

## **GENERAL COMPLAINTS PROCEDURE**

### **Introduction**

This procedure fulfils the requirements of the Education Act 2002 (Section 29) which “requires all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

This procedure contains:

- The procedure that the school will follow in the event that a complaint needs to be formally investigated
- Annex 1: Explanatory notes
- Annex 2: Flow diagram / timeline
- Annex 3: Policy on unreasonably persistent, harassing or abusive complainants
- Annex 4: A statement of policy for circulation to parents and other users of school services.

This procedure does not apply to complaints or appeals in relation to:

- Admissions
- Child protection
- The national curriculum or Religious Education
- Collective worship
- Health and safety

If a concern is brought to the attention of the school that relates to any of these matters, the separate statutory or local authority procedure will be used.

The governing body has adopted all the statutory procedures required to deal with

- Staff discipline and staff grievances
- Exclusions

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures.

A short summary of our policy and procedure is included in our school prospectus and on our website.

**ADOPTED BY THE GOVERNING BODY ON** June 2015.

**SIGNED:** N Worthington **(Chair of Governors)**

**DATE:** \_\_\_\_\_.

## CHURCH WALK C. E PRIMARY SCHOOL

### **GENERAL COMPLAINTS PROCEDURE: FOR STAFF AND GOVERNORS**

#### **Introduction**

#### **What is a complaint?**

- 1) This procedure applies to concerns or complaints about a school policy or procedure, or the way a school policy or procedure has (or has not) been implemented. It should be distinguished at the outset from an allegation about the conduct or behaviour of a member of staff for which disciplinary procedure will be used. Concerns and complaints may be communicated in writing, by telephone or in person. They may be expressed by parents, carers, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible. For the purposes of this procedure, a complaint may be regarded as the formal registering of what may previously have been raised informally as a concern, either by the complainant requesting that the school use the formal procedure, or the school determining that it should use the procedure.

This procedure may be used to handle any complaints raised about volunteers, such as governors, where employment procedures are not appropriate.

#### **How will a concern or complaint be received?**

- 2) It is expected that those wishing to raise a concern about an aspect of their child's education will address themselves to the class teacher in the first instance. Members of staff will
  - deal with and resolve the concern if they can;
  - report to the headteacher that they have been notified about a concern and;
  - explain what action they have taken to deal with it.
- 3) If the concern is about a matter of school policy, then this should be raised with the headteacher.
- 4) If a member of the school (staff or governor) receives any concern, complaint, or allegation which is not about them personally, it will be referred in the first instance to the headteacher so that a decision can be made as to which procedure should be used. If the complaint is about the headteacher, it will be referred to the chair of governors; if it is about the chair of governors, it will be referred to the clerk to the governing body. If there is any doubt about which procedure should be followed, advice will be sought from the local authority by contacting the Governor Support Team (GST) and/or from the relevant diocesan authority.

#### **Informal stage**

- 5) Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff, the headteacher, or a governor. The school expects that the vast majority of concerns will be resolved at this stage.
- 6) The conclusions of any meeting with the complainant will be put in writing and copied to the complainant within 5 school days following the meeting. If the informal process has been exhausted and no satisfactory solution found, the complainant should be advised in writing within 5 school days by the member of staff dealing with the issue that if he/she wishes, the complaint can be considered formally. The letter to the complainant will explain that they have 5 school days to request that their complaint is dealt with formally.

## Formal stage: summary

- 7) There are normally four stages to the formal procedure
1. investigation by the head teacher;
  2. investigation by a nominated member of the governing body;
  3. an appeal to a panel of governors;
  4. and at any appropriate point during the procedure, a resolution process.
- a) *Investigation:* The headteacher will make arrangements for the investigation to be carried out. In the case of a complaint about the headteacher a nominated governor will make arrangements for the investigation. (From now on the person responsible for conducting the investigation will be referred to as “the investigator”).
- b) *Governor investigation:* The governing body, through the clerk or the chair, will appoint a governor to be the investigating officer.
- c) *Appeal:* If the complainant is not satisfied with the outcome of the investigation, they may request that a panel of the governing body considers an appeal against the outcome of the investigation and/or the procedure which has been followed. The appeal request should be made within 10 school days of receiving the investigation report or following a resolution meeting, if one takes place.
- d) *Resolution:* At the end of the investigation, the investigator may offer the complainant the opportunity of a meeting with all parties to clear the air and determine whether an agreed resolution is possible.

