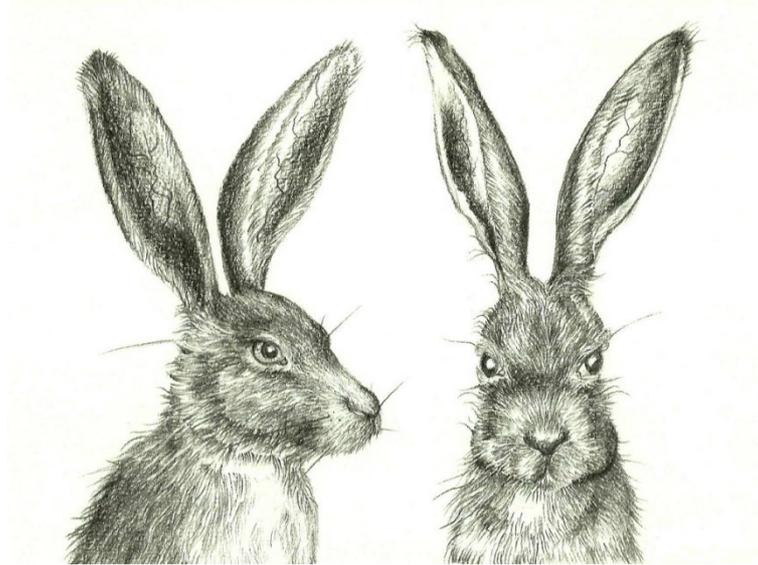


Harefield Junior School



Complaints Policy 2016

Harefield Junior School Complaints policy

1.0 Introduction

In accordance with Section 29 of the Education Act 2002, all Local Authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

This policy sets out the stages for making a complaint to the school, and the procedures that should be followed. Generally, Harefield Junior School seeks to address problems by informal means if possible, to be fair and impartial, to address points at source, to provide information to parents/carers and governors and to treat any complaint as an opportunity to improve service. Further details of how we handle them are contained in our procedures document; Procedures for dealing with complaints can be obtained on request from the school office.

2.0 The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. It is in everyone's interest that concerns are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Harefield Junior School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this policy.

We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate.

3.0 Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Harefield Junior School provides, unless separate statutory procedures apply (such as exclusions or admissions) Harefield Junior School will not limit complaints to parents or carers of children that are registered at the school. We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

4.0 Framework of Principles

The Head-teacher is responsible for the operation and management of the school complaints procedure and is hereinafter referred to as the school's 'Complaints Co-ordinator'. Where the complaint concerns the Head-teacher the Chair of Governors will act as the school's 'Complaints Co-ordinator'.

Harefield Junior Schools Complaints Procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling with established time-limits for action and keeping people informed of the progress;
- ensures a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved if appropriate.

5.0 Outline procedures for raising a concern or complaint

The procedures for raising a concern or complaint are given in detail in the Complaint Procedure at Appendix 1 and can involve a three stage process.

Stage one: Concern heard by class teacher

Stage one is an informal process that can be heard by the class teacher. The classroom teacher is usually the best person to respond to any concerns, if you are not happy with the class teachers' response please refer to stage two, the formal stage of the complaints process.

Stage Two: Complaint heard by Head-teacher

Stage two will be classed as a formal complaint and the formal procedures will be 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. There is a form at the end of this document (Appendix 3) that you can use to write to the Head-teacher. If the complaint is about the Head-teacher please address your complaint to the Chair of Governors.

Stage Three: Complaint heard by Governing Body Appeal Panel

Stage three is a formal appeal to the Governing body that will be invoked if you are not satisfied with the Head-teachers or the Chair of Governors response and wish to take the matter further. Following a written request from the complainant for their complaint to be considered at Stage Three, the Chair of the Governing Body, or a nominated governor, will convene a Complaints Appeal Panel within **4 working weeks** of receiving the request. The panel will consist of 3 governors who will ideally not be parent governors and may be drawn from other Governing Bodies. You may use the same form (Appendix 3) to write to the Chair of Governors.

