



Rush Green Primary School

# **Rush Green Primary School**

## **School Complaints Procedure**

**Agreed by Governors: October 2017**  
**Reviewed and updated: May 2018**  
**Date to be reviewed: June 2020**

## 1. General Principle

The Headteacher and the governing body are committed to providing the best educational experience for all pupils in the school. Complaints are rare but when they happen we will take them seriously and resolve any matters as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

- *This procedure is intended to allow you to raise a concern or complaint relating to the school, or any of the services that it provides.*
- *An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.* Malicious complaints may incur appropriate action by the school.
- *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.*

Please tell us of your concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. For the school to be able to thoroughly investigate a complaint, it needs to be made within one month of the incident occurring. We receive very few complaints. Problems sometimes arise from misunderstandings that are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. When parents and teachers treat each other with mutual respect and support, this provides a very good role model for all our children.

This policy reflects the DfE guidance: "Best practice Advice for School Complaints Procedures 2016"

In accordance with Barking and Dagenham's procedures, there are 4 in-school stages, followed by an external stage which is heard by the Secretary of State for Education under Education Act 1996.

## 2. Stages

### Stage 1

Complaint will be heard by staff member (although not if they are the subject of the complaint) If unresolved, the matter will be passed to the appropriate member of the Senior Leadership Team.

Timescale for response:

***Within 5 working school days of making the initial contact, unless there is good reason not to do so.***

### Stage 2 (formal)

Complaint will be heard by Headteacher. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The

Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Parents will be encouraged to record the details of the complaint on our Parent Complaint Form to help with clarifying the concern. This form is available at the office or through your child's class teacher. If there are any difficulties in making a written record, appropriate support will be provided to enable them to clarify the precise details of the complaint

Note: If the complaint is about the Headteacher this is usually dealt with by the Chair of Governors. If the complaint is about the Chair of Governors or an individual governor this should be made in writing and marked for the attention of the Clerk to the Governing Body, and posted to the school office.

Timescale for response: ***Within 10 working days of the complaint escalation, unless there is good reason not to do so.***

### **Stage 3** (formal) Chair of Governors

If the complainant is not satisfied with the response of the Head Teacher, the Chair of Governors will be informed using the school's Parent Complaint Form. The Chair of Governors may investigate the complaint further. The outcome at this stage will be:

- 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;
- apply any of the schools' responses to unreasonably persistent, harassing or abusive complaints.

If the Chair of Governors or Chair of a committee undertakes the investigation at Stage 3, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to Stage 4.

Timescale for response: ***Within 10 working days of the complaint escalation, unless there is good reason not to do so.***

### **Stage 4** (formal) Governing Body Complaints Appeal Panel

The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB Complaints Appeal Panel.

- *The Chair acknowledges receipt of the written complaint, informing the complainant that the complaint is to be heard by a Committee of three members of the School's Governing Body.*
- *The Chair arranges to convene a Complaints Appeal Panel elected from members of the Governing Body. The members should have no prior involvement with the complaint and they should elect a Chair for the committee. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.*
- *The Chair of the Committee will write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should*

*also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.*

- *After the meeting, the Committee will consider the evidence and a written decision will be sent to both the Head and the complainant within 5 school days of the appeal.*
- *This Governors' appeal hearing is the last school-based stage of the complaints process.*
- In rare cases, if the whole of governing body is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The school will approach a different school for help, or the Governor Services team at the Local Authority, or the Diocese. *A written decision will be sent to the Headteacher and the Chair of Governors and the complainant within 5 school days of the date of appeal hearing.* The letter to the complainant will explain if there are any further rights of appeal and, if so, to whom they need to be addressed

Timescale for response: ***Within 20 school days from receipt of the complaint escalation.***

Note: the longer time limit for Stage 4 reflects the fact that these complaints maybe complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints with the timescales, the complainant will be informed in writing of the reason for the delay and given an anticipated response date.