## Investigation

- 8) The complainant should put his/her complaint in writing. The complainant may make a request for formal consideration of their complaint in person, or by telephone. In this case, the person receiving the formal complaint will record the details, confirm with the complainant that the written record correctly reflects their complaint, and then passes it to the investigator.
- 9) However the complaint is notified, it will be acknowledged within 5 school days by the investigator.
- 10) The investigator will offer an opportunity to meet the complainant within 5 school days to discuss the complaint and to agree what will be investigated and what outcome the complainant seeks. The outcomes of this meeting should then be confirmed in writing with the complainant and signed by both the complainant and investigator. A copy of the outcomes should be sent to the complainant within 5 school days of the meeting.
- 11) If the complainant is expecting to know that disciplinary action will be taken as a result of the complaint, or that a decision taken as part of another statutory process will be overturned, then the investigator should either make clear that this is not possible (as disciplinary procedures are confidential) and/or close the meeting and take advice to make sure that the right procedure is being used.
- 12) The complaint will then be investigated. The investigation can include a review of any written papers, interviews with the person against whom the complaint is made (whether staff, governor, visitor), and any relevant witnesses. Interviews with children will only be undertaken by professionals (such as teachers or support staff who have a clearly established working relationship with the child) and not by governors. Permission will be obtained from pupils' parents for such interviews to take place. The school will take advice as necessary from the local authority to ensure that such interviews are conducted appropriately.
- 13) The complainant is not entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present.

- 14) The investigation will usually be concluded within 10 school days following the meeting with the complainant (or receipt of the complaint where no meeting has taken place) and a written response sent to the complainant by the end of the investigation stage. If there is to be a delay in concluding the investigation, a letter should be sent to the complainant explaining the reason for the delay and providing a revised date.
- 15) The written response will explain briefly
- a) what the investigation entailed (but not details of what was said or written by witnesses);
  - b) whether the complaint has been upheld and if it isn't, the main reasons for not upholding;
  - c) any action the school proposes to take to resolve the complaint where it is upheld, including offering a resolution meeting (though not including any subsequent sanctions or disciplinary action against any individual);
  - d) any recommendations to be made to the headteacher or governing body in the light of the investigation (whether the complaint is upheld or not);
  - e) that if he/she is still not satisfied, the complainant has a right of appeal, either in person or in writing to a panel of governors;
  - f) that any appeal must be made in writing within 5 school days of their receiving the outcome letter (or of any failed resolution meeting);
  - g) that if the right of appeal is not exercised, the matter is closed.
- 16) The subject of the complaint will also receive a copy of the written response.
- 17) A recorded verbal notification of the complainant's request for an appeal hearing is acceptable, provided it is given within the relevant timescale.
- 18) Where a complainant agrees to attend a resolution meeting, this will usually be arranged no later than 5 school days after the date of the letter to the complainant. The purpose of the meeting is to give the opportunity for all parties to meet and any restorative actions to be agreed.
- 19) Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting will be chaired or conducted by the investigator or the chair of governors or a third party external to the school. (This might be a representative of the local authority, the diocese, a governor of another school, a retired headteacher or other professional known in the community). The chair may be nominated by either party, but should be acceptable to both.
- 20) In the event that the complaint has not been upheld, such a meeting may be delayed until after any appeal has been heard.
- 21) Should the meeting not produce a resolution, then the complainant can still appeal to a panel of the governing body against the outcome of the investigation and/or the procedure which has been followed. This request must be made within ten days of the meeting.

