



# Complaints Policy

## Updated November 2017

*This Policy will be reviewed by the Personnel Committee every 3 years or, in the event of a change in legislation, earlier.*

### Introduction

St Michael's C of E Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Thoroughly
- Promptly
- Impartially
- In a non-adversarial manner
- Confidentially

In order to do so, the Governing Body of St Michael's C of E Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. Members of staff are familiar with the procedure and will be able to assist you.

### What constitutes a complaint?

The Governors of St Michael's C of E Primary School make a distinction between a **concern** and a **complaint**. We define a 'concern' as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. We define a complaint as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

In the event that complainants would like to raise their concerns formally, our formal procedure should be invoked through the stages outlined within this policy. It is in everyone's interest that complaints are resolved at the earliest possible stage.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides. We do not limit complaints to parents or carers of children that are registered at the school.

However, this policy does not cover complaints where other procedures apply, including:

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- Matters likely to require a Child Protection Investigation
- School re-organisation proposals
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures

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

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy, a copy of which can be found on the school's website.

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

## **Complaints Procedure**

### **Raising a concern**

Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher. Ideally, they will be able to address your concerns on the spot, or will arrange a meeting with you to discuss the issue.

### **Stage 1 – Informal investigation by a member of the Senior Leadership Team**

Where, as a result of raising a concern, you feel that the issue has not been addressed, or where the outcome has been that the concern needs further investigation, you may progress by making an informal complaint.

1. You must explain in writing or verbally (written notes will be taken by the senior leader):
  - an overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right
2. The senior leader will respond within 5 working days (excluding those which fall in the school holidays) explaining what action they intend to take to investigate the complaint.
3. Within 10 working days (excluding those which fall in the school holidays), the senior leader will provide written confirmation of the outcome of their investigation and any action to be taken.

Where you are not satisfied with the outcome, you can progress to stage 2 of the complaints procedure.

### **Stage 2 – Formal investigation by the head teacher**

You must submit a formal complaints form to the head teacher. See page 9 for a copy of the form.

1. The head teacher will respond in writing within 5 working days (excluding those that fall in the school holidays) to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

2. The head teacher will consider all relevant evidence; this may include but is not limited to:
  - a statement from you
  - if relevant, a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case
  - interview with anyone related to the complaint
  - a clarification of what you feel would put things right
  
3. The head teacher may decide to have a meeting with you if they feel that it would be appropriate for the investigation.
  
6. After considering the available evidence, the head teacher will decide whether to:
  - Uphold the complaint in full and direct that action be taken to resolve it
  - Reject the complaint and provide you with details of to appeal
  - Uphold the complaint in part and direct that action be taken to resolve those particular aspects of the complaint
  
7. The head teacher will inform you of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They will explain clearly why they have come to the decision they made. They will detail any agreed actions as a result of the complaint. They will also provide you with details of how to progress the complaint to stage three if you are not satisfied, providing you with the contact details of the clerk to the Governing Body.

### **Complaints against the head teacher, a governor or the chair of governors**

If the complaint is against the head teacher you should make your complaint direct to the chair of governors.

Complaints against chair of governors or a governor should be made in writing to the clerk of the Governing Body.

### **Stage 3 – Formal appeal to the Governing Body**

If you are not satisfied with the decision by the head teacher at stage 2 of the procedure, or with the action that the head teacher took in relation to your complaint, you can appeal this decision. You must write to the clerk of the Governing Body (via the school office) as soon as possible, and within 4 working weeks, after receiving notice of the head teacher's decision, briefly outlining the content of your complaint and requesting that a complaints appeal panel is convened.

On receipt of the complaint, the Chair of Governors (or other governor) will:

- clarify the nature of the complaint and what remains unresolved
- meet with you or contact you (if unsure or further information is necessary)
- clarify what the you feel would put things right

At this point the Chair of Governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if you and the head teacher are willing for it to be tried. **At this point no further information about the complaint will be shared with other governors.** If mediation is not successful, the complaint will be considered by the governors' complaints panel.

## Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both you and head teacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help the head teacher and you identify and build on areas of agreement
- It gives head teacher and you a structure within which to resolve remaining differences
- If both you and head teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an apology
- 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

## Governors' Complaints Panel

If after mediation, you are still not satisfied that your complaint has been dealt with fully and properly, you may choose to take it to a panel of governors. You must make this request in writing to the clerk of the Governing Body. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to you within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. In the event that the governors do have prior knowledge of the content of the complaint the panel will be made up of 3 independent members, typically governors from another school and/or representatives of the Local Authority and/or the Diocese of Oxford. You may also request a completely independent panel. This is at the discretion of the governing body who will notify the clerk of their decision.
3. Where the complaint is about a governor, you may request that the appeal is heard by an entirely independent panel. This is at the discretion of the governing body who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
4. The chair of the panel will be nominated by the chair of governors and is responsible for ensuring that both you and the head teacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.
5. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to you, confirming the appeal. The clerk will organise the time and date of the appeal hearing, inviting all the attendees, collate the relevant documentation and distribute this 5 days in advance of the meeting, record the proceedings in the form of minutes, and circulate these and the outcome of the meeting.
6. The conclusion that the Complaints Panel can draw are to:
  - dismiss the complaint in whole or in part;
  - uphold the complaint in whole or in part;

- decide on the appropriate action to be taken to resolve the complaint
  - recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur
7. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays) of the hearing.

**There are several points which governors sitting on a complaints panel need to remember:**

- The appeal hearing is independent and impartial. 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 needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- 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 not intimidating and not adversarial
- Panel members must find ways to ask probing questions while maintaining an air of impartiality
- The head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that head teacher and complainant enter and leave the room where the hearing is held together
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.
- Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint

**The Complaints Panel will:**

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the headteacher investigated a complaint about a member of staff – **but cannot expect the headteacher to provide details about confidential discussions with that staff member.**
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the headteacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the Governing Body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- Consider whether it should recommend that the Governing Body offer appropriate redress

**Format of a Panel Hearing**

1. Complainant and headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint,
4. The headteacher may question the complainant
5. The panel will question the complainant
6. The headteacher is then invited to explain the school's actions
7. The complainant may question the headteacher
8. The panel will question the headteacher
9. The complainant is then invited to sum up their complaint.
10. The headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify

## Exceptional circumstances

### 1. The chair of governors may not be able to find three governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge

If there are still insufficient governors able to sit on a panel, the governing body in consultation with the Local Authority or Diocese will put in place an alternative fair process after consulting with Governor Services

### 2. In exceptional circumstances, it is possible that the complaint is not against the head teacher

A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the head teacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the head teacher. That would need to be considered very carefully but if agreed the senior manager would be 'the head teacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'head teacher' would be read as 'chair of governors'.

### 3. The complainant and/or the headteacher may wish to call witnesses

The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed.

### 4. The complainant may be a pupil at the school

Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the governing body. If it is not resolved it would be very unusual if parents have not picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

## Appeal to the Secretary of State

The Governors' Complaints Panel is the final stage at which the school will consider the complaint. If you remain dissatisfied and wish to take the complaint further, you have the right to refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also

seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996. Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester M1 2WD

### **Unreasonable complaints**

St Michael's 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 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.

We define 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 head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Michael's 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 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 the school.

	Staff	Personnel Committee	Full Governing Body
Policy approved by	7/02/11	3/02/11	9/01/11
Policy reviewed by	19/10/15	15/10/15	18/11/15
Policy reviewed by	27/11/17	17/11/17	22/11/17





## St Michael's C of E Primary School Formal Complaints Form

Name	
Name of child, year group and your relationship with them (where applicable)	
Contact address	
Contact telephone number (day)	
Contact mobile number	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	
If you are attaching any supporting paperwork, please list below	
Signed	Date

Please return to the school office marked: Urgent – for the attention of the head teacher

<i>Official use</i>	
Date received:	Date acknowledgement sent:
Complaint referred to:	Signed: