



The Federation of The Downs & Northbourne Church of England Primary Schools



Complaints Policy

**School Mission Statement
Federation of The Downs and Northbourne CEP Schools**

Our mission is to create a school in which every member feels valued, irrespective of their race, gender or disability and where the development of the whole child is paramount.

We expect high standards from all, and try to provide the maximum opportunities for every member to fulfil their individual potential. Our Christian ethos encompasses tolerance and cultural diversity which will enable us to embrace the challenges of our world.

We strive to make our learning and working environment a safe, but vibrant and stimulating place from which children can begin their journey of lifelong learning.

Our values underpin our entire school curriculum.

Reviewed	Next Review			
October 2018	October 2019			

Federation Complaints Procedure

Our federation is committed to providing the very best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school, other than those covered by separate legislation and formal procedures which are covered by other policies and guidance. These include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances / Discipline
- Child Protection
- Whistleblowing

It is expected that all complaints will be referred to the school in the first instance and that all stages will be pursued before considering a referral to the Secretary of State for Education (DfE Complaints Unit) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Key principles of this policy are:

Accessibility – the policy will be available on the school’s website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge

Good communication – the school will be happy to explain the process for dealing with concerns and complaints

Timescales- there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.

Clarity – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant

Confidentiality- appropriate confidentiality will be maintained by all those involved (including school staff and governors).

The governing body will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**

That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

The Stages of the Complaints Process (flowchart of process at appendix 2)

Stage 1 – Informal Complaint

Please start by telling the class teacher or form tutor about your concern. This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- It is good practice for the class teacher to make a brief written record of the concerns raised and any actions agreed

Stage 2 – Formal Written Complaint (non- parental complaints are likely to go straight to this stage)

If you feel dissatisfied with the outcome of discussions with the class teacher, you should then contact the Heads of school either by arranging an appointment to see them or by putting your complaint in writing. You may use the form attached as appendix 1 to do this.

If you are not using the form, your letter should set out clearly the concern and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what resolution you are seeking.

The Heads of School will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact you if they need further information;
- Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record

The Heads of School will keep in mind ways in which the complaint can be resolved. It may 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
- an explanation
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Heads of School will discuss the outcome of their consideration of your complaint with you and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision the Heads of School has made about your complaint, this does not become a complaint about the Heads of School. However, if your complaint is about the conduct of the Heads of School and you feel that it has not been resolved at the informal stage, then you should move directly to Stage 3 of the procedure and write to the Chair of Governors.

Stage 3 – Governor Review Panel

If you are not satisfied with the response of the Heads of School, or you have a concern or complaint that is specifically about the Heads of School which has not been resolved informally, then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors name, or you can find it on at the school address, marking any envelope “urgent, private and confidential”.

- The Chair of Governors or Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that three members of the school’s governing body will hear the complaint within 20 working days of receiving the complaint. If necessary, membership of this panel may be sought through the collaborative links with the Deal Learning Alliance. The letter will invite the complainant to attend and also explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support.
- For complaints specifically about the Heads of School, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator.
- A meeting of the Governors Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An experienced governor will chair the panel meeting. The chair/clerk of the complaints panel will contact the complainant with the arrangements.
- Once the panel has been held, the complainant and the school will be informed of their decision within five school working days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3.

Stage 4 – Escalation to Secretary of State for Education

If the complainant remains unsatisfied by the outcome of the governor's panel, they will be advised to contact the Secretary of State for Education. 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.

The School Complaints Unit considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. They will look at whether the school's complaints policy and other relevant statutory policies were adhered to. They will also check whether the school's policy adheres to education legislation. However the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by going online at: 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

Policy for unreasonable complainants

Our 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. The 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'.

Examples: 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 Heads of School or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Heads 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 banning an individual from school premises.

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, a school can ask him/her to leave school premises. In serious cases, the Heads 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 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 Heads of School 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.

