

ST JAMES' CE VA LOWER SCHOOL

COMPLAINTS PROCEDURE

Approved by Governors: March 2016

Review due: March 2017

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

Section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

Selecting the most appropriate procedure

Nature of Contact	Appropriate Person to contact	Relevant policy/procedure
Request for published information	School Office	FOI Act Charging & Publication policy
Request for personal pupil information	Head Teacher	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk to the Governing Body	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair of Governors	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Chair of Governors (if allegation against the Head)	School Staff Discipline Procedure (confidential to school and employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher Chair of Governors (if allegation against the Head)	Local Child Protection procedures (confidential to school, LA & parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Chair of Governors (if allegation against the Head)	School Staff Competence & Capability Procedure (confidential to school and employee)
Conduct of another pupil (eg bullying)	Head Teacher	School behaviour policy & procedures (confidential to school and parents of alleged perpetrators)
Discipline of a pupil	Head Teacher	School behaviour policy & procedures (confidential to school and parents of pupil)
Content of/failure to maintain an Education Health Care Plan	Head Teacher/SENDCo LA	LA procedures
Admissions	Clerk to the Governing Body LA (for admissions appeals)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Clerk to the Governing Body	Exclusion Appeal Procedure
Failure to provide NC Entitlement or inappropriate curriculum	Head Teacher Clerk to the Governing Body LA	LA Procedure
Extended Services (eg catering)	Manager of relevant service	Procedures of service provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to the Governing Body	GB Appeal Committee

General principles

- These procedures are intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under these procedures, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

Raising a concern or complaint

1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Head Teacher (or to the Chair of the Governing Body, if the complaint is about the Head Teacher). If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the Governing Body.

2) Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Head Teacher, your complaint should be passed to the Clerk to the Governing Body, for the attention of the Chair of the Governing Body.

A complaint form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Head Teacher, or to the Clerk to the Governing Body, as appropriate.

The Head Teacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through a meeting with the Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of

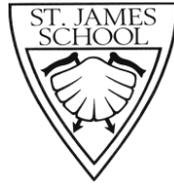
how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the Governing Body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Clerk to the Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review Request form is provided for your convenience.

Review Process

Any review of the process followed by the school will be conducted by a panel of 3 members of the Governing Body. This will usually take place within 10 school days of receipt of your request. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.



Meeting Request Form

I wish to meet to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Signed Date

(Please complete this form and return it to the school office)

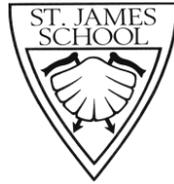
School use:

Date form received:

Date response sent:

Received by:

Response sent by:



Formal Complaint Form

Please complete this form and return it, via the school office, to the head teacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signed

Date

School use:
Date form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:

Date:

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What actions do you feel might resolve the problem at this stage?

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Signed

Date

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

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Complaint referred to:

Date:

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Governing Body meetings

a) Complaints panel

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a Governing Body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a Governing Body policy;
- school facilities;
- services that the school provides.

If a Governing Body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the Clerk should convene a panel of 3 governors, who have not previously been involved with the complaint. The complainant should submit the details of their concerns, in writing, to the Clerk. The Clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the Governing Body of the outcome, in writing.

Consideration of the complaint by the Governing Body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the Governing Body.

