

Complaints Policy & Procedure

Adopted by Full Governing Body: October 2016
Review Date: October 2017

Introduction

Melbourne Community Primary School seeks to promote positive relationships among all members of the school community and welcomes feedback in the form of comments, compliments and complaints. Feedback can help to improve services and help to raise standards.

It is a requirement of Section 29 of the Education Act 2002 that all schools have procedures in place for dealing with complaints. Any person, including members of the general public may make a complaint about any provision of facilities or services that a school provides unless separate statutory procedures e.g. pupil exclusions (see Appendix A - Complaints not in Scope).

Policy Framework

In dealing with complaints, the school will:

- encourage informal resolution wherever possible;
- publish the complaints procedure and ensure it is accessible, be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keep the complainant informed of progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect the need for confidentiality;
- address all issues raised by a complainant, providing an effective response and appropriate redress where necessary;
- provide information to the school's senior management team so that services can be improved.

At each stage of the procedure, appropriate resolution will be sought. One or more of the following may be offered;

- 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.

This list is not exhaustive, and other outcomes may be considered where appropriate.

Where part, or all of a complaint is upheld, this is not an admission of negligence.

A complaint should be submitted as soon as possible after the incident so that it can be investigated whilst events are still fresh in the minds of those involved, but it is recognized that this is not always possible. Complaints will therefore normally only be considered up to one year after the incident has happened. In exceptional circumstances, this can be extended.

Records of Complaints

All complaints will be recorded. Copies of the complaint, investigation reports, etc. including the outcomes and actions will be retained in accordance with data protection legislation in force at the time.

Governing Body Review

The governing body will review the complaints policy and procedure on a regular basis. The governing body will also be provided with information about complaints and actions taken. All information given to the governing body will be anonymized.

COMPLAINTS PROCEDURE

Stage 1 (Informal) Complaint considered by member of staff

Most concerns can be quickly resolved by the member of staff involved. This can often be achieved by the complainant contacting the member of staff directly. Where possible, the concerns should be put in writing and provided to the member of staff so that he/she is able to look into the matter.

If the complainant does not feel able to take up the issue with the member of staff, the complainant can ask the headteacher to appoint another member of staff to deal with the complaint.

If the member of staff feels that they are too compromised to deal with a complaint, the headteacher may appoint another member of staff to deal with the matter.

If the complaint is about the headteacher or a governor, the matter should be referred to the Chair of Governors.

If needed, the member of staff will contact the complainant or arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

There may be a need for the member of staff to undertake an investigation and interview others to establish the facts, but he/she will try to deal with the complaint and seek to resolve the issue in an informal manner.

This stage should normally be concluded within ten school days of the details of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

Stage 2 (Formal) Complaint considered by the headteacher

If the complainant is dissatisfied with the informal resolution, they should write to the headteacher with the details of their complaint. If needed, the headteacher will contact the complainant or arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

The headteacher will gather factual evidence and information. This may involve interviewing those involved in order to be able to fully respond to the complainant. The headteacher will keep appropriate records and inform the complainant of the outcome of the investigation. Feedback to the complainant may be given verbally in a meeting, but a formal response in writing will also be provided.

Stage 2 should normally be concluded within ten school days of the detail of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

Stage 3 Complaint considered by Chair of Governors

In a small number of cases, the matter may not be resolved even with the involvement of the headteacher. When this happens, or the complaint is about the headteacher, the complainant should write to the Chair of the Governing Body detailing why they are not happy with the decision and send it to him/her through the school.

If the matter is not discussed with the Headteacher, it is not normally possible to proceed further with the official complaints procedure. In this circumstance, the complaint should be submitted to the Chair of Governors in writing stating the reasons why it has not been discussed with the headteacher. If the complaint is about the headteacher, he/she will need to be informed of the complaint in order for the matter to be investigated.

The Chair of Governors will then review the decision of the headteacher. This may also require the Chair of Governors to contact the complainant to clarify why they are not satisfied with the decision of the headteacher or could not discuss it with the headteacher. The Chair of Governors may ask for further information or ask someone to undertake additional investigations in which case a written report may be provided to the Chair of Governors

Feedback to the complainant may take place in a meeting, but a formal response in writing will also be given.

