

# Concerns and Complaints policy

## Ladygrove Park Primary

**Approved by:** James Walthall **Date:** 28/11/18

**Last reviewed on:** November 2018

**Next review due by:** November 2019

## General principles

1. This procedure is intended to allow you to raise a concern or complaint relating to the school or the services that it provides.
2. An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
3. 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 three months after the event, being complained of, will not be considered.

## Summary of Stages

### Informal Stage One

- Raise concern directly with teacher/ person involved

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, 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 at the informal stage.

### Informal Stage Two

- Raise concern with Leadership Team
- Or raise concern with Headteacher

If your concern is not resolved directly, you may choose to phone, email or write to the head teacher or deputy heads, who will be responsible for ensuring 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).

### Formal Stage One

- Raise concern with Chair of Governors in writing

It is expected that your complaint will be resolved through contact with the head teacher. If not, arrangements will be made for the matter to be further investigated, using the Chair of Governors. In this case, you should write to the Chair of Governors and you will learn in writing, as soon as practicable after the school received your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

### Formal Stage Two

- Submit written complaint to governors using statutory form (see appendix)

Using the previous stages correctly ensures that up to two independent investigations have taken place and recommendations given on the matter. If this has not satisfied the complainant then the completed form (see appendix) should be passed in a sealed envelope, to the school office. The envelope should be addressed to the head teacher or clerk to the governing body, as appropriate.

The head teacher or chair may invite you to a meeting to further clarify your concerns and explore the possibility of stepping back to 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. If you do not accept this invitation or not satisfied after the meeting a panel of governors will be convened.

Any investigation by governors will begin as soon as possible and will include a hearing involving a panel of 3 governors, and when it has been concluded, you will be informed, in writing, of its conclusion.

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

The panel will arrange a date and time for the hearing which is suitable for the complainants, representatives from the school and the panel themselves. This is expected to take place as soon as possible after the previous meeting and not more than **15 working days**.

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

If you are uncertain about who to contact, seek advice from the school office or the clerk to the governing body.

### **Review process**

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, as soon as practicable after receiving notice of the outcome, and include a statement specifying any perceived failures to following the procedure. The procedure described below will be followed.

Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will take place as soon as it is possible to gather all necessary parties, after the 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.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

### **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. **Informal concerns will be taken just as seriously** and school will make every effort to resolve the matter as quickly as possible.

Parents must raise small concerns swiftly. A complaint which covers a long period or a number of small disconnected issues is complex to address.

Parents sometimes refer to previous issues when raising fresh concerns. At this point the school will ask if the previous issue was dealt with to their satisfaction- if so, it will be judged as not admissible alongside the current concern. If not, the school will judge whether the concern appropriately falls inside the 3 month limit and cannot therefore be admitted (as described above, the issue should have been raised at the time). If a parent experiences a similar concern but with a different context then the concern will be dealt with as a fresh issue.

For example- if a concern is raised about an issue with another pupil in FS then a subsequent concern is raised about a different pupil 6 months later. These do not form a trend and will not be dealt with as a continuous issue.

### **Complaints not in scope of the procedure**

This complaints procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate statutory procedures.

#### Exceptions

- Admissions to school – LA (the Admission Authority)
- Statutory assessments of Special Educational Needs (SEN) - LA
- School re-organisation proposals - LA
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school (permanent or more than 5 days fixed)

Information about raising concerns about exclusion can be found at: [www.gov.uk/schooldiscipline-exclusions/exclusions](http://www.gov.uk/schooldiscipline-exclusions/exclusions).

- Whistleblowing

Follow the internal whistleblowing procedure for employees and voluntary staff.

- Staff grievances and disciplinary procedures

These matters invoke the school's internal grievance procedures.

- Complaints about services provided by other providers who may use school premises or facilities. External providers have their own complaints procedure to deal with complaints about service. They should be contacted direct.

### **Serial and Persistent Complainants**

We will 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 their position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise when the school has done everything we can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated

letters, emails or telephone calls making substantially the same points. 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 the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. Nevertheless, we will not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that a 'vexatious' request could be defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. This exemption can only be applied to requests themselves, and not the individuals who submit them.

The decision to stop responding will never be taken lightly. If the school has:

- taken every reasonable step to address the complainant's needs;
- given the complainant 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.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Where an individual's behaviour is causing a significant level of disruption the school may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

The school will ensure that it is acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they will approach the governor services team at Oxfordshire Local Authority to ask for assistance. Complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

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

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps. Injunctions and other court orders can be issued to complainants because of their behaviours.

Once the school has decided that it is appropriate to stop responding, it will let the complainant know; ideally, through a hard copy letter but an email will suffice.

## **The Complaints Procedure – Best Practice Tips (non statutory)**

- We recommend that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place;
- Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. 'Understanding and Dealing with Issues Relating to Parental Responsibility' contains specific advice about how to properly approach issues concerning parental responsibility.
- policies which state what they 'will' do rather than what they 'should' or 'may' do); Where a policy states that a school 'should' do something which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.
- Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
- The complaints procedure should set out the steps to follow in the event that the headteacher or member of the governing body is the subject of the complaint.

### **Guide**

- enables 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.

### **Timeliness**

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
- Expect complaints to be made as soon as possible after an incident arises (three months is the time frame in which to lodge a complaint);
- Exceptions to the time limit are considered if there was a reason that the complainant was not able to make the complaint within the time frame;
- Determining what the appeal panel considers is for the school to decide.
- Complaints against the headteacher are first dealt with by the Chair of Governors.

### **Recording Complaints**

- A complaint may be made in person, by telephone, or in writing;

- In any case, the details on the standard form in the appendix will be completed.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;

- We will record the progress of the complaint and the final outcome. The headteacher or complaints co-ordinator will be responsible for these records and hold them centrally.
- The complainant has a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **Governing Body Review**

- Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, we will arrange for an independent panel made up of governors from a partner OPEN school.
- The process of listening to and resolving complaints can in some cases contribute to school improvement. When individual complaints are heard, we will also identify underlying issues that need to be addressed.

The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

- The governing body will review the complaints procedure every three years. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

Responsibility for reviewing the procedure can be delegated to a committee of the governing body, an individual governor or the headteacher.

## **Policy for Unreasonable Complainants**

Ladygrove Park Primary School is committed to dealing with 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.

Ladygrove Park 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 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. Note that sharing of information about specific situations or individuals might be breaking the law and the school will contact the Police to further investigate.

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 headteacher or Chair of Governors will discuss the school's concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Ladygrove Park Primary 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 the school.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. This will involve looking at whether the complaints policy and any other relevant statutory policies were adhered to. It will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The school's decision about a complaint will not be overturned except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If it is found that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

Schools may wish to gain advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, they will not be able to advise on how to resolve the complaint.

## Appendix – Roles and Responsibilities (non statutory guidelines)

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - o sharing third party information;
  - o additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Formal Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - o consideration of records and other relevant information;
  - o interviewing staff and children/young people and other people relevant to the complaint;
  - o analysing information;

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case

without undue interruption; • the issues are addressed; • key findings of fact are made; • parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person; • the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any detailed involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:- • it is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor may sit on the panel if they have had a prior detailed involvement in the complaint or in the circumstances surrounding it. • the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that 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. • many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. • extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. • The welfare of the child/young person is paramount.

### **Interviewing Best Practice Tips Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation. • Care should be taken in these circumstances not to create an intimidating atmosphere. • Children/young people should be told what the interview is about and that they can have someone with them.

### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints coordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.