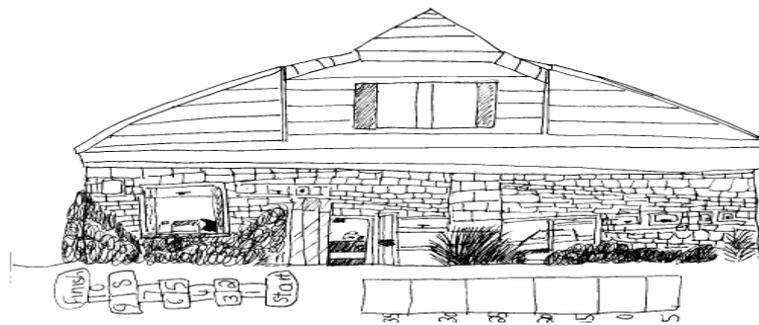


Graveley Primary School
A Church of England (VC) School

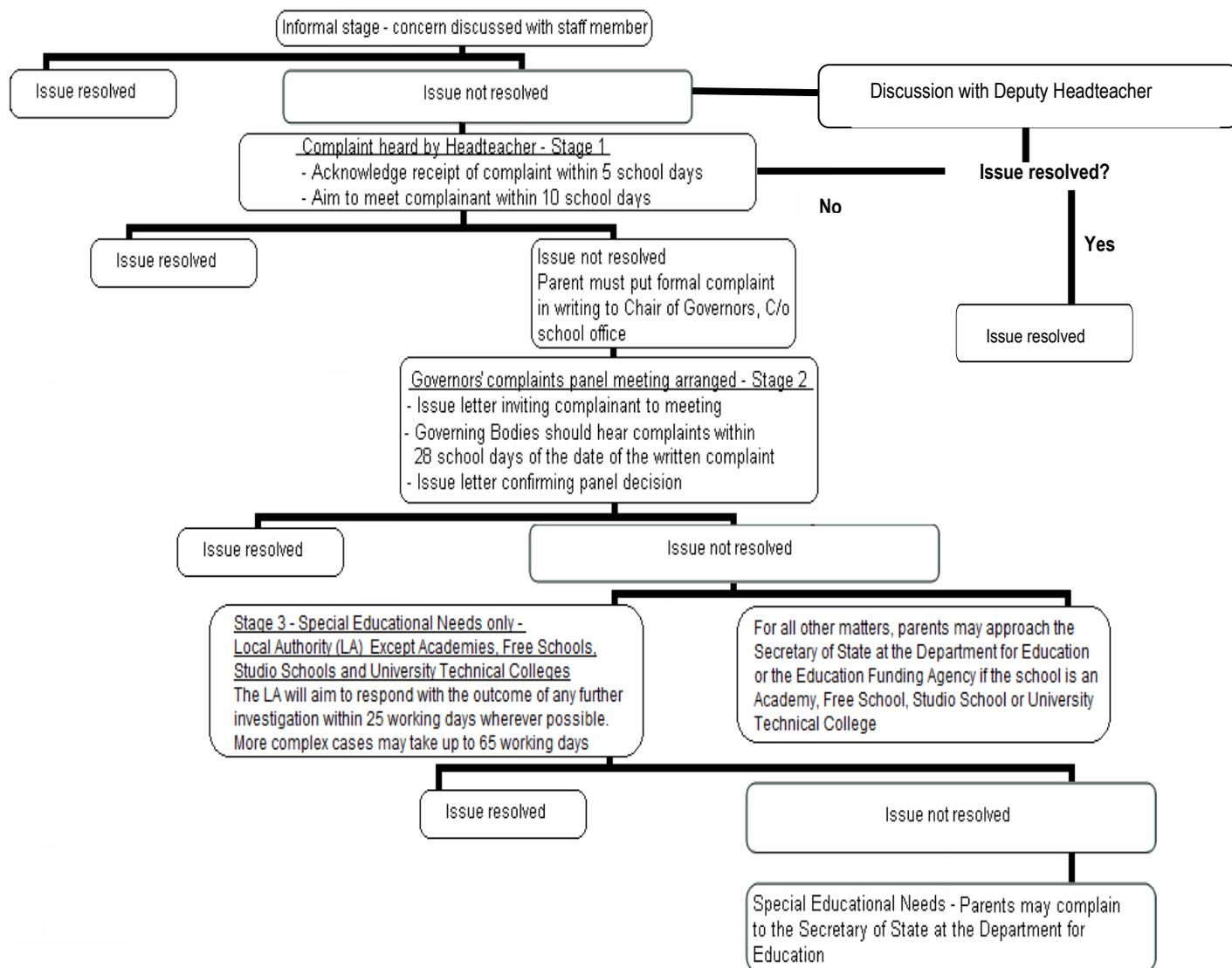


Complaints Policy and Procedure

Summer 2017

To be reviewed Summer 2019

Dealing with complaints



Framework of Principles

The Graveley Primary School Complaints Policy and 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

At each stage, the person investigating the complaint (normally the Headteacher) will ensure 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.