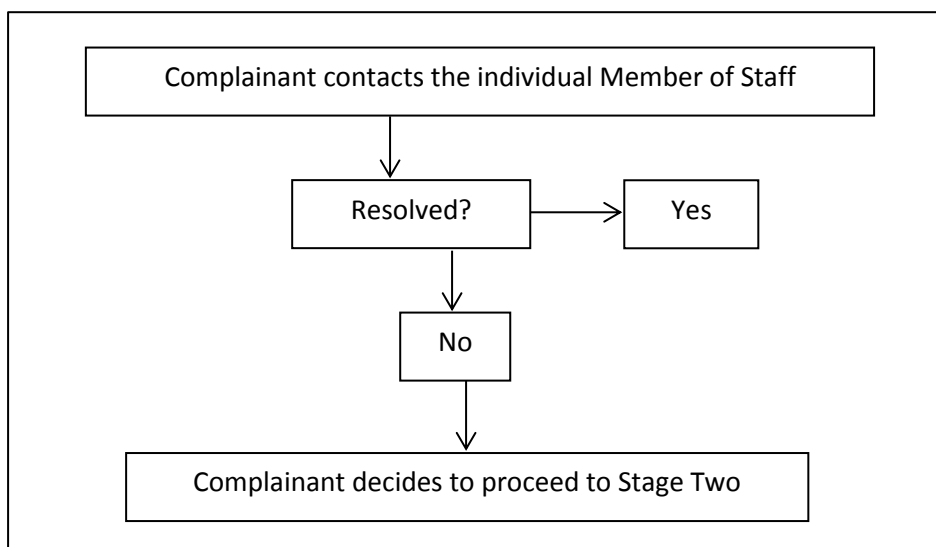
Complaints Form

Please complete and return to who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Complaints Procedure for Schools – Flowchart

