Bramingham Primary School



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COMPLAINTS POLICY

Reviewed: July 2020

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

We understand that from time to time you may have concerns regarding your child. The following people will do their best to help you:

- Your child’s Class Teacher
- Your child’s Key Stage Co-ordinator - Mrs Jackie Chidwick Key Stage 1, Mrs Glass or Miss Biggs Key Stage 2
- The Assistant Headteachers - Mrs Bains and Mrs Cochrane
- The Deputy Headteacher - Miss Sutton or Mrs Cochrane

The above are listed in the order in which you should take your concern. Staff will discuss your concerns with you, and they will try to address any issues together. Hopefully they will resolve any problems quickly and to everyone’s satisfaction.

The above forms the ‘**Informal Stage**’ of our procedures.

If, however, after following the above procedure of speaking to each of the above in turn, you are still not satisfied with the outcome, then our procedure moves on to a ‘Formal Stage’ of the process.

Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that our school provides, unless statutory procedures apply (such as exclusions or admissions).

We are aware that we must not limit complaints to parents or carers of children that are registered at our school.

Schools may not consider complaints about behaviour that happens outside the school’s hours or premises. (DfE guidance)

General Principles

<u>This Complaints Procedure will</u>:

• encourage resolution of problems by informal means wherever possible

• be easily accessible and publicised

• be simple to understand and use

• be impartial

• be non-adversarial

• allow swift handling with established time-limits for action and keeping people informed of the progress

• ensure a full and fair investigation by an independent person where necessary

• respect people's desire for confidentiality

• address all the points at issue and provide an effective response and appropriate redress, where necessary

• provide information to the school's senior leadership team so that services can be improved.

Complaints that are outside the scope of this policy	
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-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
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
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
• For school admissions • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Contact the Local Authority

• Statutory assessments of Special Educational Needs (SEN) • Admissions to schools	

Formal Stage

If your concern or complaint is not resolved at the Informal Stage, you may choose to put the complaint in writing and pass it to the Joint Acting Headteachers, who will be responsible for ensuring it is investigated appropriately. A complaint form is provided to assist you (**Appendix 1**).

If the complaint is about the Joint Acting Headteachers, your complaint should be passed to the Clerk to the Governing Body, for the attention of the Chair of the Governing Body.

You should include details that might assist an investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions you would like the school to take to resolve your concern. We understand you might find this difficult but all the information we are given will help us to respond to your concern quickly.

Once completed form please pass the form, in a sealed envelope, to the school office. The envelope should be addressed to the Joint Acting Headteachers or Clerk to the Governing Body, as appropriate.

The Joint Acting Headteachers (or Chair) may invite you to a meeting to clarify your concerns and explore the possibility of an informal resolution (**Appendix 2**) or (**Appendix 3**) for members of the public. If you accept that invitation, you may be accompanied by a friend, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Joint Acting Headteachers (or Chair).

If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. (**Appendix 4**)

In any case, you should learn in writing, usually within five days of the school receiving your formal complaint, of how the school intends to proceed. This notification will include an indication of the anticipated timescale.

Any investigation will begin as soon as possible, and when it has been concluded, you will be informed, in writing, of its conclusion.

The outcome of the investigation would usually be one of the following but not limited to:

• The evidence indicates that the complaint was substantiated and therefore upheld

• The complaint was substantiated in part and the part upheld and identified only is upheld

• There is insufficient evidence to reach a conclusion so the complaint is inconclusive

or

• The complaint is not substantiated by the evidence and therefore not upheld.

(**Appendix 5**)

If you are not satisfied with the manner in which the process has been followed, you may request that the Governing Body reviews the process followed by the school, in handling the complaint.

Any such request must be made in writing to the Clerk to the Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review request form is provided for your convenience. (**Appendix 6**)

Review Process

Any review of the process followed by the school will be conducted by a panel of three members of the Governing Body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically. You will be advised of the review outcome (**Appendix 7**)

If you are still dissatisfied with the outcome you may contact The Department for Education, The School Complaints Unit (SCU), 2nd Floor, Piccadilly Gate, Manchester M1 2WD.

The SCU will examine the school's complaints' policy to determine if they adhere to education legislation. However, the SCU will **not** re-investigate the substance of the complaint and will **not** overturn the school's decision about a complaint.

ANNEX TO COMPLAINTS POLICY

Vexatious Complaints

There will be some complainants who are reluctant to accept the outcome of the process. In such cases, the person will be encouraged to refer the matter to the Secretary of State. The Secretary of State's powers are delegated to the school complaints unit (SCU).
The SCU will only consider cases where the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides a school has not followed its published procedures, it has the power to direct the process is re-visited.

Telephone 0370 000 2288
Online www.education.gov.uk/help/contactus
Letter DfE, School Complaints Unit, Second Floor, Piccadilly Gate, Store Street, Manchester M1 2WD.

Should the complainant continue to make contact on the same issue, the Chair of Governors has the power to inform them that the process is complete and the matter is closed.

Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression

The Joint Acting Headteachers 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.

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)

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 unsubstantial complaints and/or unrealistic or unreasonable outcomes

• an insistence upon pursuing complaints in an unreasonable manner

• an insistence on only dealing with the Joint Acting Headteachers 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.

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.

School ’s responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school’s complaints procedure. Taken together, these documents set 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 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 fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy

• 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 pursing a case under Anti-Harassment legislation.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

Physical or verbal aggression

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)

• take legal advice on pursing a case under Anti-Harassment legislation

• call the police to remove the individual from the premises, under powers provided

by the Education Act 1996.

