



COMPLAINTS POLICY AND PROCEDURE

St Martin's CE Primary & Nursery School
Cranbrook

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If you wish to use it as guidance for a complaint about a concern at St Martin's CE Primary & Nursery School, and are using a printed version please ensure it is the latest version of the policy available.

The most up to date version will always be on our Website

There is a template for a letter to use to raise your concerns on the school website www.stmartinscranbrook.devon.sch.uk or at the end of this policy.

This policy will be reviewed on an annual basis.

Dates policy reviewed:

Checked against DfE guidance 4th May 2016 – no amendments found to be required.

Reviewed by Teaching & Learning Committee 17th January 2017 – no amendments made.

Dates policy amended:

22nd September 2015 - amendments made to reflect the school's process when a complaint has been made against the Chair of Governors, the preparation of documents for a panel hearing and also to clarify how the school might manage the issue of vexatious complaints/complainants.

18th November 2015 – amendments made to clarify that the person who investigates a complaint and therefore potentially attend an appeal hearing will not always be the Headteacher.

20th January 2016 – amendments made to clarify who complaints regarding support (non-teaching) staff should be directed to in the first instance.

Summary of Complaint Procedure

Stage 1 - Informal (see page 7)

Discussion with Class Teacher
Review leaflet - I have a concern,
what should I do?

Resolved - no further action

**Not resolved -
Move to Stage 2 - Formal
(see page 7)**

Written letter of complaint
to Headteacher

Resolved - no further
action

**Not resolved - Move to Stage
3 - Formal Escalation
(see page 8)**

Written letter of complaint to
Chair of Governors

**Not resolved - Move to Stage 4 -
Governing Body Complaints Panel
(see page 8)**

End of School Process

Resolved - no further
action

Not resolved

Write to Secretary of State for
Education if Complainant feels
School has acted unreasonably
(see page 10)

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St Martin's CE Primary & Nursery School

Complaints Policy

Purpose

At St Martin's CE Primary & Nursery School it is understood that a good relationship between children, staff, parents/carers and community is of the utmost importance to the success of the children in its care.

Whilst we are very proud of our school, we know that no one gets things right all the time. We are committed to providing the absolute best for all of our children and this includes responding quickly and proportionately to concerns that are raised.

This document sets out how a complaint should be raised, how it may be dealt with, and by whom.

If governors are approached regarding a complaint, they should be mindful not to act in an individual complaint outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a panel a later stage of the procedure. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up to consider further action in the event that a serious complaint is substantiated.

If a complaint is raised the school will endeavour to bring about a mutually satisfactory remedy within a reasonable timescale.

Terminology

For the purposes of this policy the term 'complaint' has been used but may be interchangeable with the terms concern/issue/worry.

The person who made the complaint is referred to as the Complainant within this policy.

A 'day' is defined as any Monday to Friday excluding public holidays.

Complaint about a Teacher or Headteacher

If the complaint is about a Class Teacher then it should be taken directly to an Assistant Headteacher under Stage 1.

If the complaint is about an Assistant Headteacher it should be directed to the Headteacher. If it is about the Headteacher then the complaint should be directed to the Chair of Governors. (The name of the current Chair of the Governors can be found on the School website, and displayed in the School foyer). Complaints about an Assistant Headteacher/Headteacher would automatically move your concerns to Stage 2 - Formal Meeting, please see below for further details.

Complaint against a member of the support (non-teaching) staff.

If the complaint is about a member of the administration team, the premises team or the

kitchen team, or about a meal assistant or the IT technician, it should be directed in the first instance to the School Business Manager.

Acceptable Behaviour

All who raise complaints and who are actioned to deal with complaints that have been raised are required to adhere to the Acceptable Behaviour Statement which can be found on the School website.

The person actioned to deal with the complaint raised will be expected to:

- Listen courteously to the complaint and take it seriously;
- Listen to the person with the complaint impartially;
- Make notes where appropriate;
- Ask how the Complainant how they would like the complaint to be resolved;
- Be prepared to ask for input from the Headteacher or other school-based professional;
- Explain clearly what will be done next, setting out timescales and procedures;
- Where appropriate reassure the person with the complaint that this will not recur as alternative practice/s will be put in place;
- Maintain confidentiality where appropriate; and
 - Ensure the Complainant is kept informed of any actions taken as a result of the complaint having been looked into.

The Complainant will be expected to:

- Be clear about what the complaint is;
- Have details of the complaint, such as dates or examples;
- Have some idea of how they would like the complaint to be resolved;
- Provide accurate information;
- Refrain from introducing unrelated details or facts;
- Refrain from making spurious or personal allegations;
- Listen to the school's explanation where given;
- Maintain an appropriate level of courtesy and restraint;
- Be prepared to accept that their preferred outcome may not be practical; and
- Be prepared to accept that their preferred outcome may not be possible.