Halting meetings – at any point in the process, a meeting may be stopped by a member of staff if they feel threatened or vulnerable. Unacceptable behaviour could include:

- verbal abuse;
- threatening body language and behaviours;
- shouting and swearing.

Resolving Complaints

Prior to a complaint being escalated to involve a formal hearing, Graveley Primary 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;
- 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.

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

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 liability.

An effective complaints 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.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.

If the situation is challenging but it is possible to proceed, Staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not. Useful contact details are included in this document at the end of Appendix 2.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, 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. At Stage 1, all complaints should be acknowledged within 5 school days. The Governing Body should deal with and respond fully to Stage 2 formal complaints within 28 school days of when the written complaint is received.

Stages of the complaints process

A clear complaints process has well-defined stages:

Informal – Local resolution of the concern with Staff member and Deputy Headteacher

Stage 1 – complaint heard by Headteacher

Stage 2 – Governors' Complaint Panel

Further recourse – Possibly to Department for Education, Diocese, Local Authority, or OFSTED (where appropriate).

Recording Complaints

Graveley Primary School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of Staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

Governing Body (GB) 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. Preferably, 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.

Publicising the Procedure

16. There is a legal requirement for the Complaints Policy and Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Policy and Procedure will be included in the following ways:

- on the school website;
- in the school prospectus;
- the information given to new Parents when their children join the school;
- in home-school bulletins or newsletters;
- in documents supplied to community users including course information or letting agreements;
- in a specific complaints leaflet.

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure for Parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require Governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and Parents about SEN provision.

How Graveley Primary School handles complaints made about or by:

- A member of Staff about another member of Staff or the Headteacher?
- A member of the Governing Body about a member of Staff?
- A member of Staff about a member of the Governing Body?
- A member of Staff about the action/decision of the Governing Body?
- Members of the public (not Parents)?
- A Parent whose child no longer attends the school?
- Data Protection and Freedom of Information related matters

This model procedure essentially covers complaints made by Parents or Carers of children who attend the school, however, the school has in place written procedures for the above eventualities. It would not normally be necessary for schools to consider complaints made 12 months or more after the events complained of.

Complaint made by one member of Staff against another (including the Headteacher)

Complaints from members of Staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance). Please refer to the school's Grievance Policy.

The Schools HR Advisory Team can also be contacted for advice on (01438) 844875.

Complaint made by a Governor about a member of Staff

This should be dealt with through the complaints process outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of Staff, it would be more appropriate to invoke the school's Disciplinary Policy and Procedures.

Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

Complaint by a member of the public (not a Parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors.

Complaint by a Parent whose child no longer attends the school

The purpose of this complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it would be good practice to inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body.

Complaints regarding compliance with Data Protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary-Controlled school. Any complaints regarding Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk

What complaint/appeal procedures are NOT covered by this document?

This document does not cover:

- Complaints by Governors about other Governors
- Child Protection Procedures
- Appeals about admissions
- Complaints about fixed term or permanent exclusions from school
- Staff Disciplinary Procedures

What is the position of Staff complained about?

Any member of school Staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with Staff disciplinary matters. Therefore, if in the course of considering a complaint the Governing Body concludes that disciplinary procedures should be initiated, they will take separate action.

How long should the school take in dealing with concerns and complaints?

We should aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints should receive written acknowledgement within **5 school days (1 week)**.

The Governing Body will deal with and respond fully to Stage 2 formal complaints within **28 school days (5½ weeks)** of the written complaint being received. If this is not possible Parents need to be given the reasons for the delay and to be kept informed of progress.

What is the FIRST stage in dealing with a complaint?

Most concerns, or potential complaints, can be resolved informally by offering Parents a full discussion with the member of Staff who is best able to help. If no agreement is made then a meeting with the Deputy Headteacher will be arranged. If this is unsatisfactory to the parents then an informal discussion with the Headteacher will take place.

Should this approach not resolve matters, a formal complaint should be made to the Headteacher at Stage 1b. The Headteacher will carry out further investigation. Governors approached by Parents at this stage will refer the matter back to the Headteacher.

Governors need to be aware that if they do become involved closely with complaints at Stage 1, they cannot be involved with Stage 2 of the complaints process.

