



Stonebridge School

Complaints Procedure

Approved by: The Full Governing Body

Date: October 2015

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Next review due by: February 2020

1: General Principles and scope of policy

1.1 There is a difference between a concern and a complaint. Our aim is that concerns should be handled, wherever possible, without the need for formal procedures. In most cases it will be the class teacher or, in the case of extended school provision, the individual delivering the service who will receive the first approach. Staff will do their best to resolve issues on the spot. There is a legal requirement to have a complaints procedure but this does not in any way undermine efforts to resolve the concern informally.

1.2 The formal procedures will need to 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.

1.3 There are some matters that are not within the remit of this policy, either because a more specific complaint process exists or because the matter is not within the control of the school or its Governing Body. Such matters include

- Complaints about Admissions or Exclusions for which separate appeal processes exist
- Staff complaints relating to grievances about their employment which should be dealt with under the Staff Grievance Policy
- Complaints about the actions of another parent or member of the public which are not within the school's control
- Concerns that a child is being abused or is at risk of abuse which should be referred to the Designated Safeguarding Lead, under the Child Protection Policy
- Complaints about the services provided by a person or organisation using Stonebridge School premises which should be dealt with by that person or organisation under their own complaint policy (users of our facilities are required to have their own complaints procedures as part of initial letting arrangements)
- Complaints regarding the procedure adopted by the school relating to a delay in or failure to issue a Statement of Special Educational Need or, from September 2014, an Education Health and Care Plan, to implement the Statement/EHCP or conduct an annual review, which should be referred to the Local Government Ombudsman
- Complaints regarding the delay or failure to issue or the content of a Statement of Special Educational Need or, from September 2014, an Education Health and Care Plan, to implement the Statement/EHCP or conduct an annual review (where there is a right of appeal granted in law) which should be referred to the First Tier Tribunal (Special Educational Needs and Disability)(SEND).
- Complaints about changes to the school under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 or (Establishment and Discontinuance of Schools) Regulations 2013 which are subject to public consultation and review by the Schools Adjudicator

1.4 It is important that complaints are raised as quickly as possible after an incident occurs or comes to light. If not, it may mean that the school is not able to investigate the complaint adequately. Young pupils especially may not be reliable witnesses if not questioned soon after the event. In general, any matter raised more than 1 month after the event being complained of will not be considered. However, in exceptional circumstances where a good reason can be provided, eg an incident only came to light after this period, consideration may still be given. It should be noted that if a complaint is raised after a child leaves Stonebridge, the school will have no written records to refer to because a pupil's educational file is transferred to their new school. This may mean that there is no possibility of resolving the complaint.

1.5 We will endeavour to consider and resolve complaints as quickly and efficiently as possible and this policy explains the timeframes that we will work towards. However, where further investigations are necessary eg for a criminal or disciplinary investigation, delays may be unavoidable and new time limits can be set. The complainant will be sent details of the new deadlines and an explanation for the delay.

2. Framework of Principles

2.1 Stonebridge School intends that this 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;
- be a means of informing the school's senior management team where services can be improved.

2.2 Parents who wish to make a formal complaint should first outline their complaint through the Parents Query Form (Stage 1) – see Annex D. This will then be looked into by the appropriate member of staff who will carry out an investigation. Any notes, letters and related documents will be kept with the original form and kept in a single file. A response will be received by the parent within 10 days and will be recorded.

2.3 If the complainant remains unsatisfied and moves onto Stage 2 then the appropriate Stage 2 form – see Annex E - will need to be completed.

2.4 At each stage in the procedure the school will 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;
- further information that the complainant has not considered
- an admission that the situation could have been handled differently or better. (This is not an admission of negligence);
- 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.

Complainants are encouraged to state what actions they feel might resolve the problem at any stage. It is important to identify areas of agreement and action to be taken between the parties (see Parent Query Form). It is of equal importance to clarify any misunderstandings that might have occurred, to create a positive atmosphere in which to discuss any outstanding issues.