Persistent/Vexatious Complaints and/or Harassment in School

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the Complainant.

However, there may be occasions when Complainants behave in an unreasonable manner when raising and/or pursuing complaints.

The School has a Policy for dealing with persistent or vexatious complaints/complainants which can be found in Appendix 2 to this Policy.

Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. As such complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months, unless there are exceptional circumstances. (Exceptional circumstances will be defined by the Headteacher/Chair of Governors on a case by case basis, and advice may be sought from the Local Authority in this regard).

Complaints Against Governors

Complaints against a member of the Governing body should be made to the Clerk of Governors.

Stage 1: Informal

It is accepted that it is in everyone's best interests for the complaint to be resolved informally at the earliest possible stage. To this end there is a leaflet titled 'I Have A Concern – What Should I Do?' This can be found in the School foyer and on the website.

If appropriate please start by speaking with the class teacher to allow the best chance of a quick resolution.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible, this will give both parties the opportunity to talk about the complaint without being interrupted;
- It is important to recognise that it may not always be possible to offer an appointment straight away but there is an expectation that one would be made within five days of the request;
- Explain clearly what action/s the School could take which would resolve your complaint;
- Engage and communicate pro-actively with School staff to enable them to resolve any difficulties.
- The class teacher will make a brief written record of the complaint raised and any actions agreed.

It is hoped that most problems will be resolved at this stage through the informal process.

Stage 2: Formal

If you feel the issue raised has not been resolved through the informal process and you wish to pursue it further you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Headteacher (you may use the form in Appendix 1). Your letter should set out clearly the complaint which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

Moving to the formal complaints procedure is a serious step. In consideration of future relationships it is imperative that everyone concerned works towards finding a resolution to the complaint.

The Headteacher will consider the complaint and either investigate the matter themselves or delegate this responsibility to either an Assistant Headteacher or a Governor. When the complaint is against the Headteacher, the complaint will be forwarded to the Chair of Governors to investigate. If the complaint is also against the Chair of Governors it will be delegated to another governor to investigate. You will be notified within five days following receipt of your letter acknowledging that it has been received and who will be looking into the matter.

Whoever has been actioned to consider the complaint will:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet or contact you if they need further information;
- Clarify what you feel would put things right if this has not been set out in your letter;
- Interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
- Conduct any interview with an open mind and be prepared to persist in the questioning; and
- Keep notes of any interview for the record.

Once the matter has been looked into the Headteacher or delegated Governor will consider ways in which the 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 acknowledgement 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 policies in light of the complaint; and/or
 - An offer of mediation if the Complainant feels the dispute would benefit from such assistance.

The above list is not exhaustive and, if due to the nature of the complaint none of the above are appropriate then the School may take other appropriate action.

The Headteacher or delegated Governor might also conclude that the complaint does not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher or delegated Governor will discuss the outcome of their consideration of your complaint with you and will send a written response within 20 days. However, if this timescale is not realistic because of the complexity of the complaint you will be informed in writing and given an estimate of how long it will take to provide a written response.

Stage 3 – Formal Escalated

If the Complainant remains unsatisfied at the outcome reached by the Headteacher or delegated Governor they can direct their complaint to the Chair of Governors who will follow the same process as at Stage 2. It is important that the Chair of Governors forms an unbiased

opinion based on the facts of the case having not been previously involved in the complaint.

If the Chair of Governors looked into the matter at Stage 2, or the complaint was against the Chair of Governors and was investigated by a delegated individual at Stage 2, then the matter will be automatically be moved on to Stage 4.

Stage 4 - Governing Body Complaints Panel

If the Complainant has followed the above process but remains unsatisfied, they may appeal the outcome reached at Stages 2 and 3 by writing to the Clerk of the Governing Body, c/o the School Office, St Martin's Nursery and Primary School, giving full details of the complaint, how it has been managed to this point, the outcome at Stages 2 and 3 and why they remain unsatisfied with this outcome.

The Chair of Governors with support from the Clerk shall convene a Complaints Panel Hearing consisting of three Governors who have had no prior involvement in the matter, the Complainant, the person who investigated the complaint and any other witness involved in the process that the Complainant, person who investigated the complaint or Governors wish to call to ensure they have all the facts made available to them.

Any written material for consideration will be collated and sent to all parties 5 days in advance of the panel. It is important that the panel members are well prepared for the meeting, and that the time allocated is used efficiently. Therefore if either the complainant(s) or school wish for witnesses to attend a panel meeting, then they must ensure that their witness(es) provides a written statement to the Clerk at least ten days prior to the meeting so that this can be included in the paperwork sent out to the panel. If there is any issue in providing a written statement prior to the meeting, this must be raised with the Clerk at the earliest possibility.

The Role of the Clerk:

- Be the contact point for the Complainant;
- 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 (it is important that the hearing date is not unreasonably delayed due to the non-availability of parties);
- Collate any written material and send it to parties in advance of the hearing;
- Take notes (these will not be verbatim but will provide an accurate record of the hearing); and
- Notify all parties of the panel's decision.