Right of appeal

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Chair of Governors under confidential cover, care of the school. The Chair of Governors will consider each appeal on its merits, consulting with the Headteachers as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Joint Acting Headteachers within 10 working days of receipt.

Barring from the School Premises (Taken from DfE advice)

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 Joint Acting Headteachers 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 Joint Acting Headteachers 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.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

• co-operates with the school in seeking a solution to the complaint

• expresses the complaint in full as early as possible

• responds promptly to requests for information or meetings or in agreeing the details of the complaint

• asks for assistance as needed

• treats all those involved in the complaint with respect.

The Complaints Co-ordinator or Headteachers

The complaints co-ordinator should:-

• ensure that the complainant is fully updated at each stage of the procedure

• ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000

• liaise with staff members, Headteachers, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure

• keep records

• be aware of issues regarding

- sharing third party information
- additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure.

The Investigator's role can include:

providing a comprehensive, open, transparent and fair consideration of the complaint through:-

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- consideration of records and other relevant information
- interviewing staff and children/young people and other people relevant to the complaint
- analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- identifying solutions and recommending courses of action to resolve problems
- being mindful of the timescales to respond
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- circulate the minutes of the panel hearing
- notify all parties of the panel's decision
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that

- the meeting is minuted
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- both the complainant and the school are given the opportunity to state their case and seek clarity

- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing

- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial and that it is seen to be so

- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it

- The aim of the 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

- Many complainants will feel nervous and inhibited in a formal setting;

  Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

  Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Appendix 1

Date:

Formal complaint form

Please complete this form, and return it to the school office or to the Joint Acting Headteachers who will acknowledge its receipt and inform you of the next stage of the procedure.

Your name	
Relationship with school (eg parent of a pupil on the school roll)	
Pupil's name (if relevant to your complaint)	
Your address	
Daytime telephone number	
Evening telephone number	
Email address	
Please give concise details of your complaint (inc. dates, names of witnesses, etc) to allow the matter to be fully investigated – you may continue on separate paper or attached additional documents if you wish.	
Number of additional pages attached.	
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to, and what was the outcome?)	
What actions do you feel might resolve the problem at this stage?	
Signature	

Acknowledgement of receipt of formal complaint and invitation to meet

Dear [Insert name of complainant]

I have received your formal complaint, dated ……. and I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend if you would find this helpful.

Please telephone…… to arrange an appointment or I can offer you an appointment at …. on …….. Please let me know if this is convenient.

I hope we will be able to resolve your concerns through our meeting, but if not, I will ensure the appropriate investigation takes place.

Yours sincerely,

Joint Acting Headteachers
or Chair of governing body

Acknowledgement of receipt of formal complaint referred by a third party [eg LA, Diocese, MP]

Dear [Insert name of complainant]

I have received a copy of the documentation that you sent in to ……. setting out a complaint about …….. . This has been passed to the school because it has responsibility for these matters.

The school and governing body take any complaint seriously. Therefore, I would like to meet with you so that I may understand the details of your concerns more clearly. Please telephone …… to arrange an appointment or I can offer you an appointment at ……. on ……... Please let me know if this is convenient.

Meanwhile, I would be grateful if you would complete and return the formal complaint form
that is enclosed, along with details of the school's complaints procedure.

I hope we will be able to resolve your concerns through our meeting, but if not, I will ensure the appropriate investigation takes place.

Yours sincerely,

Joint Acting Headteachers
or Chair of governing body

Acknowledgement of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear …….

I have received your formal complaint dated …… and I am grateful you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, they will write to you to make suitable arrangements.

Because your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means the detail of the procedure and its outcome must remain confidential to the school
and the member of staff concerned.

OR

Because your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event, I'll let you know when the matter has been concluded.

If I can be of any further assistance, do let me know.

Yours sincerely,

Joint Acting Headteachers
or Chair of governing body

Notification of decision regarding formal complaint

Dear ……..,

Following receipt of your complaint and careful consideration of all the available relevant evidence, the panel has concluded that:

The concern is not substantiated by the evidence in that ……

OR

The concern was substantiated in part/full because ……. The school will review its practices/procedures…..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

To address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, the circumstances that gave rise to your complaint should not be repeated.

OR

To address fully the matters of concern you identified, the panel recommended that the governing body should review its…….. policy as a matter of urgency. We are confident this should prevent similar concerns arising in future.

I hope this will now conclude the matter and we can look to the future working together for the benefit of your child's and the school.

Yours sincerely,

Joint Acting Headteachers/Chair of governing body/Chair of panel

Appendix 6

Complaint review request form

Please complete this form, and return it to the joint head teachers (or clerk to the governing body) who will acknowledge its receipt and inform you of the next stage of the procedure.

Your name:

Your address:

Daytime telephone number: Evening telephone number::

Email address:

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 – please indicate the number of additional pages attached:)

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

Signed: Date:

For School use

Date form received Received by

Date acknowledgement was sent:

Acknowledgement sent by:

Request referred to: Date:

Review outcome notification

Dear ……..,

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons …… Therefore, we now consider the matter closed.

OR

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school followed the relevant procedure appropriately in respect of your complaint except …….. . Therefore, the following action will be taken ……. .
Once this action has been completed, the school will consider the matter to be closed.

OR

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school followed the relevant procedure appropriately in respect of your complaint except …….. .

However, the panel determined this procedural failure did not affect the outcome of the consideration of your complaint, so while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of complaints review panel
c.c. Joint Acting Headteachers
Chair of governors