

# Complaints Policy

**Approved:** February 2016

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## Procedures for Dealing with Complaints

This policy does not cover complaints related to staff grievance and disciplinary procedures which are covered by specific policies. **Appendix 1** lists this and other types of complaint that are outside the scope of this policy and the route you should follow to progress such complaints.

It should be noted that schools do not need to consider complaints made more than one year after the incident/situation. If a complaint is made about an issue that is over a year old the school will write to the complainant explaining why this is the case.

We recognise that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.

We undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially.

In dealing with complaints we aim:

- To be fair, open and honest
- To resolve a complaint through dialogue and mutual understanding
- To put the interests of the students above all else

## THE COMPLAINTS PROCESS

### Informal Stage

Most complaints/issues can be resolved informally and quickly by discussion with the member of staff concerned or the Executive Headteacher. Alternatively parents/carers can write to the member of staff or the Executive Headteacher outlining the issue clearly.

Any concern/issue/complaint that is put in writing should be written clearly outlining all the issues and what it is hoped that the preferred outcome should be. All complaints will be acknowledged in writing within 5 working days.

Parent/carers should make an appointment to discuss their concerns with the member of staff who knows about the issue or incident. If the complaint relates to a pupil, ideally the member of staff concerned should be directly involved with the pupil, for example, class teacher or keyworker.

The member of staff will usually write notes during the meeting. Parents/carers can ask for a copy of these notes.

## **Formal Stage**

There are three formal stages:

### **STAGE 1**

If a parent/carer is still dissatisfied after the informal stage, they, or the member of staff can refer the matter to the Executive Headteacher. This can be done in writing, as this will often make the situation clear to all involved parties.

The Executive Headteacher or a designated member of the Leadership Team will offer a meeting with the parent/carer or other complainant at a mutually convenient time. At the meeting, and through discussion, they will clarify what the issues are. The hopes of what the parent/carer is trying to achieve will also be discussed. Together all parties will agree an acceptable outcome. This should be to the satisfaction of all parties involved. These should be written down and agreed by all parties so there is no misunderstanding. Again parents/carers should be given a copy of this.

If the issue is complex then the Executive Headteacher may need to speak to other staff and pupils to investigate the concerns. This should happen within 10 school days. If this timescale cannot be met the Executive Headteacher should inform the parent/carer that this will take longer, explain the reasons for this and give a timescale for when the investigation will be completed.

### **STAGE 2**

After meeting with the Executive Headteacher if the complaint is still not resolved to the parent/carer's satisfaction, the complaint can be referred to the Chair of Governors. This should be to the school address, via the Clerk to Governors or by email to [clerk@kingsmead.derby.sch.uk](mailto:clerk@kingsmead.derby.sch.uk). The Executive Headteacher can also refer the complaint to the Chair of Governors.

If the Executive Headteacher is the subject of the complaint, the complaint should go straight to the Chair of Governors and miss out Stage 1. The Chair of Governors may ask for the complaint to be put in writing (if this has not already happened).

The Chair of Governors will offer to meet with the parent/carer or other complainant, at a mutually convenient time. The Chair of Governors has 15 school days to investigate the complaint. If it cannot be resolved within this time, the chair will inform the complainant and explain why it is taking longer. Reasons for this may be that the complaint is complex and needs more time or someone involved is absent through sickness or holidays. The Chair of Governors should, however, give a realistic timescale for when the complaint should be resolved. The chair should inform the complainant of when it is expected that the investigation should be completed.

If the complaint is against the Chair of Governors or any individual governor then you should contact the Clerk to Governors directly.

### **STAGE 3**

If the complaint is still not resolved to the parent/carer's satisfaction, or Chair of Governors feels that it is necessary, s/he can set up a complaints committee to consider the complaint. The Chair of Governors will decide if this is appropriate.

If the Chair of Governors can resolve the complaint there is no need to hold a Complaints Committee meeting. As far as possible it is recommended that Complaints Committees are a last resort.

The Chair of Governors can appoint an investigating officer to gather evidence and conduct preliminary interviews on the chair's behalf. The investigating officer will provide a detailed report of his/her investigation of the complaint. Parents/carers should be given a copy of this report. It is important that the investigating officer is seen as impartial. So whilst the investigating officer is another governor, s/he cannot be a member of the associated Complaints Committee.