### **Appeal to a panel of the governing body**

- 22) A letter will be sent to the complainant acknowledging that they have exercised their right to an appeal review. This letter will:
- a) notify the complainant of the date by when his/her complaint will be reviewed (which will be within 20 school days of receiving the appeal request);
  - b) explain the format of the appeal review;
  - c) inform the complainant of his/her right to submit any further documents relevant to the complaint (not later than 20 school days prior to the review);

- 23) A panel of a minimum of three governors, appointed by the governing body, will review the handling of the complaint. Governors who have detailed prior knowledge of the complaint, or are involved in some other way, will not be on this panel.
- 24) The investigator will also be invited to prepare a written report for the panel in response to the complaint.
- 25) All relevant correspondence and any additional written materials produced by either side will be circulated to all parties not later than 5 school days before the date of the appeal review. Any such material must not divulge confidential information relating to individual employees or children other than the complainant's.
- 26) The panel will meet and review all the written evidence presented to them. The panel may adjourn to request additional written evidence not available at the time, such as policy documents or correspondence, but it will not carry out any other additional investigation, such as interviewing further either the investigator or the complainant, nor witnesses for either side.
- 27) The complainant, the investigator of the complaint and the member of staff involved will be notified of the decision within 48 hours of the review by the chair of the appeal panel.

### **Referral to the Secretary of State**

- 28) The school recognises that a complainant has the right to complain to the Secretary of State if they believe that the governing body or the LA is acting unreasonably or is failing to carry out its statutory duties properly.

### **Referral to the Corporate Director, Children's Services for review**

(This is included for the information of the school and complainant. It does not form part of the governing body's own complaints procedure).

- 29) The school is aware that if the complainant believes that the school has not investigated the complaint in line with its published procedure, the complainant may decide to write to the Corporate Director, Children's Services, requesting a review by the local authority. The school will cooperate with any such review, recognising that the review will consider:

- a) whether the school's procedure was appropriately followed or not;
- b) whether the complaint was fully considered;

and that

- c) the Director does not have the power to overrule the decision of the governing body, but that
- d) the Director can make recommendations to the governing body on the matter.

The governing body will consider any such recommendations.

