

Lockerley Church of England Endowed Primary School

'Believe Together, Achieve Together'

Complaints Policy

Love -Courage –Respect

*'So in everything, do to others what you would have them do to you,
for this sums up the Law and the prophets'*

Matthew 7:12

Complaints Procedure

1. Overview

From 1 September 2003 Governing Bodies of all maintained schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

2. General Principles of complaints

2.1 Dealing with Complaints - Initial concerns

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

2.2.1 Dealing with Complaints - Formal procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

2.3 Framework of Principles

Our Complaints Procedure will:

- 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;

March 26 – review March 27

- 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 management team so that services can be improved.

2.4 Investigating Complaints

At each stage, the person investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interviews with an open mind;
- keep notes of any interviews.

2.5 Resolving Complaints

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology; (without this being an admission of error/liability)
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.6 Vexatious Complaints

If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.7 Time-Limits

March 26 – review March 27

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

3. Formal Complaints Procedure

3.1 The Stages of Complaints

There are three stages to our Formal Complaints procedure.

- Stage one: complaint heard by Headteacher, unless the complaint is about the headteacher, then Stage two
- Stage two: complaint heard by Chair of Governors
- Stage three: complaint heard by Governing Body's Complaints Panel Chair and, subject to his/her investigations, by the Panel;

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

An unsatisfied complainant can always take a complaint to the next stage.

The complaints procedure can be found in Annex B.

4. Managing and Recording Complaints

4.1 Recording Complaints

Lockerley School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form can be found in Annex D. At the end of a meeting or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

4.2 Governing Body Review

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating our school's performance.

4.3 Published Procedure

There is a legal requirement for the Complaints Procedures to be publicised. Our Complaints Procedure is on the school website. www.lockerleyprimary.co.uk

Guidance for parents with children in Hampshire LA schools may be found at www3.hants.gov.uk/cs-complaints.htm

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:
Department for Education

March 26 – review March 27

Annex A

5. Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school shall –

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 271 other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1) the Governing body shall have regard to any guidance given from time to time by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

Annex B

6. Complaints Procedure

6.1 The three stages

Stage One: Complaint heard by Headteacher

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors

should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The Headteacher's influence will already have shaped the way complaints are handled in the school. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

Stage Two: Complaint heard by Chair of Governors

The complainant needs to write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair will write to the complainant.

If the complainant is not satisfied he/she may ask for the matter to be referred to stage three.

Stage Three: Complaint heard by Complaints Panel

The Chair of the complaints panel will consider whether to convene a meeting to consider the complaint. This decision will be based upon a discussion with the Chair of Governors and communication with the complainant. This forms part of stage three.

The Governors' appeal hearing is the last stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

6.2 The Complaints Panel

Complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will nominate five members to form a panel of three with delegated powers to hear complaints. The terms of reference for the panel are to:

- draw up its procedures
- hear individual complaints
- make one or more of the recommendations below as a result of complaints.

6.3 The remit of the complaints panel

The panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

6.4 Panel members - points to remember

March 26 – review March 27

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal 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. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Governors sitting on the panel need to be aware of the complaints procedure.

6.5 Roles and Responsibilities - The Role of the Clerk

The clerk will be the contact point for the complainant and is required 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 and notify all parties of the panel's decision.

The role of the Chair of the Complaints Panel is to ensure that:

- there is a check that the correct procedure has been followed;
- if a hearing is appropriate, that the clerk is notified to arrange the panel;
- the remit of the panel is explained to the parties and each party has the opportunity of
- putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions, written material is seen by all parties
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Panel hearing

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within five working days.
- Both parties leave together while the panel decides on the issues.

6.6 Notification of the Panel's decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

Lockerley Church of England Endowed Primary School

Complaints Procedure Complaint Form

Please complete and return to the school office for the attention of a member of the admin team who will acknowledge receipt and explain what action will be taken.

Lockerley Church of England Endowed Primary School

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaints:

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response.)?

**Complaints
Procedure**

Complaint Form

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

School use:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

7. Policy for managing serial and unreasonable complaints

Note: This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Lockerley 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.

Lockerley 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.

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 ask them to change it. For complainants who excessively contact Lockerley 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 Lockerley Primary School.