If the complaint is about the provision the school is making for a child's Special Educational Needs, then a Parent might find it helpful to talk to the named SEN Officer where this applies. SENDIASS (Special Educational Needs & Disability Information Advice & Support Service – formerly known as the Parent Partnership Service) will be able to provide advice on the procedures the LA has in place for resolving disputes between schools and Parents over SEN provision.

Schools should give Parents wishing to complain further a copy of the school's complaints procedure and ask them to set out their complaint in a letter or by completing the formal complaint form (see Annex A).

What is the SECOND stage in dealing with a complaint?

The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by the Governors for this purpose. This will usually involve a Panel of Governors appointed to act on behalf of the Governing Body. **In the case of Special Educational Needs complaints, the Chair of Governors must inform the Children's Services Complaints Manager at the Local Authority.**

If the Chair of Governors, or other Governors, have been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the investigation and consideration of the complaint.

Sometimes the Governors may offer the Parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant. Please note that neither a pre-meeting nor an investigation in advance of the Panel are a requirement. They are optional and it is up to Governors to decide whether to conduct them.

Parents should be provided with full details of how the Governors' Complaint Panel will conduct the further investigation, if there is to be one, (the exception to the rule being 'Complaint by a Parent whose child no longer attends the school'). A formal hearing is the best way for both Parents and the Headteacher and Staff to be satisfied they have had a proper opportunity to be listened to by Governors.

Everyone should also be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the Panel, in advance, any written information they wish to be considered in the formal hearing.

Who can attend a Stage 2 hearing?

At any meeting Parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and Parents should be encouraged to do this where necessary.

The Chair of the Panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of Staff required by Governors to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of Staff named by Parents in the complaint may also choose to attend even if not required to do so by Governors and may be represented. If this happens, Parents should be told beforehand.

What happens after the investigation/hearing?

When the complaint has been fully investigated and the hearing has taken place, Parents will be notified of the **findings** in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within **5 school days (1 week)** of the hearing date.

The report, with findings, should, at the same time, be published to the Governing Body as a confidential item and will, in addition, include any **recommendations**. A meeting of the Governing Body must accept the findings but can accept, reject or reject in part, the recommendations. Personal details should not be disclosed, but an outline of the complaint hearing and findings should be given.

The Chair of Governors should write to the Parents to confirm any actions agreed by the Governing Body. Any agreed actions must be implemented by whoever it applies to - this could be the Governing Body as well as the Headteacher. Parents should also be informed whether and how they can take their complaint further.

A copy of the report must be sent to the Headteacher and the Children's Services Complaints Manager in the case of a Special Educational Needs complaint, where there is a possibility of a third stage of complaint to the County Council.

What can Parents do if they are not satisfied with the outcome of the second stage of investigation?

In most cases it is expected that Parental complaints will be satisfactorily resolved following a formal complaint to the Governing Body. However, should Parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing.

After **20 working days (4 weeks)**, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

When is there a THIRD stage of complaint to the County Council and how does it work?

When it is a complaint about the way a school is providing for a child's Special Educational Needs.

Parents may complain further to the LA by writing to the Children's Services Complaints Manager.

The CS Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the CS Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are as follows:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

What happens when there is NO statutory third stage of complaint to the County Council?

Complainants should write to: The Diocesan Director of Education, Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE. Email: schools@stalbans.anglican.org, Website: www.stalbans.anglican.org. Telephone: 01727 818170.

FOR ALL OTHER TYPES OF COMPLAINT, INCLUDING THOSE REGARDING BULLYING, THE NATIONAL CURRICULUM OR COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, VOLUNTARY-AIDED, FOUNDATION OR TRUST SCHOOL, THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY

For almost all complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body.

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Can Parents complain to anyone other than the County Council?

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

What kind of record will be kept about complaints?

The County Council will monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.

We will, as good practice, formally record and monitor all Stage 2 complaints to the Governing Body.

Statistics may be published from time to time about the number and nature of complaints about individual schools. Publications will not include reference to any named individual. This is used to identify complaint trends and whether individual schools need particular guidance or support.

Serial and Persistent Complaints

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.

Dealing with Unreasonable Complainants.

Graveley 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.

Graveley 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 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 that 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 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.

Wherever possible, the Headteacher or the Chair of Governors will discuss any 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 the school causing significant disruption, we may specify methods of communication and limit the number of contacts in 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 school.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no right of entry. Graveley Primary School will therefore act to ensure it remains a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, we will ask him/her to leave the school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on the school premises has been temporarily revoked subject to any representations that the parent may wish to make.

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 DfE. Once the school's own complaints procedure has been completed, the only remaining avenue is through the Courts; independent legal advice must therefore be sought.