



## Complaints Policy

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**Lead Person(s): Rosetta Dyer, Headteacher**

**Committee: Children, Families & Community Committee**

**Ratification by: Children, Families & Community Committee**

**Statutory Policy: Yes**

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### Introduction

It is our aim at Burdett-Coutts and Townshend Foundation CE Primary School to work closely with all parents in a partnership which benefits all children and ensures that their school experience is happy and secure. The home/school agreement clearly states expectations of pupils, staff and parents.

When dealing with parental complaints, the school adheres to guidance from the Department for Education (DfE) advice, *'Best Practice Advice for School Complaints Procedures 2016'*, January 2016.

### Aims

- To reaffirm the partnership between parents, staff and governors as they work together for the good of the pupils in the school
- To ensure that it is easy for parents to inform the staff and/or governors of any concerns they may have and that they will respond quickly and positively to complaints from parents.

### What Is 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'*.



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### Complaints Not In Scope Of The Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
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.
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 about service. They should be contacted direct.



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### Serial and Persistent Complainants

When the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

The decision to stop responding should never be taken lightly. We will not respond to a particular complaint when:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.



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### Arrangements For Managing Complaints

- Parents may request a copy of this policy from the school office at any time.
- The Headteacher or Deputy Headteacher will respond to a verbal or written complaint within 3 working days of receiving it but may well need longer to fully investigate the circumstances leading to the complaint. Parents will be kept informed of time scales involved. Timescales need to be flexible to meet particular circumstances, however a response detailing the investigation will normally be provided within 10 working days.
- All complaints are handled in strict confidence and the school's attitude to a pupil would never be affected by a parental complaint.
- The school will ensure that all staff have opportunities to discuss, respond and understand the school's response to concerns and complaints made by parents.
- Any person complained against has equal rights with the person making the complaint.
- The school would not seek to directly involve pupils in a complaints procedure.

A summary of the procedures is as follows:

#### **Stage 1: Formal**

On receipt of a formal complaint, the Headteacher or designated member of staff investigates. Headteacher notifies the outcome of the investigation to parents, saying that if they are not satisfied, they may send a written complaint to the Chair of the Governing Body.

#### **Stage 2: Formal**

On receipt of a written complaint, the Chair of Governing Body, or designated governors, investigates. Chair sends a written summary of the finding to the parents together with his/her decision. If the parents are not happy with the chair's decision, they may ask for the matter to be referred to the Governing Body's Complaints Committee.

#### **Stage 3: Formal**

Following a referral by the Chair of Governors, the Complaints Committee considers the complaint and reaches a decision. The parents are informed of the decision. The committee's decision is final.

***\*Please see Appendix A for further information.***

### The Role Of The Headteacher

The Headteacher is responsible for the internal organisation and management of the school. She/He therefore has overall responsibility for considering complaints in the first instance or arranging, if appropriate, for a designated member of staff to deal with them. However the



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Headteacher must be kept fully informed of the complaint and the way in which it is being addressed.

When deciding which course of action to take over a response to a complaint, the Headteacher may wish to consult with the Chair of Governors, the Complaints Officer at the Local Authority (LA) or the LDBS or seek advice from the National Association of Head Teachers (NAHT).

The Headteacher will keep a record of complaints received and outcomes.

### The Role Of The Governing Body

The governing body is responsible for the overall conduct of the school and must ensure that a complaints procedure is in place and reviewed regularly. The Headteacher will normally inform the Chair of the Governing body of complaints received unless she/he is going to form part of any committee to hear disciplinary or capability procedures; in which case she/he must remain untainted.

If a governor receives a complaint from a parent, it will be referred to the Headteacher to investigate. If the Headteacher is the subject of the complaint, then the Chair of the Governing Body will undertake the investigation.

The Governing Body should appoint a Complaints Committee of three governors to consider any formal written complaints should it reach this stage. A pool of governors from which this committee can be formed will be agreed at the beginning of each school year. Regard must be given to confidentiality throughout the process to ensure that governors do not become tainted and are therefore not able to serve on such a committee.

After a complaint has been dealt with, it may be appropriate for the Headteacher or Chair of the Governing Body to make a brief report to the governing body without mentioning names and protecting confidentiality.

### The Role Of The Local Authority

The Local Authority will:

- Provide guidance and advice to schools on good practice
- Provide procedures for schools for parental complaints against the curriculum and matters relating to it
- Provide advice to complainants on how to complain.



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### The Role Of The LDBS

The Diocesan Board acts in an advisory capacity to Headteachers and governing bodies but does not have the power to investigate complaints.

***\*Please see Appendix B for further information on roles***

### Policy For Unreasonable Complaints

Burdett-Coutts & Townshend Foundation CE 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.

Burdett-Coutts & Townshend Foundation CE Primary School 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'*.

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;



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- 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 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 asking them to change it. For complainants who excessively contact Burdett-Coutts & Townshend Foundation CE 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 Burdett-Coutts & Townshend Foundation CE Primary School.



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### **Barring From The School Premises**

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, the school can ask him/her to leave school premises. In serious cases, the Headteacher 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. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will 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 Headteacher 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.

This policy will be reviewed and updated on an annual basis.