The Role of the Chair of the Complaints Panel is to ensure that:

- Both parties have the opportunity of both putting their case across without undue interruption and ask questions;
- 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;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy; and
- The panel is open minded and acting independently

Complaints Hearing Format

The appeal process is not a re-investigation into the complaints but should focus on the following:

Process – i.e. has the school followed a reasonable and due process in handling the complaints?

Policy – i.e. has the school followed its own policy for handling the complaints?

Proportionality – i.e. was the decision made by the Investigating Officer in response to the evidence contained within the investigation proportionate?

The complainants' role at the Complaints Panel Hearing is therefore to explain why they consider the process and/or the policy hasn't been followed correctly and/or why they think the decision taken to resolve the issue was not proportionate in response to the information contained within the investigation report.

Both parties will have the opportunity to give their account of the complaint and why it has not been resolved thus far.

The Panel will listen to those involved in the matter, at least the Complainant and the person who looked into the matter.

The Complainant(s) will have an opportunity to ask questions of the person who investigated the complaint/witnesses.

The person who investigated the complaint will have an opportunity to ask questions of the Complainant(s)/witnesses.

The Panel will be given the opportunity to ask questions of all parties.

The Chair of the Complaints Panel will ensure that the Panel has all the necessary information before adjourning the meeting to make a decision.

The aim of the hearing will be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it has to be recognised that the person with the complaint 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 may at least satisfy the Complainant that their complaint has been taken seriously.

Possible Outcomes of the Complaints Hearing:

- 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 and/or;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Notification of the Complaint Panel's Decision

The Chair of the Complaints Panel will write to the Complainant with the outcome of the hearing within five days from the date of the decision. The letter needs to explain that this is the final stage in the Complaints Procedure for St. Martin's Nursery and Primary School, and

the matter is now closed.

Complaints not Resolved through the Formal Procedure

If you feel that the School has acted unreasonably in its consideration of your complaint you have the right to make a complaint in writing to the Secretary of State for Education at the address shown below:

The School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester, M1 2WD

However, it should be noted that the Department will not alter the result of the complaints panel. They will only rule on whether or not the result was arrived at in accordance with the School's published procedure.

**St. Martin’s CE Primary & Nursery School
Complaint Form**

Please complete and return to the Headteacher (or the Chair of Governors if the complaints involves the Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil’s name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint (Feel free to attach a separate sheet with details):

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

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If Yes, please give details.

Signature: _____ Date: _____

For the use of St Martin's Staff

Date acknowledgement sent:

By whom:

Complainant referred to:

Date:

Appendix 2

ST. MARTIN'S CE PRIMARY & NURSERY SCHOOL POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the School in accordance with the **School's Complaints Policy**. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the Complainant.

However, there are occasions when Complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

Purpose

The purpose of this Policy is to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

HUMAN RIGHTS

In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent Complainants and all other stakeholders.

PARENTS/CARERS' EXPECTATIONS OF THE SCHOOL:

Parents/carers who raise either informal or formal issues or complaints with the School can expect the School to:

- a) communicate to parents/carers in writing:
 - (i) how and when problems can be raised with the School,
 - (ii) the existence of the School's complaints procedure, and
 - (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) respond within a reasonable time;

- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint;
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the School's Complaints Policy, other policies and practice and in line with guidance and advice from the Local Authority
- f) keep Complainants informed of progress towards a resolution of the issues raised

THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS

The School can expect parents/carers who wish to raise concerns/complaints with the School to behave in accordance with the School's Acceptable Behaviour Statement (copy available on the School website). It also expects parents/carers to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure

WHO IS A PERSISTENT COMPLAINANT?

For the purpose of this policy, a persistent Complainant is a parent/carer who complains about issues, either formally or informally, or frequently raises issues that the Complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the Complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in a) to e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

In the first instance the School will verbally inform the Complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing.

If the behaviour is not modified the School will take some or all of the following actions as necessary, having regard to the nature of the Complainant's behaviour and the effect of this on the school community:

- a) inform the Complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- b) inform the Complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- c) inform the Complainant that, except in emergencies, all routine communication with the Complainant to the School should be by letter only
- d) (in the case of physical or verbal aggression) consider warning the Complainant that permission to enter school site may be withdrawn (the legal terminology for this is 'the Complainant's license to enter the school premises maybe withdrawn)
- e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

Legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

The Governing Body may, if felt necessary, take the decision to close the complaint process without completing all stages detailed within the policy in the case of persistent and vexatious complaints being made by a complainant and may decide not to investigate any further new complaints from that complainant if it is felt that there is no legitimate basis to them. The complainant will be informed in writing if this decision is made. Advice may be taken from the Local Authority.

If a Complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

REVIEW

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.