Note that a flowchart of the above procedure is given in Appendix 4

6.0 Serial and Persistent Complainants

Harefield Junior School will endeavour to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks the school to reconsider it's position, Harefield Junior School will take appropriate action.

There will be occasions when, despite all stages of the complaint procedure having been followed, and the school having done everything it can be reasonably expected to do in

response to a complaint, the complainant remains dissatisfied. In this event, replying to repeated letters, emails or telephone calls making substantially the same points would be a poor use of schools' time and finite resources. Therefore 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 Harefield Junior School again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. Note that in this context 'serial or persistent' refers to the subject or complaint itself rather than the complainant.

Harefield Junior School will stop responding when:-

- the school has taken every reasonable step to address the complainant's needs; and
- 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.

Where the decision to stop responding is unclear, Harefield Junior School will take into consideration whether:-

- the school has reason to believe the complainant is contacting them with the intention of causing disruption or inconvenience; or
- the complainant's letters/emails/telephone calls are often or always abusive or aggressive; or
- the complainant makes insulting personal comments about or threats towards staff.

Parents/Carers should note that the decision to stop responding concerns the subject matter not the correspondent. Complainants have a right to have any new complaint being heard and the school will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption, Harefield Junior School may implement a tailored communications strategy such as restricting complainants to a single point of contact via an email address or by limiting the number of times the complainant can make contact; e.g. a fixed number of contacts per term.

In the event that Harefield Junior School has decided that it is appropriate to stop responding, or a tailored communication strategy is to be implemented, the school will advise the complainant through a hard copy letter or an email.

Complainants who have been restricted in their communications with the school may choose to have a third party act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that Harefield Junior School considers it to constitute harassment, legal advice will be sought as to whether injunctions and other court orders are necessary in view of the complainants behaviours.

7.0 Unreasonable Complainants

Harefield Junior 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.

Harefield Junior 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, 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 Head-teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head-teacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Harefield Junior 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 Harefield Junior School.

8.0 Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

9.0 Publicising the Procedure

Harefield Junior School has a legal duty to publicise the Complaints Procedures. Details of or reference to the Complaints Procedures will be included in:

- the school prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

Complaints procedure

Stage One: Concern heard by class teacher

If you have a concern please raise the matter with the classroom teacher in the first instance. The classroom teacher is usually the best placed person to respond to your concerns, if you are not happy that your concerns have been resolved please refer to stage two, the formal stage of the complaints process.

Please do not approach the Governors at this stage. A Governor(s) can not act outside of these procedures as they may be required to sit on a panel at a later stage of the process.

If you wish to take the matter to the second stage, you must send a written request within **10 working days** of receiving the classroom teacher's response to your concern/complaint, stating your reasons. You may use the form at the end of this document and send it to the Head-teacher (see Appendix 3).

If no further communication is received from you within the given period of time, it will be deemed that your complaint has been resolved and the matter is closed.

The school will try to respect the views of any complainant who indicates that they have difficulty discussing a complaint with a particular member of staff. In these cases, the matter can either be referred to the Head teacher or to another member of staff. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may consider referring the complainant to the Head teacher who may delegate to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. If your complaint concerns the Head teacher, the complainant can be referred in writing to the Chair of Governors.

Stage two: Complaint heard by Head-teacher

Stage two will be classed as a formal complaint and the formal procedures will be invoked when initial attempts to resolve the issue at stage one are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

In accordance with the Equality Act 2010, concerns or complaints may be made in person, by telephone or in writing to the head teacher (or to the Chair of Governors only where the complaint concerns the head teacher). Concerns or complaints made in person or by telephone will be noted down and their accuracy checked to ensure all relevant information has been received together with your preferred resolution. Alternatively please use the form at Appendix 3 of this document.

All complaints will be acknowledged in writing within 5 working days. A copy of the school's Complaints Procedure will be provided at the same time.

All complaints will be investigated within 10 working days unless it is not possible to do so. You will be kept fully informed.

Investigating Complaints

At Harefield Junior School the person investigating the complaint will make 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 appropriate or further information is necessary);
- clarify what the complainant feels would put things right;

- interview staff and children and other people relevant to the complaint, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and are prepared to persist in the questioning;
- identify solutions and courses of actions to resolve problems;
- keep notes of the interview.