2.5 Vexatious Complaints - It is hoped that following this complaints procedure will limit the number of complaints that become protracted or vexatious. If a complainant tries to reopen an issue, it will be within the right of the Chair of the Governing Body to inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Please see Section 4 of this policy **Vexatious, abusive and unreasonably persistent complaints**.

2.6 Complaints need to be considered, and resolved, as quickly and efficiently as possible. At Stonebridge School we will endeavour to respond to complaints within the following time scales:

- *initial response/acknowledgement of a verbal or written complaint – 5 school days*
- *investigation into the circumstances leading to the complaint – 10 school days*
- *time limit on complainant's response time at each stage – 10 school days*

There may, on occasion, be the need for some flexibility to allow, for example, the possibility of further meetings between the complainant and the member of staff directly involved, or further investigations which may be required by the Head Teacher after a meeting with the complainant. Where further investigations are

necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

3. The Formal Complaints Procedure

3.1 There are four school-based stages at Stonebridge School:

- **Stage 1:** complaint heard by a staff member who is not the subject of the complaint. If it cannot be resolved at this stage, a file will be created and the complaint will progress to stage 2.
- **Stage 2:** complaint heard by Head Teacher;
- **Stage 3:** complaint heard by the Chair of Governors
- **Stage 4:** complaint heard by complaints appeal panel of the Governing Body.

3.2 If the complaint is about the Head Teacher or a governor, the initial complaint should be made in writing to the Chair of Governors (or Vice Chair should the complaint be about the Chair) and considered as for Stage 2. An unsatisfied complainant may take a complaint to the next stage.

3.3 Where a Head Teacher or governor has been involved in the issue previously, the complaint will be heard, at the relevant stage, by a member of the SST or by other governors. The full complaints procedure can be found in Annex B.

4. Vexatious, Abusive and Unreasonably Persistent Complaints

4.1 It is unacceptable for complainants to subject any members of staff or governors to abusive, offensive or threatening language or behaviour. Claremont expects anyone who wishes to raise a concern to treat members of staff and governors with respect, and to follow the school's complaints procedure.

4.2 We define vexatious and persistent complaints as those which, because of the frequency or nature of the contacts with the school or governing body, hinder the efficient leadership and management of the school. Features of an unreasonably persistent and/or vexatious complaint are described in Appendix G, although the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be considered as being in this category.

4.3 In cases of vexatious or unreasonably persistent complaints, the school may, after consultation with the local authority, decide to impose restrictions. These will be tailored to the individual complainant but may include

- Informing the complainant that his/her behaviour is now considered to be unreasonable or unacceptable and request a changed approach.
- Requiring all 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.
- Informing the complainant that, except in emergencies, the school will only respond to written communications and that these may be required to be channelled through the local authority.
- Banning or restricting the complainant from being on school premises

4.4 In the case of abuse or harassment including any form of verbal or physical aggression the school may call the police and take appropriate legal action.

4.5 If the complainant fails to comply with the restrictions and it is clear that the relationship with the school has irretrievably broken down, the school may, as a last resort, seek a managed move of the complainant's child(ren) to another local school.

4.6 Should the complainant raise an entirely new, separate complaint, it will be considered in line with this policy on its own merits. However, the school will consider the apparent motives for raising the complaint

5. Managing and Recording Complaints

5.1The Head Teacher will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing and a Parents Query Form should be filled in. The Parent Query form can be found in Annex D. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

5.2 The records of complaints at school level will be kept in a central and in a safe place ie. the school office.

5.3 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.

5.4 As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement, as it 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 and can support school improvement

6. Publicising the Procedure

6.1There is a legal requirement for the complaints procedure to be publicised. Stonebridge School will publish details of the complaints procedure in:

- the information given to new parents and children, when children join the school;
- a section in the school handbooks and staff handbook that explains the procedure and where the complaints procedure can be obtained.

6.2 A copy of the full Stonebridge School Complaints Procedure 2015 can be obtained from the school web site and is available from the school office.