Stage 3 should normally be concluded within ten school days of the matter being referred to the Chair of Governors. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

Complaints about a Governor or Chair of Governors

If a complaint is received about a governor, it should be considered by the Chair of Governors as a stage 3 complaint.

If the complaint is about the Chair of Governors, it should be considered by the Vice Chair of Governors or another governor who has not been involved in the complaint.

If there are no independent governors, the Governing Body may ask another Governing Body or an independent person to conduct the stage 3 investigation.

Stage 4 Complaint heard by Governing Body Complaints Appeal Panel

If the complaint cannot be resolved by the involvement of the Chair of Governors, the complainant should write to the Clerk of the Governing Body giving the details of their complaint and why they are not happy with the decision of the Chair of Governors.

The Complaints Committee will be convened and review the decision of the Chair of Governors. The panel will not include any governor, including the Chair of Governors, who has had previous involvement in the case.

The panel will be convened within 15 school days of receipt of notification from the complainant and at a time that is convenient to all parties. If the meeting cannot be convened in this period, the complainant should be informed of the reasons for this and provided with a revised timescale. Where appropriate, witnesses may be invited to attend the meeting but will only be present for the part of the hearing in which they give evidence.

At the panel meeting, the complainant will be given the opportunity to state their case as to why he/she is not satisfied with the outcome of the complaint. The panel will be provided with all the information that has been collated as part of the investigation. The headteacher or chair of governors, as appropriate, will also be able to explain the school's actions and the reasons for the decision about the complaint.

The panel will consider the issue in private and 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 policies, systems or procedures to ensure that problems of a similar nature do not recur.

If the Complaints Committee agrees that the outcome could lead to disciplinary action being taken against an employee of the school, the matter will be passed to the Disciplinary Committee. In this case, it is not the responsibility of the Complaints Appeal Panel to make a judgment about whether the employee is culpable, only that there is a case to answer. The complainant will be informed that the matter has been passed to the Disciplinary Committee for further consideration.

At this point, the Disciplinary Procedure adopted by the Governing Body will be followed.

If it is not possible for the Governor's Complaints Committee to consider the matter e.g. because there are no governors available who are independent of the issue that is being considered, the Governing Body will consider asking another Governing Body, or appoint independent people, to hear the complaint appeal.

Notification of the panel's decision

The panel will inform the complainant in writing of their decision, together with reasons, within five working days.

Should the complainant still not be satisfied with the outcome, he/she can refer the matter to the Secretary of State for Education at

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

or online at www.education.gov.uk/help/contactus

Further information can be obtained from the School Complaints Unit National Helpline on 0370 000 2288. The School Complaints Unit will not re-investigate the substance of the complaint but will examine if the complaints policy and

other relevant policies were followed in accordance with the provisions set out and that they adhere to education legislation.

Unreasonable Complaints

Once the procedures have been exhausted, if the complainant continues to contact the school on the same issue, he/she will be informed that the matter has been dealt with and that no further correspondence will be entered into on the matter. Any new complaints raised by the complainant will, however, follow the normal procedure.

The 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.

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 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 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.