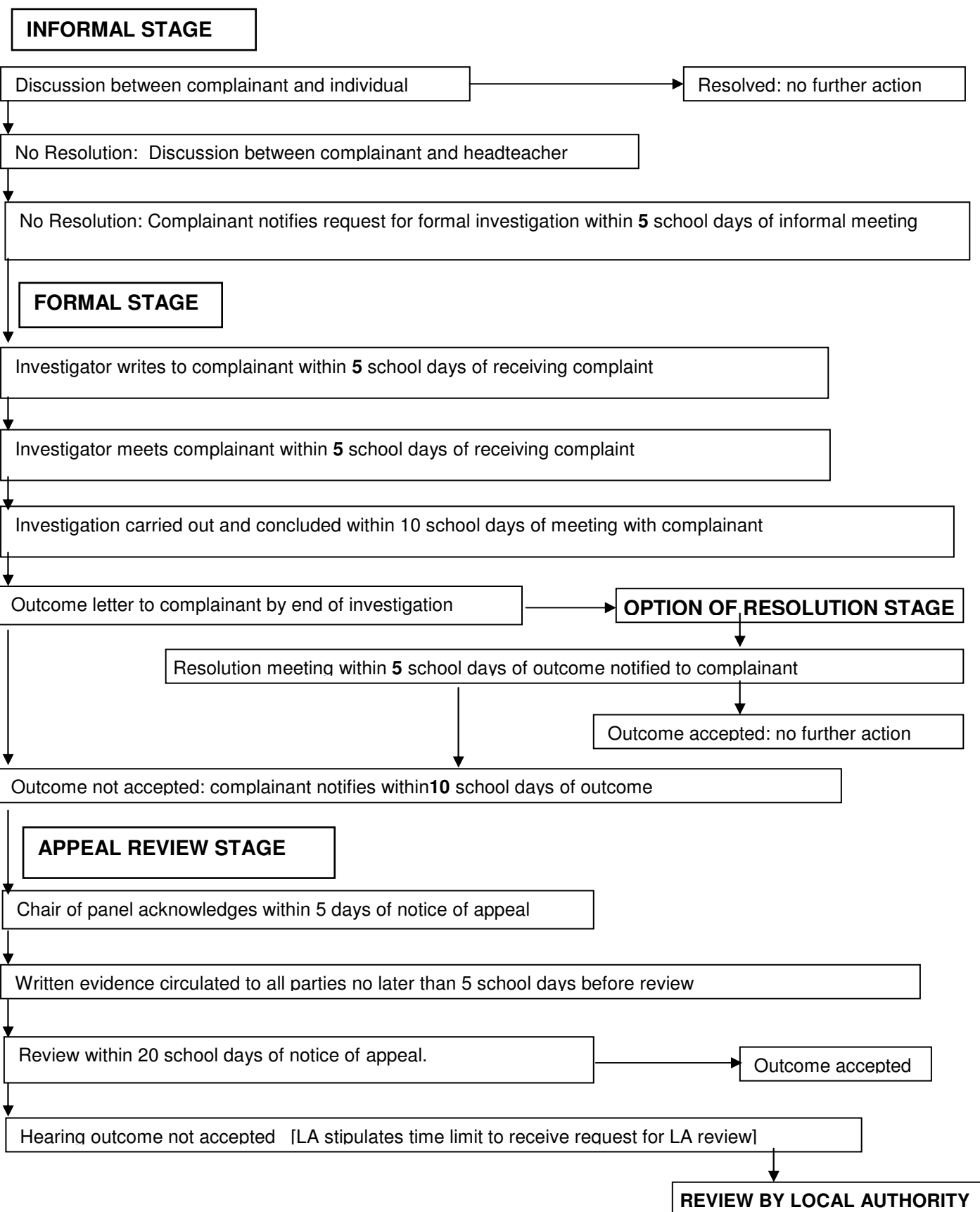
### **Referral to Ofsted**

- 30) The school recognises that a complainant has the right to complain separately to the Office for Standards in Education (Ofsted). Contact details can be found at [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

**CHURCH WALK C.E. PRIMARY SCHOOL****GENERAL COMPLAINTS PROCEDURE: FOR STAFF AND GOVERNORS****EXPLANATORY NOTES**

- 1) If a complaint is received against a member of staff that amounts to an allegation of child abuse, or other criminal act, the advice of the local authority (through the Education Welfare team) will be immediately sought.
- 2) All concerns will be responded to swiftly and action taken, including making an apology where appropriate, so that concerns do not escalate to formal complaints.
- 3) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid the use of the formal procedure. It reserves the right to use the formal complaints procedure to deal with a concern, if this will resolve matters more speedily.
- 4) The school will accept complaints made on behalf of another who is unable to make the complaint for themselves (for example, due to disability or age), but not accept complaints made for another who could reasonably be expected to make it for themselves (for example, by one parent for another parent about their child).
- 5) The school will not normally investigate anonymous complaints.
- 6) A complaint received by any member of the governing body will not be referred to other members of the governing body (except the chair) nor taken to a governing body meeting. Governors will advise any such complainant of the school's procedure and refer them either to the headteacher or to the chair of governors, or to put their complaint in writing to the clerk to the governors, whichever is appropriate.
- 7) Complainants will be advised that they may harm the fair hearing of their complaint if they write to all members of the governing body.
- 8) A governor will only be regarded as 'tainted,' and therefore ineligible to act as investigator or member of an appeal panel, if they have such a degree of prior knowledge of the details of the complaint that would enable them to form a preliminary judgement based on incomplete information or biased opinion.
- 9) Complaints about governors will only be handled by the chair or clerk, using either this procedure, or by referring to guidance set out in *A Guide to the Law for School Governors*. (Ch 2 paras 26-32 *Removal from Office*; Ch 2 paras 37-39 *Qualifications and Disqualifications*; Ch 3 paras 49-51 *Removal of the chair or vice-chair from office*).
- 10) Complainants have no right to determine how a complaint will be investigated. Where a statutory or local authority procedure does not have to be followed, the school will use the relevant procedure most recently adopted by the governing body.
- 11) All correspondence will use the school address. All letters from the governing body will be signed from and by the clerk to the governors, even where it is the chair of governors or other member of the governing body that is the investigator or the chair of an appeal panel.
- 12) All references to 'days' are to school days. Where timescales are prescribed, the school recognises that there may be circumstances for both parties that prolong the procedure – such as sickness absence or holiday – and it would be reasonable to expect some variation or flexibility. The complainant will be informed of any change to timescales as soon as possible.
- 13) The school will retain records of complaints for at least one year. As part of its process of self evaluation, the governing body will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.