The Complaints Committee will be made up of three members of the school's Governing Body. A committee of governors and the Executive Headteacher considering a written complaint will not include any governor already involved in the process. Sometimes governors may need to be brought in from other schools' governing bodies because the school's governors are 'tainted' because they have prior knowledge of the complaint.

The Complaints Committee should meet at a time convenient to all parties. The complainant, the Executive Headteacher, the Chair of Governors and any member of staff the complaint is about will be invited to the meeting. Any person invited can bring a friend or supporter if they wish. The Complaints Committee will consider any written material

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;

### **How to proceed if you are unsatisfied with the response**

If after this school based process the complaint is still not resolved to the parent/carer's satisfaction, they you can contact the Local Authority (LA) for further guidance or write to the Secretary of State.

If a complaint is not from a parent/carer of a pupil of the school (an example being a member of the public) these should be made directly to the Executive Headteacher, preferably in writing.

If you consider that the Governing Body has not acted properly in carrying out its investigation into your complaint you have the right to complain to the LA as it has a responsibility to ensure that Governing Bodies act properly. The LA does not have the power to instruct the Governing Body to reverse its decision but will want to satisfy itself that the Governing Body has conducted the investigation fairly.

Please note that the LA can only act when each step of the school's complaints procedure has been followed. If you think that your school's Governing Body or your LA is acting "unreasonably" you can write to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DFE). ([www.education.gov.uk](http://www.education.gov.uk) )

Please note that the DFE advises that a school need not respond if a complainant continues to raise an issue that has already been taken through the complaints procedure.

### **Serial or Persistent Complaints**

We do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, schools 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 we feel that we really have done everything in response to a complaint then it is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and as a school we may choose not to respond. This will not happen until all three stages of the complaints process have been exhausted, that as a school we have taken every reasonable step to address the complainants needs, and the complainant have been given a clear statement of the school's position and their options (if any).

Further detail on how the school will respond to unreasonable complaints, including serial or persistent complainants is outlined in **Appendix 2**.

## **RECORDING, MONITORING AND REVIEW OF COMPLAINTS**

### **Recording Complaints:**

As a school we will ensure that the progress of the complaint and the final outcome is clearly recorded and that a written account of the information is available to the complainant as appropriate. The Executive Headteacher is responsible for these records and will hold them centrally.

Schools must ensure that they comply with their obligations under the Equality Act 2010. Although we request complaints to be made in writing we are aware that the complainant may have communication preferences due to disability or learning difficulties and that we must allow alternative methods of contact in such circumstance such as in person or by telephone.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point

### **Monitoring and Reviewing Complaints:**

The Governors **monitor** the complaints procedure in order to ensure that all complaints are handled properly. The Executive Headteacher logs all complaints received by the school and records how they were resolved. Governors examine this log on an annual basis. Complaints information shared with Governors will not name individuals in case of any need for an appeal and to maintain confidentiality.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents/carers via the school website or on request so that they can be properly informed about the complaints process.

## APPENDIX 1

### Complaints outside the Scope of this Policy

Exceptions	Who to Contact
Admissions to school Statutory assessments of Special Educational Needs (SEN) Matters likely to require a Child Protection Investigation	Complaints/Concerns should be raised direct with the local authority  Christine Gibbs, Complaints Officer, Derby City Council, Tel 01332 643498 email – <a href="mailto:Christine.Gibbs@derby.gov.uk">Christine.Gibbs@derby.gov.uk</a>
Exclusion of children from school	These should be raised locally with the local authorities Advisory Teacher for Exclusions who can be contacted by email at <a href="mailto:c.orme@kingsmead.derby.sch.uk">c.orme@kingsmead.derby.sch.uk</a> or by telephone 01332 715970. 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>
Whistleblowing	We have an internal whistleblowing procedure for all staff and volunteers. This can be accessed via the school website. 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. The Department for Education is also a prescribed body for whistleblowing in education.
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 and you should contact them direct.

## APPENDIX 2

### Dealing with Unreasonable Complainants

We are 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.

We define 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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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.

### **Barring From School Premises**

Although fulfilling a public function, our school is a private place. The public has no automatic right of entry. The school will therefore act to ensure that we remain a safe place for pupils, staff and other members of our community.

If a parent's behaviour is a cause for concern, we can as a school can ask him/her to leave school premises. In serious cases, the Executive Headteacher will notify those concerned 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 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 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 Executive 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.