hearing and deciding on appeals, receiving reports and advising the Head. The Governing Body will monitor the level and nature of complaints and review the outcomes at termly meetings.

Chair of the Governing Body: to receive complaints at Stage 3, to nominate a panel to hear the appeal and to check that the correct procedure is followed.

Chair of the Complaints Panel at Stage 3 (see Appendix 1 for definition):

To ensure that:

- ✓ The parties understand the procedure;
- ✓ The issues are addressed;
- ✓ Key findings of fact are established;
- ✓ Complainants are put at ease;
- ✓ The hearing is conducted as informally as possible;
- ✓ The panel is open-minded and acts independently;
- ✓ No member of the panel has a vested interest in the outcome or has been involved in the issues previously;
- ✓ All parties have the chance to be heard;
- ✓ Any written material is seen by all decisions.

Clerk to the Governing Body: The Clerk will act as the reference point for the complainant at Stage 3 - the Clerk must:

- ✓ Set convenient dates, times and venues for hearings;
- ✓ Collate any written material and forward it to the parties;
- ✓ Meet and welcome the parties;
- ✓ Record the proceedings;
- ✓ Notify the parties of the decision.

Headteacher: for the overall management of the procedures, for hearing complaints at the second stage, ensuring that the procedures are monitored and reviewed and termly reports made to the Governing Body. For dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods at Stage 1 of the procedures.

All Staff: for hearing any concerns brought to them by members of the School Community and reassuring them that it is dealt with as soon as possible by the appropriate member of staff and for informing the relevant staff and Headteacher of the concerns.

The nature of the complaint:

- a. Most concerns are routine and can readily be dealt with by discussion with the class teacher in the first instance, then the Headteacher: whenever possible this discussion will take place within twenty-four hours, or one school day.
- b. When the degree of dissatisfaction is such that it cannot be readily resolved and amounts to a complaint, the appropriate procedure to be followed is set out in this policy.

Who handles complaints?

- All formal complaints must go to the complaints officer (the Headteacher) in the first instance.
- If a complaint against any member of staff, or governor remains unsatisfied after investigation by the Complaints Officer [the Headteacher], the Chair of Governors will convene a meeting of the complaints committee. The committee will conduct a full and proper investigation resulting in a report which includes recommendations for actions where this is appropriate.
- Complaints against the Chair of Governors should be addressed to the Head teacher who will take advice from the Local Authority.
- The Complaints Officer and the governing body may choose to take advice from the LA at any stage in the process.

Complaints from Governors:

In the first instance these should be addressed to the Complaints Officer (the Head teacher).

If the complainant is still dissatisfied then he or she should put the complaint in writing to the Chair of governors. The Chair of governors will then convene a meeting of the Complaints Committee at the earliest possible opportunity.

If the complainant is still dissatisfied then he or she may refer the complaint to the Secretary of State for Education.

Complaints from pupils:

The class teacher or the Headteacher deals with these in the first instance.

If the pupil remains dissatisfied, the pupil should speak to his or her parent/guardian who will then consider whether or not to take the complaint to the Headteacher.

Complaints from parents and other members of the public:

The stages of the procedure are contained in full in Appendix 1 below.

A complainant is able to withdraw his or her complaint at any stage.

Informal stages:

1. Discussion between the complainant and a member of staff or governor.
2. Discussion between the complainant and the Complaints Officer (the Head teacher - **unless the complaint is against the Headteacher**)

Formal stage:

3. If the complainant is not satisfied, he or she can put their complaint in writing to Goat Lees Primary School's Complaints Officer (the Headteacher - **unless the complaint is against the Headteacher**) who will investigate the complaint. Forms are available from the School Office or School Website if the complainants wish to use these. (Annex 2 to this Policy).

Where the complaint is against the Headteacher, the Chair of Governors will act as the Complaints Officer (**unless this is not appropriate, in which case another member of the Governing Body will be nominated**).

4. The receipt of a formal complaint form will be acknowledged within 2 working days of it being received.
5. Within 10 working days the Complaints Officer must either inform the complainant of a decision (in writing, giving the reasons for the decision, and advising of a further right of appeal), or tell the complainant when a decision will be made.

Review/Appeal stage:

6. If the complainant remains dissatisfied, he or she can request a review or appeal to a panel set up by the governing body. Within 5 working days of receipt of the request for appeal, the Head teacher will notify the Chair of Governors, attaching all written correspondence between the Complaints Officer and the complainant.
7. The panel will investigate the complaint, conducting interviews with identified interested parties and holding an oral hearing where this is appropriate. They may seek advice and/or support from the LA. This will be done within 15 working days of the complaint being passed to the Governing Body. The panel will be comprised of at least three governors from Goat Lees Primary School. The exception to this will be where no governors from the school are available or where governors have been, or would be compromised by the investigation. In this instance, appropriate governors from another primary school from the local Ashford Collaborative or the CARE Group may be invited to serve on the panel.

Final Appeal:

8. Complainants have the right of appeal against a decision of the governing body. The complainant should contact the Secretary of State for Education via the Department for Education (See point 9 following).
9. **The Secretary of State**
Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail in the full Complaints Procedure, on the school's website or on the Department for Education website (www.education.gov.uk/schoolcomplaints).

Serial and Persistent Complainants

Goat Lees 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.

Goat Lees Primary School defines 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 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 Goat Lees 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 Goat Lees Primary School.

Vexatious Complaints

The majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but are determined to extract retribution for some real or imagined wrong. It is these latter circumstances which can lead to a school which is acting very reasonably being locked into an ongoing saga with letters or emails flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection. Therefore, once a complainant has been designated as vexatious and the school has made every reasonable attempt to address the identified complaint, the complainant will be notified of this decision and no further communication with them will be undertaken by the school. This outcome will also be communicated to the LA.

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. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

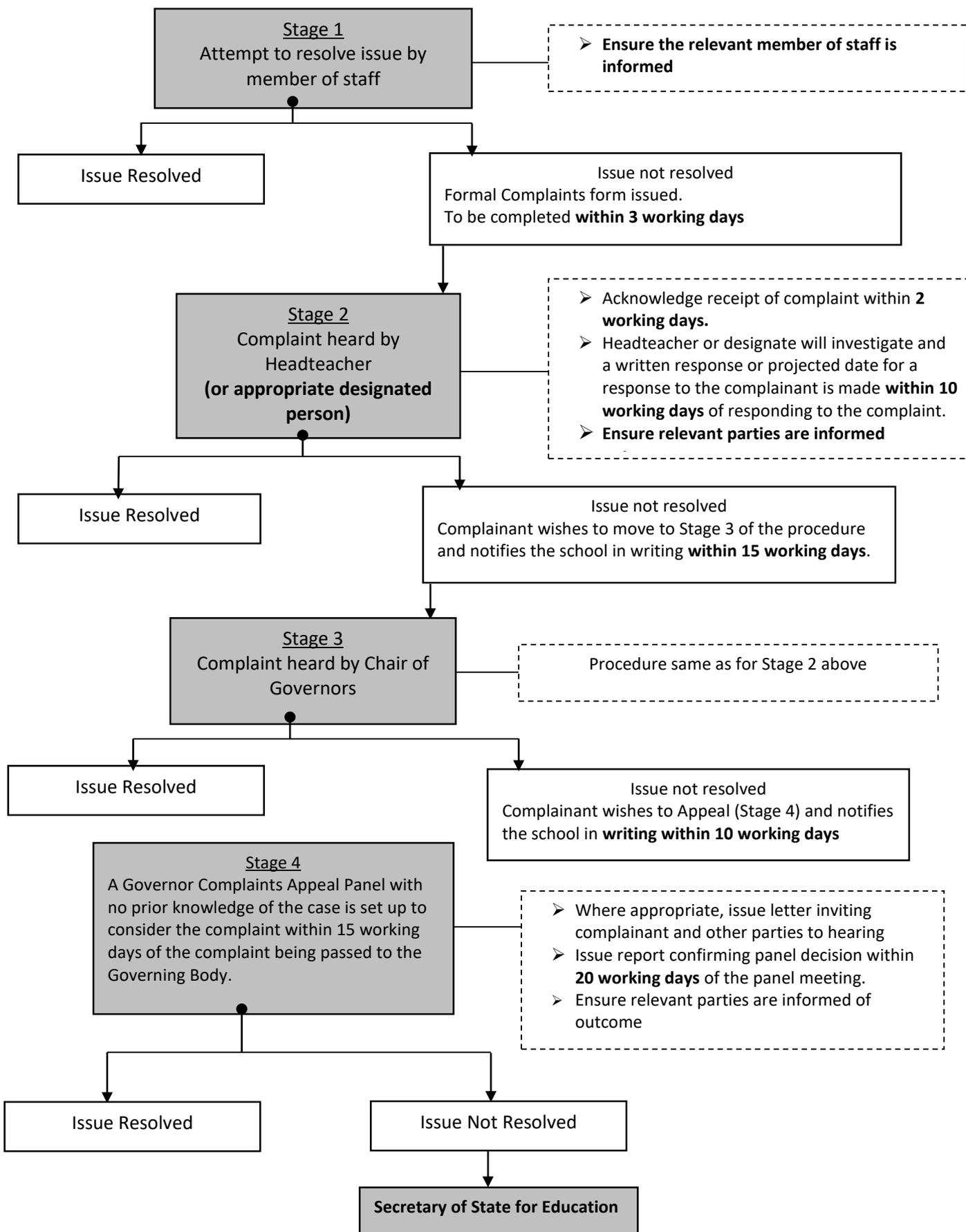
The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

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.

Monitoring and Review

The governing body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

Appendix 1: Flowchart of complaints



Appendix 2

Complaint Form

Please complete and return to Goat Lees Primary School Office in person or via email. Receipt will be acknowledged and an explanation of what action will be taken will be provided.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already 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

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: