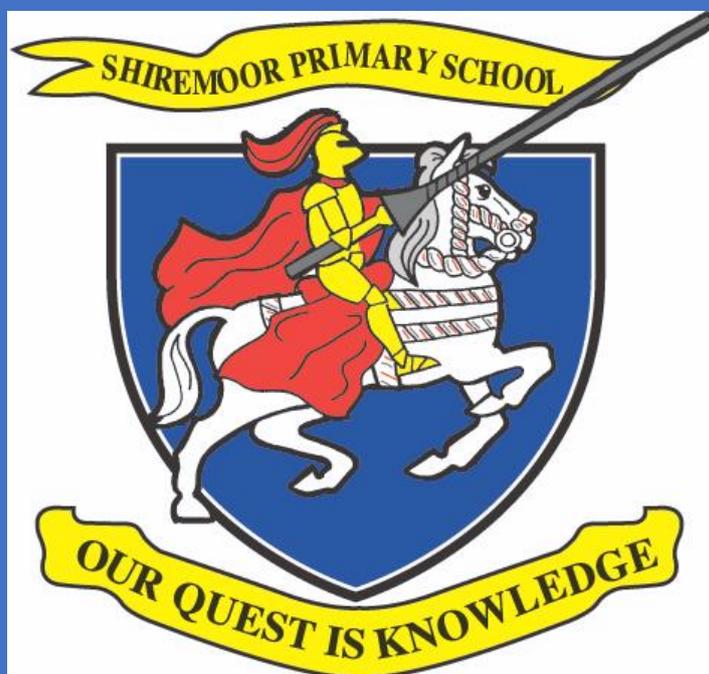


# SHIREMOOR PRIMARY SCHOOL

## COMPLAINTS POLICY AND PROCEDURE





## SHIREMOOR PRIMARY SCHOOL COMPLAINTS POLICY

### **School Context**

Since 1<sup>st</sup> September 2003, Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and any community facilities or services that the school provides. The law has also required the procedure to be publicised.

### **Dealing with Concern – Initial Concerns**

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints.

We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases a class teacher or an individual delivering the service, will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints – Formal Procedures**

Shiremoor Primary School's formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

At Shiremoor Primary School the Headteacher has overall responsibility for the operation and management of the school complaints procedure.

### **STAGE 1: The First Contact:**

In most cases parents can clarify issues of concern with their child's class teacher. The class teacher can deal quickly and informally with the majority of issues that parents, in particular, may wish to raise. This should be encouraged so that parents can have their concerns resolved to their satisfaction at an early stage.

However, where parents wish to formalise the process then they should be encouraged to raise any concerns with the Key Stage Manager or Assistant Head who will:

- Investigate the complaint and report back to the complainant via a note or telephone call

If the parent is still unhappy the Headteacher should be informed. If the complainant remains dissatisfied, then a more formal approach may be required and a copy of the School's Complaints Procedure should be given to the parent at this stage.

### **Stage 2: Consideration by the Headteacher:**



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Where concerns have not been resolved through Stage 1, the complainant should make the Headteacher aware of the complaint within 10 school days of receipt of the teacher's response. This should be in writing by the parent and/or recorded by the Headteacher to ensure that everyone is very clear what the focus of the complaint is. It is helpful if the complainant can give an indication at this stage of how they would like the matter to be resolved.

Within 5 school days of receipt of the complaint, the Headteacher will acknowledge receipt and give a target date for any investigation to be completed. The Headteacher will investigate the complaint and interview all concerned. It is advisable that the parent is interviewed and, where, appropriate, the child/children concerned. A parent, or, with the parents agreement, a member of staff not involved in the process should accompany each child. The Headteacher will record the findings and contact the parent with the outcome within the target date set. If circumstances force a delay in the process then the Headteacher should notify the parent writing, explaining the reason for the delay and give an alternative date for completion of the investigation.

Any action that the Headteacher considers appropriate should be in line with the School's Disciplinary or Capability procedures.

The response to the complaint should be in writing and the complainant reminded how to proceed to the next stage.

Should the complainant not be satisfied with the outcome he/she may request that the Governing Body reviews the process followed by the school..

### **Stage 3: Review by Governing Body:**

Should a parent wish to proceed to this stage, then the request for the review should be made, in writing, to the Chair of Governors within 10 school days of receipt of the Headteacher's response. The Chair of Governors should acknowledge receipt of the request within 5 school days of its receipt and give details of the procedure and process to be followed. The letter should also give an indication of the timescales for concluding the review – this should normally be within 25 school days of the Chair of Governors receiving the request.

The Chair of Governors will establish a committee of no less than three governors, who have had no prior knowledge of the complaint, to review the complaint. It is recommended that the chair or the Vice Chair (if not previously involved) be on the committee, along with a parent governor.

If the committee considers that an extension is required, the Chair of the Committee should write to the complainant explaining the reasons for the delay and giving an alternative date for the committee to meet.