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.

Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. We would normally expect that the most appropriate person to hear a complaint that cannot be resolved informally will be the relevant Year Team Leader. If the Year Coordinator is the subject of the complaint, the complaint will be referred to another staff member. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant will be referred to another staff member. Where the complaint concerns the Head Teacher, the complainant will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. 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 a first approach is made to a governor, the governor will advise the complainant about the procedure and refer them to the Head Teacher's personal assistant. Governors cannot act unilaterally on an individual complaint, outside the formal procedure.

If the complaint is not resolved at this stage to the complainant's satisfaction, the complainant may contact the Head Teacher's personal assistant to ask for the matter to be investigated by the Head Teacher. The Head Teacher's personal assistant will supply a leaflet, which explains the procedure, and a complaints form which the complainant must complete and return.

Stage One complaints should normally look to be resolved within 10 working days.

Stage Two: Complaint Heard by Head Teacher

On receipt of the completed complaints form, the Head Teacher will investigate the circumstances of the complaint and try to seek an appropriate resolution. The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Complaints against the Head Teacher may be made to the Chair of Governors. These will be investigated in the same way as the Head Teacher would conduct a procedure against a member of staff.

If the complaint is not resolved at this stage to the complainant's satisfaction, the complainant may contact the Head Teacher's personal assistant to ask for the matter to be investigated by the Chair of the Governing Body. Given that it is in the best interests of all parties to resolve complaints as soon as possible, if a complainant remains dissatisfied they must make this clear to the Head teacher within five working days of being notified of the outcome of the complaint. Failure to observe this timescale will normally result in the complaint not being progressed further unless the complainant can demonstrate exceptional circumstances.

Stage Three: Complaint heard by the Chair of Governors

The Chair of Governors will establish the facts of the case and may ask to see any paperwork held on file to this point. Having investigated the circumstances, the Chair will try to seek appropriate resolution.

If the complaint is not resolved at this stage to the complainant's satisfaction, the complainant may ask for the matter to be referred to the Governing Body's Complaints Appeal Panel. Given that it is in the best interests of all parties to resolve complaints as soon as possible, if a complainant remains dissatisfied they must make this clear to the Chair of Governors within five working days of being notified of the outcome of the complaint at this stage. Failure to observe this timescale will normally result in the complaint not being progressed further unless the complainant can demonstrate exceptional circumstances.

Stage Four: Complaint Heard by Governing Body's Complaints Appeal Panel

The complainant needs to write to the Chair of Governors, via the Head Teacher's personal assistant, asking for a governors' panel to be convened. The Chair, or a nominated governor, will convene a Governing Body complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

The Governing Body will nominate three or five members, who will be delegated powers to hear the complaint and set out its terms of reference. These include:

- following recommended procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will be drawn from members of the Governing Body who have had no prior involvement with the case and may consist of three or five people. The panel may choose its own chair.

The Panel will normally meet within 15 working days of the date of the complainant's request for a Panel Hearing. If it is not practicable to meet within this time limit the complainant will be informed of such and given either a date or an indication of when the Panel will be convened.

An explanation of how procedures will be conducted is shown in Annex D.

The Remit of The Complaints Appeal Panel

The 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.

There are several points of importance:

- a. The appeal hearing is independent and impartial and must be seen to be so. In deciding the make-up of the panel, governors will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
- c. The panel chair will ensure that the proceedings are as welcoming and informal as possible.
- d. If the complainant is a child, care will be taken to ensure that the child does not feel intimidated. The panel will give the same consideration to the views of the child as they would to those of an adult. Where the child's parent is the complainant, the parent will have the opportunity to say which parts of the hearing, if any, the child needs to attend.

Roles and Responsibilities

The Role of the Clerk

The Clerk to the Governing Body will convene and clerk any complaint hearing including 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;
- notify all parties of the panel's decision.