**Further stage:**

If the complaint remains unsatisfied when the school stages have been completed, the complainant thinks that the governing body is acting unreasonably, or is failing to carry out its statutory duties properly, the complainant may write to the Secretary of State for Education.

This should be a last resort and the complainant should highlight in the letter the steps that have already been taken to resolve the problem and enclose all previous correspondence relevant to the complaint.

**The Department for Education (DfE) has a limited role in considering school complaints, which does not extend to an investigation. The DfE usually only considers the handling of complaints and whether the school has followed relevant education legislation. The DfE is unable to reinvestigate the basis of a complaint or change the decision of a school or governing body that has met its legal duties. The DfE does consider complaints after a child has left the school but can only act when it is practical to do so.**

Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

**See Appendix 1, for complaints not in the scope of this procedure**

### **3. Procedure for handling unreasonably persistent, harassing or abusive complainants**

The Headteacher and Governing Body are fully committed to providing the best educational experience for all pupils in the school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. We will always take parent's concerns seriously and investigate any complaints in a timely manner.

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 section is to provide information about our school policy on 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*
  - *Pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language); or*
  - *Making complaints in public or via a social networking site such as Facebook; 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.*

### **Schools' responses 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 this policy.

**Rush Green Primary School - Complaint Form (for use at the formal stages)**

Please complete this form if attempts to resolve your concerns or complaints with a member of staff have not been successful at Stage 1.

Please return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

|  |
|--|
| Your name:   |
| Pupil's name:  |
| Your relationship to the pupil:  |
| Your address:  |
| Day time telephone:  |
| Evening telephone:   |
| Details of complaint   |
| What actions, 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 documents? If yes, please give details.     |
| Signed/dated:   |

|                           |       |
|---------------------------|-------|
| SCHOOL USE                |       |
| Date acknowledgment sent: | By:   |
| Referred to:              | Date: |

## Appendix 1 – Complaints not in scope of the procedure

Our complaints procedure should cover all complaints about any provision of facilities or services that we provide, with the exceptions listed below for which there are separate (statutory) procedures.

| Exceptions  | Who to contact  |
|---|---|
| <ul style="list-style-type: none"> <li>• Pupil admissions</li> <li>• Statutory assessment of Special Educational Needs</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul> | <p>Concerns should be raised with Barking and Dagenham Local Authority.</p> <p>For school admissions, see link below for Barking and Dagenham School Admissions. <a href="https://www.lbbd.gov.uk/residents/schools-and-learning/school-admissions/introduction/">https://www.lbbd.gov.uk/residents/schools-and-learning/school-admissions/introduction/</a></p> <p>Complaints about admission appeals are dealt with by the LA Government Ombudsman.</p> <p><u>For child protection concerns, please contact the head teacher (Simon Abeledo) or Named Child Protection Officer (Sharon Thompson) 0208 2704940</u></p> |
| <ul style="list-style-type: none"> <li>• Pupil exclusions</li> </ul>  | <p>Further information about raising concerns about exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>  |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>  | <p>Our school Whistleblowing Policy is available on our school website under the section 'policies'.</p> <p>Other concerns can be raised direct with Ofsted by telephone on: 0300 1233155, via email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted,<br/>Piccadilly Gate,<br/>Store Street,<br/>Manchester,<br/>M1 2WD</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>  |

|   |   |
|---|---|
| <ul style="list-style-type: none"><li>• <b>Staff grievances and disciplinary procedures</b></li></ul>   | <p><b>These matters will invoke the school's own internal grievance procedures. Complainants will NOT be informed of the outcomes of any investigation.</b></p>   |
| <ul style="list-style-type: none"><li>• <b>Complaints about services provided by other providers who use the school premises/facilities</b></li></ul> | <p><b>Individual providers that use the school's premises/facilities should have their own complaints procedure to deal with complaints about service. Individual providers should be contacted directly.</b></p> |