Resolving complaints

At each stage in the procedure Harefield Junior School will keep in mind ways in which a complaint can be resolved. On completion of the investigation, a written response to the complaint will be provided to the complainant within **21 working days** of the school's written acknowledgement of the complaint to the complainant. The written response will contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions.

After a full investigation it may prove that the complaint was not valid whereby the complainant will be informed in writing with an explanation. This can include:-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence

If the complaint is found to be valid in whole or in part the school would 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.

Where actions taken are strictly confidential (e.g. details of the investigation or of any disciplinary procedures stemming from the investigation) no information will be released.

Every complaint resolution will be accompanied with a next step procedure should the complainant be unsatisfied with the outcome and wish to appeal the outcome.

The written response to the complainant will inform them that if they remain dissatisfied with the outcome, they can request for the matter to be considered by a Governing Body Appeal Panel. This request must be made in writing to the Chair of the Governing Body within **21 working days** of receiving the outcome of Stage Two stating their reasons why they remain dissatisfied.

If no further communication is received from the complainant within the 21 working days, it is deemed that the complaint has been resolved and the matter is closed.

Stage Three: Complaint heard by Governing Body Appeal Panel

Following a request being received from the complainant for their complaint to be considered at Stage Three the Chair of the Governing Body, or a nominated governor, will convene a Complaints Appeal Panel within **4 working weeks** of receiving the request. The panel will consist of 3 governors who should ideally not be parent governors.

No person involved will have any previous involvement in the complaint. The complainant will be given **10 working days'** notice of the meeting. The Clerk to the Governing Body will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification will inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that if they wish they can submit further written evidence relevant to the complaint for consideration by the Appeal Panel.

Note that a flowchart of the above procedure is given in Appendix 4

Roles and Responsibilities

1.0 The Remit of the Complaints Appeal Panel

The Appeal Panel 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 systems or procedures to ensure that problems of a similar nature do not recur.

Notes:-

- The appeal hearing is independent and impartial.
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- Where possible the panel of governors will reflect a cross-section of the categories of governor.
- Governors will be sensitive to the issues of disability, race, gender and religious affiliation.
- The hearing will be held in private and aims to resolve the complaint and achieve reconciliation between the school and the complainant.
- In the event of previously undisclosed evidence or witnesses being raised the meeting of the panel may be adjourned so that both sides have time to consider and respond to the new evidence.
- The panel will consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint
- In the event of the complainant being unsatisfied with the outcome (e.g. if the hearing does not find in their favour), the panel will seek to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Where the complainant is a child, careful consideration will be given to the atmosphere and proceedings to ensure that the child does not feel intimidated. The panel will listen and be aware of the views of the child and give them equal consideration to those of adults.
- Where a child's parent is the complainant the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel will be aware of the complaints procedure.

2.0 The Role of the Clerk to the Governing Body

Where an Appeals Panel is convened or where a complaint is being considered by a group of governors the proceedings will be clerked. The clerk will be the contact point for the complainant and:

- 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;
- notify all parties of the panel's decision.

3.0 The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

4.0 The Role of the Chair of the Panel

The Chair of the Panel ensures that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

5.0 Notification of the Complaints Appeal Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing within **10 working days** of the date of the meeting. The letter will inform the complainant that this was the last stage of the Complaints Procedure and the Complaints Appeal Panel's decision is final. The letter will also advise the complainant that if they remain dissatisfied with the outcome of the appeal hearing and wish to pursue the claim further then they can take the matter to the Department for Education. However, unless there are exceptional circumstances the Department for Education will not deal with a complaint unless they are satisfied that the school has first had the proper opportunity to consider it and respond.

Complaints about schools can be made by writing to:

Department for Education

Castle View House

East Lane

Runcorn

Cheshire WA7 2GJ

or via the Department for Education's School Complaints Form

HAREFIELD JUNIOR SCHOOL COMPLAINTS FORM

Please complete and return to Mr P Dodd (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Flowchart

Summary of Dealing with Complaints