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

The nominated governor will:

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

The Role of the Chair of the Panel

The Chair of the Panel will ensure 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.

Notification of the Panel's Decision

The complainant will be notified of the panel's decision, in writing. This will usually be within five working days, although, if further investigation is required, this might be extended. The letter will point out that, at this stage, there are no further rights of appeal within Stonebridge School's complaints procedures.

General Principles:

Cut-off limits

Under normal circumstances, no complaint will be investigated if the facts giving rise to the complaint had occurred more than 4 weeks before the date that the complaint was actually made. The School may consider complaints made outside this time period if the complainant can demonstrate that there are exceptional circumstances which meant that they were not able to comply with the time limit.

Vexatious complaints

Any complaint which has been reasonably found to be vexatious will not be pursued. A vexatious complaint is one that has already been determined to be vexatious in accordance with this Policy either directly or indirectly. Where a complaint has been determined to be vexatious, the Chair of the Governing Body will write to the complainant informing them of this fact and that no further action will be taken in relation to it. Such a determination is not subject to appeal.

Any complaint which is made in an unreasonable, offensive or inappropriate manner will not be pursued within the context of this policy. The Governing Body acknowledges that staff dealing with complaints have the right to do so without facing unreasonable or offensive treatment. If in the reasonable opinion of the Chair of the Governing Body a complaint has been made on this basis, then he will write to the complainant, informing them of this fact and the fact that no further action will be taken in relation to the complaint. The School also reserves the right to take further action in response to such behaviour

Procedure of the Panel Hearing

- The hearing will be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale. This will normally be within five working days but, if further investigation is necessary, could be longer than this.
- Both parties leave and the panel then reaches its decision.



STAGE 2 COMPLAINTS FORM

Please attach a copy of the Parents Query Form (Stage 1) to this form

Name of Parent	
Date	

Please outline below why you are unsatisfied with the response you have received from the Stage 1 complaint procedure and this matter will then be further investigated by the Head Teacher.

Response to Stage 2 Complaint	
Date	



**Annex F
SUMMARY OF STONEBRIDGE SCHOOL COMPLAINTS PROCEDURE – 2015**

STAGE 1	Complete Parent Query Form and hand into School Office	School will respond within 10 working days and record action taken.	
IF COMPLAINT IS NOT RESOLVED TO THE COMPLAINANTS SATISFACTION			
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STAGE 2	Complete Stage 2 Complaints Form – available from the school office, Handed to Head Teacher	School will respond within 10 working days and record action taken.	
IF COMPLAINT IS NOT RESOLVED TO THE COMPLAINANTS SATISFACTION			
↓			
Complainant to ask for complaint to be investigated by the chair of governors		This request must be received by the head teacher within 5 working days of their reply at Stage 2	
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STAGE 3	COG establishes facts of case and asks to see relevant paper work	COG will respond within 15 working days to complainant	
IF COMPLAINT IS NOT RESOLVED TO THE COMPLAINANTS SATISFACTION			
↓			
Complainant to ask for complaint to be investigated by the Governing Body's Complaints Appeal Panel		This request must be received by the Chair of Governors within 5 working days of their reply at Stage 3	
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STAGE 4	COG or nominated governor convenes a Governing Body complaints panel	Panel meets within 15 working days of the date of the complainant's request (if practicable)	Notification of the panel's decision will be sent in writing within 5 working days
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Notification of the panel's decision will be sent in writing within 5 working days			
THERE ARE NO FURTHER RIGHTS OF APPEAL WITHIN STONEBRIDGE SCHOOL'S COMPLAINTS PROCEDURE			
A copy of the full Stonebridge School Complaints Procedure 2015 can be obtained from the school web site and is available from the school office.			

Appendix G

Examples of complaint and complainant behaviours which may be considered vexatious or unreasonably persistent

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite requests to do so
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the school to investigate, change or influence (an example could be a complaint about members of the public parking near the school)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the school or governing body, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of inappropriate, offensive or racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- make complaints in public or via a social networking site