

Brimrod Primary School



Complaints Policy

Introduction

Brimrod Primary School is committed to developing a strong sense of partnership with parents/carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

The policy and procedures are in place to ensure that parents/carers and others are able to express their concerns in an open and honest way in accordance with a published procedure. The complaints procedure is designed to:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and well-publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling, with established time limits for action, and keep people informed of progress
- ensure a full and fair investigation by an independent person where necessary
 - respect people's desire for confidentiality
- address all the points at issue, and provide an effective response and appropriate redress, where necessary
- provide information to the school's leadership team so that services can be improved with regard to investigating complaints.

At each stage, 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 unsure or further information is necessary)
- clarify what the complainant feels would put things right
- 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

The 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.

The 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.

Revision of Policy in line with government guidance document entitled Best Practice Advice for School Complaints Procedures 2016. In January 2016 the Department for Education (DfE) published a nonstatutory guidance document entitled Best Practice Advice for School Complaints Procedures 2016

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 complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make 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 their procedure.

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 a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

Framework of Principles

An effective 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**;

- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), 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);
- clarify what the complainant feels would put things right;
- 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 or arrange for an independent note taker to record minutes of the meeting.

Resolving Complaints

At each stage in the procedure schools will want to keep in mind 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 reoccur;
- 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.

It would be useful if complainants were encouraged 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.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The complaints process

<p>Stage 1. Class Teacher</p>	<p>Informal expression of concern made to the school. In the first instance, the matter should be discussed with the child's class teacher. In our experience most matters of concern can be resolved positively in this way with apologies where necessary. Members of the school's senior leadership may be involved at this stage.</p>
<p>Stage 2. Key Stage Leader</p>	<p>Discussion with the Key Stage leader. We expect most complaints to be resolved by this stage. However if the matter has not been resolved and needs further investigation parents must make an appointment with the Key Stage leader. The Key Stage leader will need time to fully investigate the matter and will respond with 7 school days.</p> <p>Currently our key stage leaders are:</p> <p>EYFS & KS1 - Kate Clarke</p> <p>KS2 - Louise Thompson</p>
<p>Stage 3 Head Teacher.</p>	<p>Complaints rarely reach this formal level but should you need to you should make a formal complaint to the Head Teacher. Complaints at this stage should be written and received within 10 school days of the key stage leaders feedback. Your letter should be addressed to the Head teacher and marked "private and confidential". The letter should say why you remain unhappy and what you wish to see happen. The head teacher will let you know when your complaint is to be considered. If a meeting with you and others involved is considered necessary you will be given adequate notice to prepare. You will be informed of the outcome of the head teachers' investigation and decision on what further action will be taken within 10 school days.</p>
<p>Stage 4 Governors</p>	<p>You may take your complaint to the school Governors within 6 months of the Head Teachers' response. If the complaint is not resolved, and all previous stages have been explored, a parent may make representation to the Governors. A letter addressed to the Chair of Governors marked "private and confidential" can be left at the school office. If the Governors consider from your letter that the complaint warrants further investigation they may ask you to explain your case in person before a specially appointed panel. However, it is also possible that, following investigation, they may make a decision without needing you to appear. A decision will be provided within 15 days where possible</p>
<p>Stage 5</p>	<p>Further representation. If you remain dissatisfied you may make further representations. You may approach the Secretary of State for Education or the *Ombudsman if you are unhappy with the process or outcome. This would normally only be appropriate if you believe that the school, the Governing body and the LEA have acted illegally or arbitrarily. * Please note the Ombudsman does not investigate internal school management</p>

If parents have a complaint about the Head Teacher, they should first make an informal approach to the Chair of the Governors (as at stage 4 above) who is obliged to investigate it. The Chair will do all they can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined above. If, despite all stages of this policy being followed, the complainant remains dissatisfied they are not entitled to reopen the same issue. In such cases the Chair of Governors is able to inform them in writing that the process has been exhausted and that the matter is now closed.

If an anonymous complaint is received it will not be investigated under this procedure unless there are exceptional circumstances serious concerns such as child protection issues or bullying allegations, where the school might consider it appropriate to contact outside agencies

Serial and Persistent Complainants

Brimrod Primary 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.

Brimrod Primary 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 12 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.