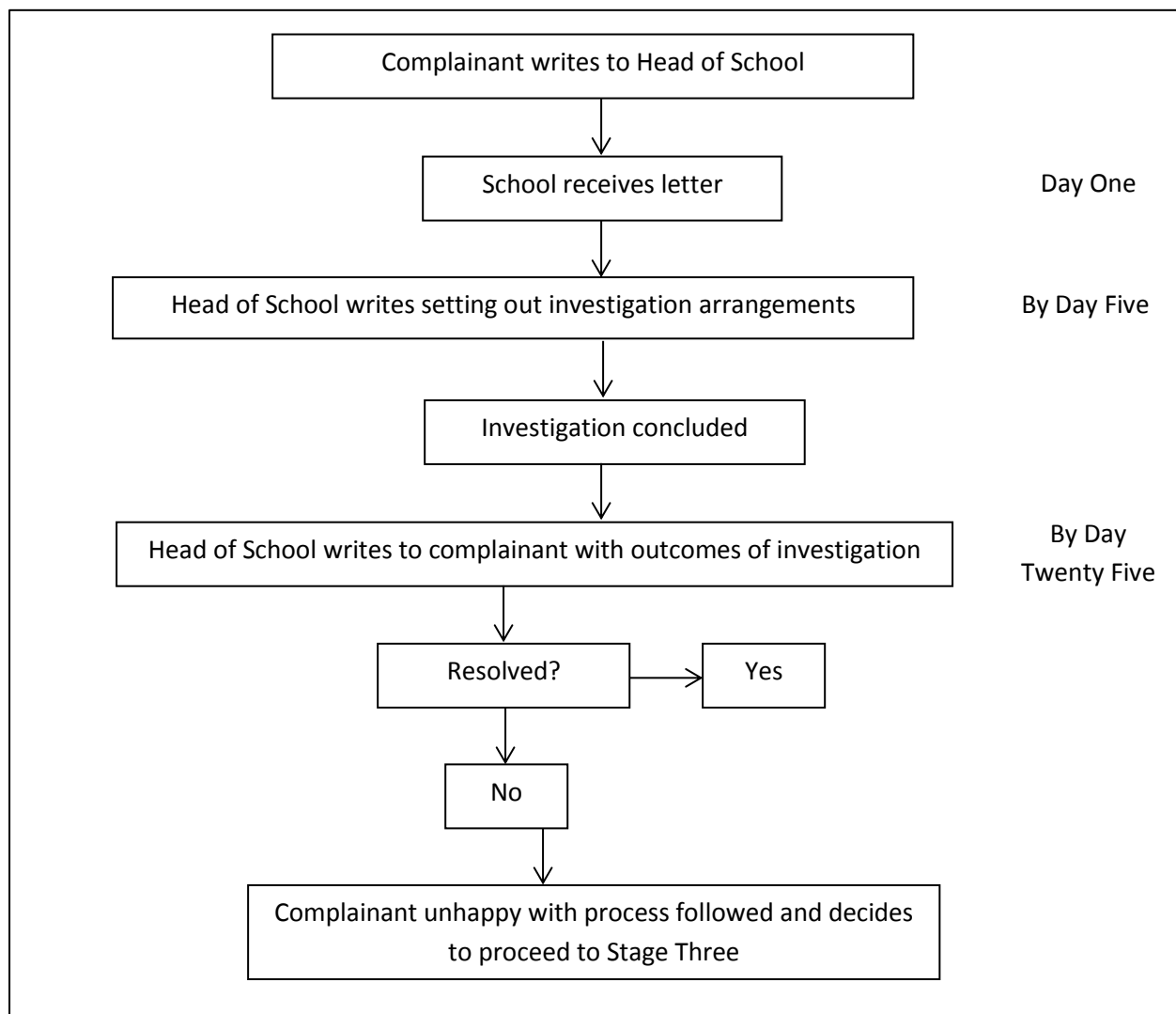
Stage One

Informal Stage



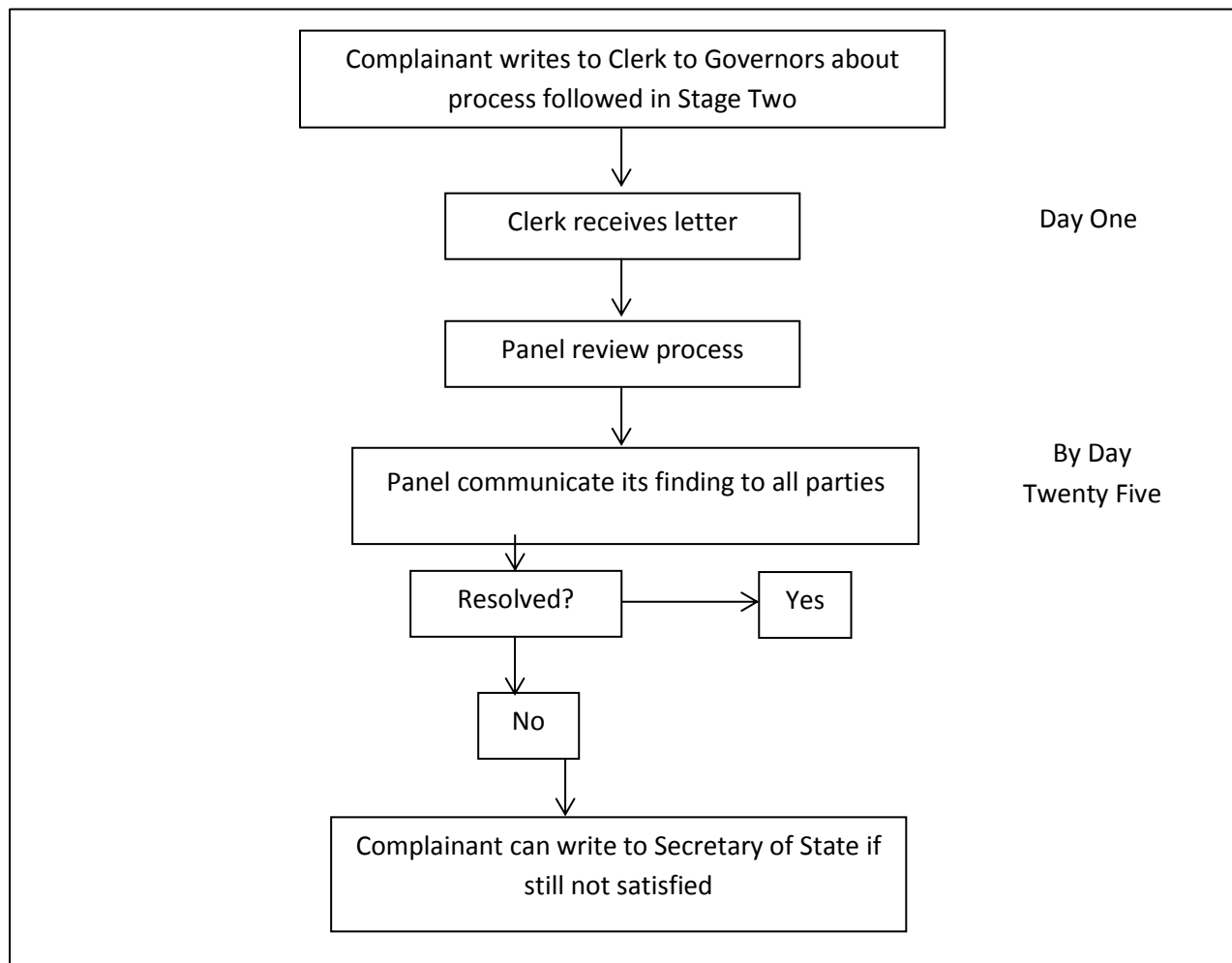
Stage Two

Formal Stage



Stage Three

Governors Review Panel



Note:-

If the complaint is about the actions of the Heads of School then the Chair of Governors carries out the Head of School role as indicated above.

Governor Complaints Panel procedure

At the Panel hearing:

- The Complainant will have the opportunity to present their complaint.
- The Heads of School (or Investigating Governor) will explain the school's position.
- Panel members will have the opportunity to ask questions of the complainant and the Heads of School
- The Heads of School (or Investigating Governor) will be given the opportunity to make a final statement to the Panel.
- The Complainant will be given the opportunity to make a final statement to the Panel.
- The Chair of the Panel will ask the Complainant if he or she feels they have had the opportunity to say everything they wish to say.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Heads of School (or Investigating Governor) that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Heads of School, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and:

- Agree a decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
-
- A written statement clearly setting out the decision of the Panel must be sent to the Complainant and Heads of School or Investigating Governor. The letter to the Complainant should also advise how to take the complaint further.
-
- The School should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Appendix 4

Procedure to manage complaints about School Governors

General principles

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing body;
- where help and support is needed in managing a complaint against a Governor, this could be sought from another school governing body

A Governing Body should conduct its workings with a clear set of expectations of their role and behaviour. This is contained in the Governing Body Code of Conduct which should be signed by all Governors which follows the Nolan Principles of those holding public office

Categories of complaints

Complaints against Governors can be categorised:

- (i) those from other Governors on the governing body;
- (ii) those from members of the public which includes parents;

NB - members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chair to manage.

Where the complaint is made against the Chair then:

- (i) it could be passed to the Vice-Chair; or
- (ii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to the Chair of another School Governing Body with whom the Governing Body has made a prior collaborative agreement (2007 Collaboration Regulations /Joint Governor Panel Agreement) to investigate and then forward the recommended outcomes to the Vice Chair.
- (iii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict of interest or prejudice.

No member of the school staff, including the Heads of School, should be involved in the investigation of a complaint against a Governor other than as a witness

Procedure

This procedure is for complaints from members of the public, parents and Governors.

- All complaints must be in writing to the Clerk, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
- The Chair must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor the complaint is made.
- Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair.
- The Chair may wish to seek advice from the Local Authority.
- The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
- It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.
- This outcome should be reported immediately to the Governor who the complaint is against and the Governing Body.
- Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor concerned and put to them the complaint in order for them to make a response.
- The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.

The outcome of the complaint could be that:

- (i) the complaint is dismissed;
- (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
- (iii) the complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.

The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example:

- Complaint was resolved or
- That a complaint was made against a Governor and investigated with the outcome being xxxxx

Where possible the time lines of the Complaints Policy should apply to this Appendix.

Appendix 5

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 heads of school)

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, heads of school, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - I. sharing third party information;
 - II. 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:-
 - I. sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - II. consideration of records and other relevant information;
 - III. interviewing staff and children/young people and other people relevant to the complaint;
 - IV. 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 (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

Panelists 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.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ heads of school/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.