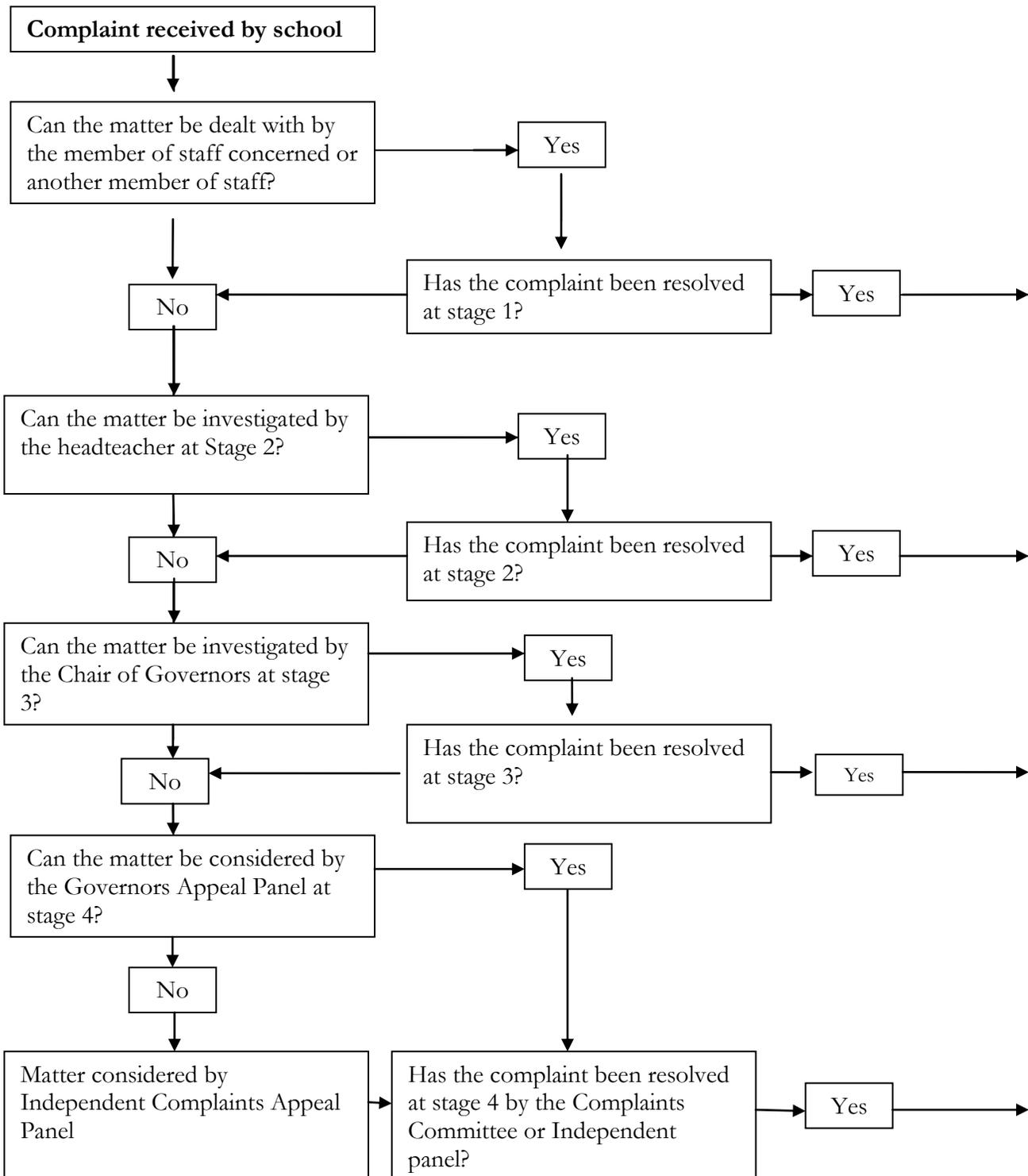
In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school

Complaints made to the local authority

If the local authority receives a written complaint about a school, the headteacher will be contacted to ensure that he/she is aware of the complaint and asked to deal with it under the school's complaints policy and procedure. **The local authority does not investigate complaints about a school.**

The local authority will ensure that the Headteacher and Chair of Governors receive copies of any documentation sent to it by the complainant. If the complainant requests that copies are not sent to the school, then he/she will be advised that an investigation cannot be undertaken.

COMPLAINTS PROCEDURE FLOWCART



Appendix A - Complaints Not in Scope

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">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: https://www.gov.uk/schooldiscipline-exclusions/exclusions
<ul style="list-style-type: none">• Whistling blowing	Schools have an internal whistle blowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

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:-
 - o sharing third party information;
 - o 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:-

- o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- o consideration of records and other relevant information;
- o interviewing staff and children/young people and other people relevant to the complaint; o 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

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.
 - 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. 18 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.