



**Astbury St Mary's Primary School**

# Complaints Procedure

**Approved for Issue: Summer 2018**

**To be reviewed: Summer 2021**

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## 1. Introduction

The school recommends all parents and pupils to approach members of staff in the first instance if they have a concern or complaint.

In the event that these initial approaches fail to resolve a complaint, this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

This policy applies to all concerns and complaints other than

- Child Protection issues and
- Exclusions

where separate procedures apply

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010. Any complaint will be investigated.

## 2. Stage 1 - Informal complaints

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the Class Teacher or the headteacher as appropriate. The school will ensure that informal complaints are resolved within 10 working days of being raised.

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## 3. Stage 2 - Formal complaints

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the headteacher of the school concerned or the chair of the Governing Body (GB) if it is a complaint regarding the headteacher. Should a formal written complaint be received by another member of the school's staff or GB, this should be immediately passed to the headteacher, or chair of the GB.

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

The headteacher may deal with the matter personally or delegate a senior member of staff to act as 'investigating officer'. The 'investigating officer' may request additional information from the complainant and will fully investigate the issue. In most cases the headteacher or investigating officer will meet or speak with the parent/carer to discuss the matter.

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

Written records will be kept of any meetings and interviews held in relation to the complaint. The GB will be informed of any formal complaints received and their outcome.

Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by an Independent Complaints Panel.

## 4. Stage 3 - Appeal to a Complaints Panel

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the school decision made at Stage 2.

Where an appeal is received, the school will within 3 working days refer the matter to the Clerk of the Governors or other person appointed to act as Clerk to the Complaints Panel. Unless the complaint is about the Chair of the GB, the Clerk will inform the Chair and will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant and will keep the Chair of the GB informed of the process

The Clerk will, in discussion with the Chair of the GB, aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

The Panel will consist of three members of the GB who have not previously been involved in the complaint. The Panel will select its own Chair.

## 5. Roles and Responsibilities

### The role of the Clerk

All panels considering complaints must be clerked. The Clerk is the contact point for the complainant and be required 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 decisions

### The role of the Chair of the GB:

- 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 has a key role, ensuring 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 or 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.
- if a new issue arises all parties are given the opportunity to consider and comment on it.

## 6. The hearing of the appeal

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 academy's systems or procedures to ensure that problems of a similar nature do not recur.

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers and/or one representative
- the headteacher and/or one representative
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

## 7. Decision

The Panel will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final.

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the GB and the headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel and inform the GB.

If the complainant is still unsatisfied they may use the EFA complaints form as available at [www.education.gov.uk/form/school-complaints-form](http://www.education.gov.uk/form/school-complaints-form).

## 8. Unacceptable behaviour

The GB recognise that they are the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The GB are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, they do not expect the school's staff to tolerate behaviour by complainants, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the yard.

If the headteacher considers that a complainant's behaviour is unacceptable, the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the headteacher will take action to restrict the complainant's contact with school.

Unacceptable actions and behaviours may include:

- foul and abusive language towards staff, other parents and pupils
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication
- undermining school policies by actively encouraging pupils to ignore staff requests
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- combinations of some or all of these.

The decision to restrict access to our school will be taken by the headteacher.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases the headteacher will write to tell the complainant why it believes his or her behaviour is unacceptable, what action is being taken and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, the school may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the GB will seek to limit any

detriment to any pupils who attend the school, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, other options will be considered, for example reporting the matter to the police or taking legal action.

## 9. Vexatious complaints

There are a small number of complainants who, because of their frequent contact with the school, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the headteacher will take action to limit their contact.

Actions and behaviours of unreasonable and unreasonably persistent (vexatious) complainants may include:

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's staff.
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the school and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous school staff, writing lengthy complex letters every few days and expecting immediate responses.
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- combinations of some or all of these.

The decision to restrict access to the school will be taken by the headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options most likely are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases, the headteacher will write to tell the complainant why his or her behaviour falls into that category, what action is being taken and the duration of that action. They will also tell them how they can challenge the decision if they disagree with it. If the school decides to carry on treating someone as an unreasonably persistent complainant and they are still investigating their complaint six months later, they will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the school about it, they may decide to terminate contact with that complainant. In such cases, the headteacher or chair of the GB will read all correspondence from that complainant, but unless there is fresh evidence which affects the decision on the complaint they will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

# Complaint Form

School

Please complete and return to .....who will acknowledge receipt and explain the complaints process.

Your Name .....

Pupil's name .....

Your relationship to the pupil (if relevant) .....

Address .....

.....

Telephone number (day) .....

Telephone number (evening) .....

Please give brief details of your complaint

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What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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