
Complaints Procedure



Date : Autumn 1 2017- 2018
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Framework of Principles

This Complaints Procedure is intended to:

- 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 management team so that services can be improved if necessary.

Concerns

Occasionally parents may 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, home learning, behavioural problems or any other issue.

If the concern is about a pupil, the teachers and staff will explain the school practices and policies and how they affect the pupils. Most concerns can be handled by the class teacher.

In the first instance, it is usual to speak to the child's class teacher, or contact the school office to arrange an appointment to discuss the concern (see Communication Chart on school website). Staff will aim to help resolve a concern. If parents/carers wish to make their concerns formal, the defined procedures, as outlined below, will be enacted.

There are three stages to the nationally accepted procedure:

Stage 1: aims to resolve the concern through informal contact at the appropriate level in school (as outlined above).

Stage 2: is the first formal stage where written complaints are considered by the Head of School or a designated governor, who has responsibility for dealing with complaints.

Stage 3: is the next step, if resolution has not been possible at Stage 2. It involves the governing body complaints review panel (the decision of the review panel is final).

If the complainant is unhappy with the outcome after Stage 3, or the way that the complaint was handled at school level, they can write to the Secretary of State at the following address:

The Secretary of State
Department of Education
Sanctuary Buildings
Great Smith Street
LONDON
SW1P 3BT

Stage 1 - Your initial contact with the school

1. Many concerns will be dealt with informally when they are known to the school. The first point of contact should be the child's class teacher.
2. Contact could be made face to face, by telephone or in writing as soon as possible after the concern is made known to the school. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by the complainant. This would then be confirmed in writing.
3. The complainant should be updated on the progress of the school's enquiries (within 10 working days) and will have the opportunity to have the matter considered further once a response has been made.
4. If the complainant is still dissatisfied following this informal approach, the concern will become a formal complaint and the school will deal with it at the next stage.

Stage 2 – Formal consideration of your complaint

1. The written complaint should be addressed to the Head of School. If, however, the complaint concerns the Head of School personally, it should be sent to the school office marked 'For the Attention of the Chair of Governors'.
2. To ensure confidentiality, all correspondence to school leaders must be submitted in a sealed envelope to the school office rather than by email.
3. The complaint will be acknowledged in writing, with a copy of the school's procedures as soon as possible after receiving it. This will be within three working days.
4. A full response should be made to the complainant within ten working days. If it is not possible to respond within this timescale, then the complainant should be informed of the reason for the delay.
5. As part of the consideration of the complaint, the complainant might be invited to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Head of School, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Head of School or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, the school would talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
9. Once the relevant facts have been established, a written response would be sent to the complainant. This will give a full explanation of the Head of School's or Chair of Governor's decision and the reasons for it.
10. If the complainant is dissatisfied with the outcome of the Stage 2 investigation and the school's findings, they could request to proceed to Stage 3, as described below.

Stage 3 – Consideration by a complaints panel

- If, having been through Stages 1 and 2, the complainant is not happy with the outcome, the Chair of Governors will instruct the Clerk to set up a complaints review panel to consider it. This is a formal process.
- The purpose of this arrangement is to give the complainant an opportunity to have their complaint heard in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The complainant would be asked whether they wish to provide any **further written documentation** in support of their complaint. It can include witness statements, or the complainant could ask witnesses to give evidence in person.

3. The Head of School will prepare a **written report** for the panel. Other members of staff directly involved in matters raised will also be asked to prepare reports or statements.
4. The clerk will inform the parent, Head of School, any relevant witnesses and members of the panel by letter, at least **five working days** in advance of the meeting. All parties will receive the same written documentation. The complainant is entitled to be accompanied to the meeting. With the agreement of the chair of the panel, the Head of School may invite **members of staff** directly involved in matters raised by the complainant to attend the meeting.
5. No evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting should be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
6. The chair of the panel will ensure that the meeting is properly **minuted**. The complainant can request a copy of the minutes; this is at the panel's discretion.
7. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Head of School;
 - you to question the Head of School about the complaint;
 - you to be questioned by the Head of School about the complaint;
 - the panel members are able to question you and the Head of School;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the Head of School to make a final statement.
8. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Head of school and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
9. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
10. The clerk will send you and the Head of school a written statement outlining the decision of the panel **within two weeks**.

The Remit of the Complaints Appeal Panel

The panel can:

- 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 that problems of a similar nature do not recur.

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 there is a cross-section of the categories of governor and it is 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 recognized 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.
- The 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.

Dealing with unreasonable, serial or persistent complaints

The Opossum Federation 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.

The Opossum Federation defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'* This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school..

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
- Acts in a way not in line with the school aim of reaching a resolution and working with the school

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 of school or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint.

If the behaviour continues the head of school will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the 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 barring an individual from the school.

Complainants who behave in an unacceptable way

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/other adult's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the head of school 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/carer may wish to make. Schools should always give the parent/other adult 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/other adult and either confirmed or lifted. If the decision is confirmed the parent/other adult 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 head of school or Chair of Governors.

What can you expect from the school?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's complaints procedure
- Respond within a reasonable time;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the Complaints Procedure
- Keep those involved informed of progress towards a resolution.

What the school expects of you

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school;
- Never to use violence (including threats of violence) towards people or property;
- 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 some problems may not be resolved in a short time;
- Follow the school's complaints procedure.

- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the school

Roles and Responsibilities

Clerk

It is strongly recommended that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be 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;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role will:

- Check that the correct procedure has been followed;
- Ascertain if a hearing is appropriate and notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- 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 materials are 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.

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. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- 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 Head of School may question both the complainant and the witnesses after each has spoken.
- The Head of School is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head of School 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 Head of School is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Learning Lessons

The governing body will review any underlying issues raised by complaints with the school, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Links with other policies/procedures

- Safeguarding policy
- Admissions policy
- Positive Behaviour policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