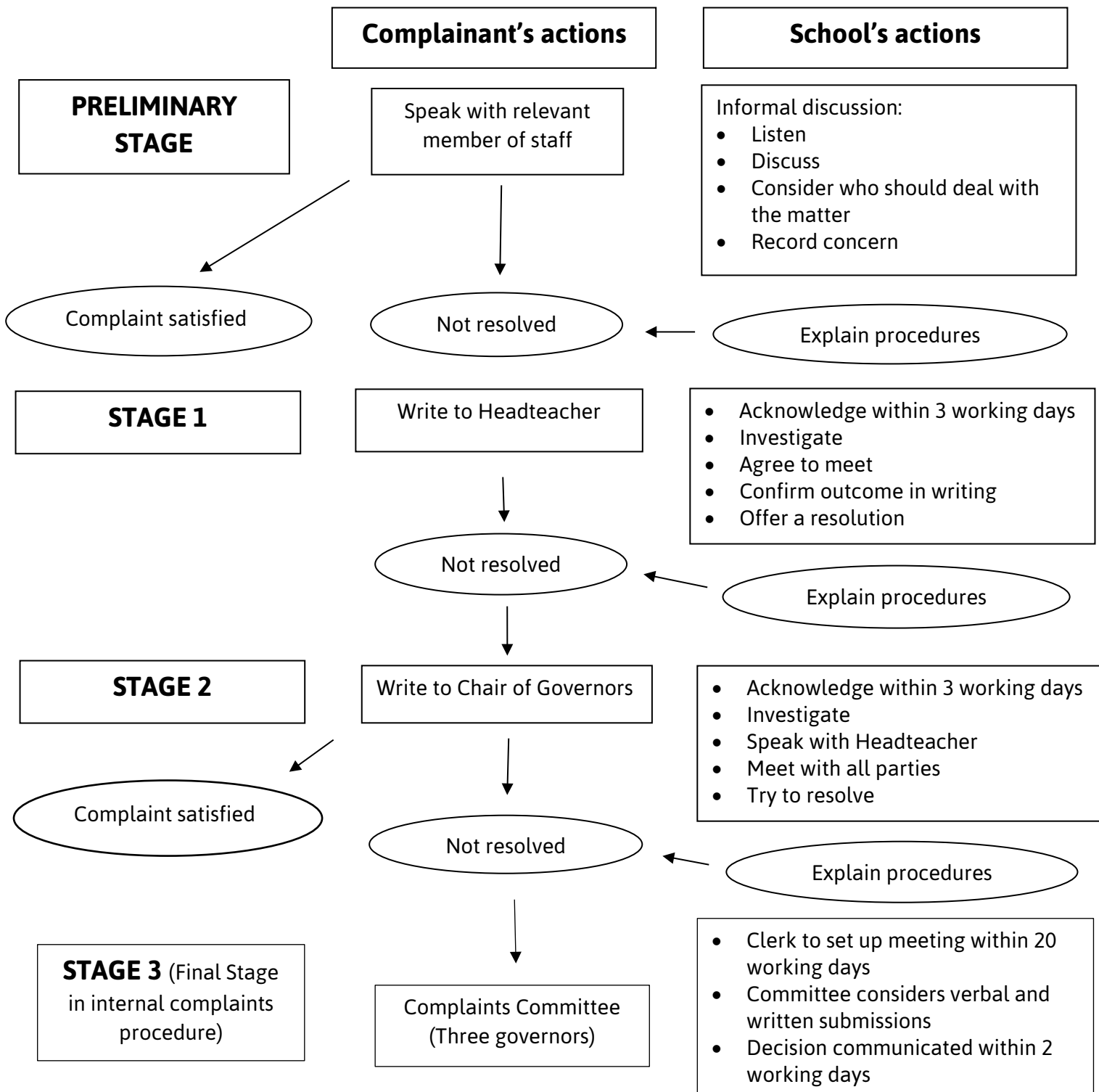
**This policy was ratified by the Children, Families & Community Committee on 5<sup>th</sup> May 2016**





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## Appendix A: Complaints Procedure





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STAGE	DESCRIPTION	RESPONSE
<p><b>Preliminary Stage</b></p>	<p>Discussions with relevant member of staff and/or Headteacher.</p>	<ul style="list-style-type: none"> <li>• As soon as possible but no later than 7 working days.</li> </ul>
<p><b>Stage 1</b></p>	<p>Written complaint to Headteacher.</p>	<ul style="list-style-type: none"> <li>• Acknowledge within 3 working days.</li> <li>• Response normally within 5 working days.</li> </ul>
<p><b>Stage 2</b></p>	<p>Written complaint to Chair of Governors.</p>	<ul style="list-style-type: none"> <li>• Acknowledge within 3 working days.</li> <li>• Response normally within 10 working days.</li> </ul>
<p><b>Stage 3</b></p>	<p>Complaints' Committee Hearing</p>	<ul style="list-style-type: none"> <li>• Hearing set up within 20 working days within 10 days notice of meeting.</li> <li>• Agenda and papers sent out 7 working days in advance.</li> <li>• Decision letter with 2 working days.</li> </ul>



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### Appendix B: 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 Headteacher)**

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, Headteacher, 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:



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- 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; and
  - 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 (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.



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### The Panel Chair

The Panel Chair has a key role in ensuring that:

- liaise with the complaints co-ordinator
- 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.



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- 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.