b) Review meeting

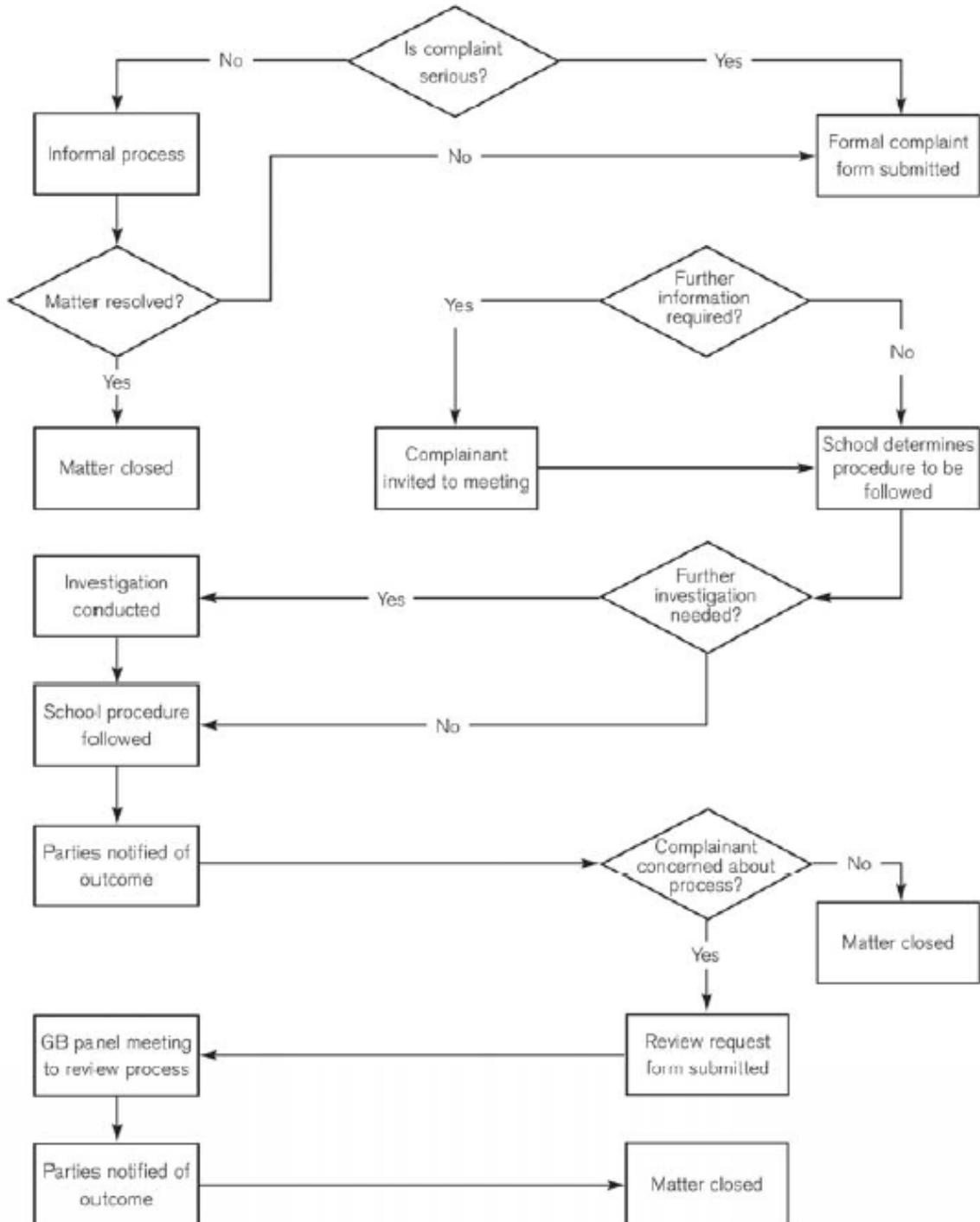
Any review of the process followed by the school will be conducted by a panel of 3 members of the Governing Body. This will usually take place within 10 school days of receipt of a written request. The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school (usually the Head Teacher or the Chair of the Governing Body panel that has considered the matter), as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

Summary of Process to Resolve Complaints



Spurious and Vexatious or Abusive Complaints

The Head Teacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this policy is to provide information about our school approach for addressing unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

Actions which are

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious

An insistence on

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints and/or
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language); and/or
- making complaints in public or via a social networking site such as Facebook; and/or
- refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Our School's response to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

Physical or verbal aggression

The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The School nevertheless reserves the right not to respond to communications from individuals subject to the policy.