

STOCK C OF E PRIMARY SCHOOL



Complaints Policy

Date reviewed: May 2021

Adopted by Governing Body: 13th May 2021

Date of Next Review: Summer Term 2023

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Complaints Policy incorporating managing serial and unreasonable complaints.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Stock C of E Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Stock C of E Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Stock C of E Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

The school's policy is to follow the accepted procedure which is divided into three stages (each of which must be completed in their entirety before moving onto the next)

Informal Stage aims to resolve the concern through informal contact at the appropriate level in school.

Stage 1 – Formal Stage is where written complaints are considered by the Head Teacher, Chair of Governors or a designated governor as appropriate.

Stage 2 - Governor Panel Stage involves a review of the complaint by a panel made up from the School's Governing Body.

Beyond the governing body, a complaint can be taken up with the Department of Education; please see more details on Page 6

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone.

Concerns should be raised with either the class teacher, then the Deputy, then the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 1 of the procedure.

Formal complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a complaint form is included at the end of this document. If you require help in completing the form, please contact the school office. **Appendix B**

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services at Stock C of E Primary School other than complaints that are dealt with under other statutory procedures. Please refer to **Appendix A**.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Stock C of E Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Stock C of E Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

The Complaints Process in Detail

Please note all documentation associated with a complaint is subject to the School's Data Protection Policy.

Informal Stage

1. Most concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 1 - Formal Stage

This stage requires a written complaint to be presented to the School; it should include reasoning as to why the informal process did not satisfactorily resolve the issue. A complaint form is attached to this policy for you to use.

Appendix B

1. Normally, your written complaint should be addressed to the Head Teacher. If, however, your complaint concerns the Head Teacher personally, it should be sent to the school marked "For the attention of the Chair of Governors". Should the complaint concern the Head Teacher and/or a member of the governing body, the complaint should be sent to the Clerk via the School office.
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days from receipt of the written letter, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you, this will be in a non-verbal capacity, however, they can take notes for you.
6. The Head Teacher, Chair of Governors or designated governor (the complaint handler) may also be accompanied by a suitable person if they wish.
7. A note taker will be asked to attend to ensure an accurate record of the meeting is made. This record will be agreed and signed by all parties at the end of the meeting. This will also note the agreed next steps and timeline.

8. Following the meeting, the complaint handler will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
9. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
10. The complaint handler will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the complaint handlers' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a further meeting to discuss the outcome as part of our commitment to building and maintaining good relations.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of three governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice. This is the final stage of the complaints procedure.

1. A request to escalate to Stage 2 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 1 response. The form to complete is attached to this policy. **Appendix C.** The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
2. The Head Teacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
3. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
4. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
5. The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Stock C of E Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee.
6. If the complaint is:
 - jointly about the Chair and Vice Chair or
 - the entire governing body or
 - the majority of the governing bodyStage 2 will be heard by a committee of independent governors.
7. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

8. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend; this will be in a non-verbal capacity, however, they can take notes for you.
9. At least five school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
10. Any written material will be circulated to all parties at least two school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
11. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
12. The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
13. The committee will consider the complaint and all the evidence presented. The committee can:
 - uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
14. The Chair of the Committee will provide the complainant and Stock C of E Primary School with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.
 15. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Stock C of E Primary School.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Stock C of E Primary School. They will consider whether Stock C of E Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

How we manage serial and unreasonable complaints

Stock C of E 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 our 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.

Stock C of E Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

In the case of persistent unreasonable behaviour Stock C of E Primary Schools is entitled to close correspondence (including personal approaches, as well as letters and telephone calls) when we feel all appropriate actions have been taken to resolve the complaint before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Stock C of E 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Stock C of E Primary School.

Appendix A

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Essex County Council.</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH. The LADO can be contacted using: 03330 139 797</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> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to our Behaviour and Anti-Bullying Policy on the school website.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</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. Please contact them directly.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

Appendix B

Complaint form:

Stock C of E Primary School:

Please complete this form and return it to the school office for the attention of the Headteacher, Chair of Governors or Clerk.

Your name:

Relationship with school (e.g. parent):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number:

Email address:

Please give concise details of your complaint (including dates, names of witnesses, etc) to allow the matter to be fully investigated:

What action, if any, have you already taken to resolve your complaint? Please give reasoning why the informal process did not satisfactorily resolve the matter.

What actions do you feel might resolve the complaint at this stage?

Please continue on a separate sheet, or attach additional documents if you wish.

Number of additional pages attached =

Signature:

Date:

Appendix C

Complaint review request form *(must be sent within 10 school days of receiving outcome notice):*

Stock C of E Primary School:

Please complete this form and return it to the school office for the attention of the Headteacher or the clerk for the attention of Chair of Governors.

Your name:

Relationship with school (e.g. parent):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number:

Signature:

Date:

Dear Sir/Madam,

I submitted a formal complaint to the school on, and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and the response(s) from the school. I am dissatisfied with the way in which the procedure was carried out, because

You may continue on separate paper, or attach additional documents if you wish.

Number of additional pages attached =

What actions do you feel might resolve the complaint at this stage?