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The Headteacher cannot be a member of the committee, as they will be expected to respond to the complaint.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representation should be considered sympathetically

The full governing body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the governing body are available should an outcome result in any action being taken under other procedures e.g. disciplinary.

The Clerk to the Governing Body will invite all relevant documentary information to be submitted by the complainant and the Headteacher. The Clerk should make all such information available to the committee, complainant and the Headteacher at least 5 school days before the date of the review.

### **Complaints against the Headteacher**

#### **Stage 1: Consideration by Chair of Governors**

Any complaint about the Headteacher should be made in writing to the Chair of Governors. Where the Chair of Governors has had previous involvement the matter should be referred to the Vice Chair or another Governor.

Within 5 school days of receipt of the complaint the Chair of Governors will acknowledge receipt and give a target date for any investigation to be completed. The Chair of Governors will investigate the complaint by reviewing all information presented. The Chair of Governors will record the findings and contact the parent with the outcome within the target date set. If circumstances force a delay in the process then the chair of Governors should notify the parent in writing explaining the reason for the delay and give an alternative date for completion of the investigation.

The response to the complaint should be in writing and the complainant reminded how to proceed to the next stage.

Further advice to Chair of Governors undertaking this process is available from the schools HR provider (information available from the school office).

#### **Stage 2: Review by Governing Body**

Should the complainant wish to proceed to this stage, then the request for the review should be made in writing to the Clerk to the Governing Body within 10 school days of receipt of the Chair of Governor's response. Where the Clerk to the Governing Body is also the school administrator, confidentiality must be maintained to ensure no conflict of interest arises.



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The Vice Chair of Governors will acknowledge receipt of the request within 5 school days and give details of the procedure and process to be followed. The letter should also give an indication of the time-scales for concluding the review – this should normally be within 25 school days of receipt of the request by the Clerk to the Governing Body.

Should an extension be required, the Chair of the Committee should write to the complainant explaining the reasons for the delay and giving an alternative date for the committee to meet.

The Vice Chair of Governors will establish a committee of no less than three governors, who have had no prior knowledge of the complaint, to review the request.

It is recommended that the Vice Chair of Governors be on the committee along with a parent governor, providing they have had no prior involvement/knowledge of the complaint.

The Chair of Governors, having undertaken the review, will be required to provide information on the outcome of their investigation and their findings.

The full Governing Body should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining members of the governing body are available should the outcome result in any action being taken under other procedures e.g. disciplinary.

The clerk to the Governing Body will invite all relevant documentary information to be submitted by the complainant, Headteacher and Chair of Governors. The Clerk should make all such information available to the committee, complainant and Headteacher and the Chair of Governors. The Clerk should make all such information available to the committee, complainant and Headteacher at least 5 school days before the date of the hearing.

The Process for the Hearing by a Panel of Governors is available from the Clerk to the Governors.

### **Framework of Principles**

To be effective our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality



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- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the schools senior management team so that services can be improved.

### **What these procedures do not cover**

There are certain complaints that fall outside the remit of the governing body's complaints procedure. They include:

- Matters which are the responsibility of the local authority;
- Conduct or performance of staff at the school;
- Content of a statutory statement of special educational needs;
- Pupil admissions;
- Pupil exclusions;
- The national curriculum and related issues, including religious education and sex education, where this relates to the local authority's powers or functions;
- Child protection.

All of the above are dealt with under their own specific procedures and the local authority (or Diocese) can provide advice on how to make a complaint regarding any of the above.

### **Notes:**

- (1) The governing body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.
- (2) Complaints relating to curriculum or sex education can be considered by the governing body in the first instance. However, where the complaint relates to the local authority's powers or functions, this would only be considered by the local authority and not the governing body.

### **Investigating Complaints**

Where ever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint makes sure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.



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### Resolving Complaints

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

- An apology
- 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.
- Refer to the Local Authority or Children services for advice.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### Vexatious Complaints

'Vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' A serial or persistent complainant.

What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?

- All reasonable steps have been taken to address matters
- A clear statement has been provided which details the school's position
- The school is repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made

If, despite following appropriate procedures the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed. If they are still not satisfied, they should refer the matter to the Secretary of State who will delegate to the School Complaint Unit (SCU) who will only consider cases where Governors have acted outside the law and it will only overturn decisions in extreme circumstances.

The school has the right to stop responding. The decision to stop responding will be used if:

- The school has taken every reasonable step to address the complainant's needs



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- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are 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
- Their letters/emails/telephone calls are often or always abusive or aggressive
- They make insulting personal comments or threats towards staff

Where an individual's behavior is causing a significant level of disruption the school may implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Shiremoor Primary School will therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If a parent/carer's behavior is a cause of concern, we will ask the parent/carer to leave the school premises. In serious cases the headteacher or local authority will notify the parent/carer in writing that their implied license to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. Shiremoor Primary School will always give the parent/carer 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/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer will 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.

### **Time-Limits**

Complaints are considered, and resolved, as quickly and efficiently as possible. We set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits may be set and the complainant sent details of the new deadline and an explanation for the delay.