- 14) When a complaint is being handled, the investigator should arrange provisional dates for all stages in the procedure, allowing the school to plan for the appeal stage in advance.
- 15) Relevant staff and governors will attend training to ensure that complaints can be handled appropriately.

**CHURCH WALK C.E. PRIMARY SCHOOL****GENERAL COMPLAINTS PROCEDURE: FOR STAFF AND GOVERNORS****TIMESCALES FOR COMPLAINTS PROCEDURES**



## CHURCH WALK C.E. PRIMARY SCHOOL

### GENERAL COMPLAINTS PROCEDURE

#### **POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS**

The headteacher and governing body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

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.

The aim of this leaflet 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 parents and carers 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 and/or
- an insistence on
  - pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints and/or
- an insistence on
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public; 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 seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time 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 ongoing distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

#### **What can you expect from the school?**

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over
  - how and when problems can be raised with the school
  - details of the school's complaints procedure
  - details of the school's Unreasonably Persistent Complaints/Harassment Policy.
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure and advice from Cumbria County Council or diocesan authority;
- keep those involved informed of progress.

This leaflet forms part of the school's complaints procedure, available on request from the school office.

### **What the school expects of you**

The school expects anyone who wishes to raise concerns with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including 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;
- recognise that some problems may not be resolved in a short time;
- 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 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.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

### **Physical or verbal aggression**

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of 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.

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 the policy.

## **CHURCH WALK C.E. PRIMARY SCHOOL GENERAL COMPLAINTS PROCEDURE**

### **A STATEMENT FOR PARENTS, CARERS AND OTHER USERS OF SCHOOL SERVICES**

We very much hope that you and your child will be very happy at our school, and that any concerns that may arise are dealt with swiftly by our staff.

However, we recognise that there may be an occasion when you are not entirely happy with an aspect of the service that we provide, and that you want the school to deal with your concern through a more formal process. This leaflet sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

#### **Who can raise a concern or make a complaint?**

Anyone who uses the school, whether a pupil, a parent or carer, or a provider of a service to the school, or a visitor can use this procedure. If you wish to raise a concern or complain on someone's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, they are too young or they have a disability that prevents them from complaining on their own behalf).

#### **How will my concern be handled?**

Our procedure has two stages, an informal and a formal stage.

##### **Informal Stage**

If your concern is about something that a person has or has not done, for example a member of staff, a governor, or a volunteer, you should first speak to that individual. If it is about an aspect of school practice or policy, you should contact the headteacher. We want to resolve the concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary.

If the matter is not resolved to your satisfaction by the staff you have contacted, then you should take your concern to the headteacher.

If you are still dissatisfied with the response from the headteacher, or your concern is about the headteacher, you should put details of your concern in writing to the chair of governors who will arrange for it to be investigated. If your concern is about the chair of governors, write instead to the clerk to the governing body. State that you are making a formal complaint and request a copy of the school's complaints procedure.

All letters should be sent to the school address, marked 'Confidential: For immediate attention.'

##### **Formal Stage**

The headteacher will investigate and respond to you within a set timescale. In cases of complaint about the headteacher the chair of governors (or the clerk) will ask a nominated governor to investigate and respond to you within a set timescale.

If you are still dissatisfied and wish to appeal against the outcome of the investigation, you should write to the clerk to the governing body. The governing body will arrange for a panel of three governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed.

There is no further right of appeal to the school against the decision, but you can write to the Director of Children's Services asking for the local authority (LA) to review the procedure followed by the

school. The officer has the power to make recommendations to the school about its procedure, but not to overturn the school's decision. You should be aware that the LA will not carry out a review if you have not used the full school procedure first.

### **Unreasonably persistent, abusive or harassing complainants and vexatious complaints**

A persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner or insist on pursuing unjustified complaints and/or unrealistic outcomes.

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.

A separate leaflet details our policy on this aspect of complaints.

### **Further Information**

Contact the school directly if you wish to see full copies of our concerns and complaints procedure.

For any complaint about the following, contact the local authority on 01228 606060 for advice and information.

- an appeal against a decision relating to the admission or exclusion of a child
- an appeal against a local authority decision about a child's special educational needs.
- the curriculum, religious education syllabus or collective worship
- an allegation of a criminal offence