



## Kings Worthy Primary School Complaints Policy and Procedure

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| <b>Date of Policy Issue:</b>                          | November 2018 |
| <b>Review Date:</b>                                   | November 2020 |
| <b>Name of Responsible Manager / Headteacher:</b>     | Jamie Dodson  |
| <b>Signature of Responsible Manager / Headteacher</b> |               |
| <b>Signature of Chair of Governors</b>                |               |
| <b>Date:</b>  |               |

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|--------------|---|
| Issue Number | 3.1   |
| Changes:     | <ul style="list-style-type: none"> <li>• Policy &amp; Review dates changed</li> <li>• Sentence beginning 'If there are insufficient numbers...' in section 3.3 added</li> </ul> |

### 1. Introduction

Kings Worthy Primary School is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints, so that any issues that arise can be dealt with as swiftly and effectively as possible. It is based on the Department for Education's 'Best practice advice for school complaints procedures 2016 Departmental advice for maintained schools, maintained nursery schools and local authorities January 2016'.

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the public, may make a complaint about the provision of facilities or services that our school provides, unless separate statutory procedures apply. This policy is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides. Wherever possible, an informal resolution will be attempted, and parents should feel confident that making a complaint will not adversely affect their child. The complaints procedure is designed to be investigatory rather than adversarial. To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered.

The Headteacher is the executive leader of the school, empowered by the Board of Governors to make decisions for the school. Governors set school policy and would only become involved in a complaint if the school's policies have not been adhered to, or if the complaint is about the actions of the Headteacher.

This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

In these cases, there are other separate and statutory procedures.

The school will not respond to anonymous complaints under this policy. However, the Headteacher and/or Chair of Governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection. Confidentiality will always be respected.

For more information on our school's provision for protecting our pupils, please refer to our **Child Protection** policy and our **Whistleblowing** policy, which are available on the school website or via the school office.

In the spirit of what is fair and reasonable for all parties, the expectation is that all timescales will be rigorously adhered to by the school and the complainant, and excessive and unreasonable timescales will be avoided. If the school cannot meet the timescales set out in this policy, a clear explanation of the reason for this along with details of the indicative timescales will be provided.

## **2. When an issue or concern first arises**

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone, in writing or via email. You should approach your child's class teacher first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking with.

The school encourages parents to approach staff with any concerns they may have, and aims to resolve all issues with open dialogue and mutual understanding. Staff will take your concerns seriously and will make every effort to resolve the matter as quickly as possible.

The Chair of Governors reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the governing body's involvement at that point.

### **2.1 Initial informal meeting**

When a concern has been received, you may receive a telephone call from the member of staff or Headteacher to discuss your concerns, or you may be invited to attend a meeting with a member of staff or the Headteacher.

If invited to a meeting, you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the Headteacher. If your complaint is about the Headteacher you should make your complaint in writing to the Chair of Governors. If you are uncertain about who to contact, please seek advice from the school office. It is preferable for you to make your formal complaint in writing or via email, but complaints can be made in person or by telephone.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

### **3. Formal Complaints**

In order to ensure complaints are dealt with efficiently and effectively, Kings Worthy Primary School deals with formal complaints in three stages.

#### **3.1 Stage 1 – Complaint heard by the Headteacher**

If you feel that your concern has not been resolved at the informal stage as you would like, and you are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you may choose to put the complaint in writing to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. It is preferable for you to make your formal complaint in writing, and a complaints form is provided to assist you. However, your complaint may also be made in person by telephone.

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

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

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Headteacher.

If the complaint is about the Headteacher, your complaint should be passed to the school office, for the attention of the Chair of Governors.

The Headteacher will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Headteacher will acknowledge receipt of

your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The Headteacher (or Chair of Governors) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution, or to explain what has happened or will happen as a result of your complaint. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

The Headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If your complaint is about a member of staff, the Headteacher will talk to that employee and invoke the relevant procedure if required. It will not be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.

It is possible that your complaint will be resolved through a meeting with the Headteacher (or Chair of Governors). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

The Headteacher (or Chair of Governors) will respond to you in writing within **20 school days** of receiving your complaint outlining their full response to your concern, and any action that has or will be taken. If the Headteacher has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the Headteacher's adherence to the complaints procedure.

### **3.2 Stage 2 – Complaint reviewed by the Chair of Governors**

If you are not satisfied with the manner in which the procedure has been followed, you may request that the Governing Body reviews the handling of your complaint.

Any such request must be made in writing to the Chair of Governors within **10 school days** of receiving the Headteacher's response to stage 1, and include a statement specifying any perceived failures to follow the Complaints Procedure. A Review Request Form is provided for your convenience.

The Chair of Governors will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Chair of Governors will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The Chair of Governors may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Chair of Governors will explain that the Governing Body has a strategic role, and is responsible for the school's strategic framework and setting policy, and that the Headteacher

is responsible for the internal organisation, management and control of the school and for advising on and implementing the Governing Body's policies. The Headteacher is solely responsible for making day to day decisions.

This stage offers an opportunity for achieving conciliation between all parties and discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. The Chair of Governors will decide what powers are available to the Board of Governors in respect of the particular complaint. In reaching this decision, the Chair of Governors will determine to what extent the issues relate to responsibilities that:

- (a) are delegated to the Headteacher by the governing body; or
- (b) fall within the governing body's remit only; or
- (c) are within the Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the governing body, the Chair of Governors may look at the whole issue afresh. If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services. For matters that are the Headteacher's responsibility, the Chair of Governors is empowered only to look at whether the Headteacher's decision or action was conducted in line with school policy, and was reasonable in the light of the information available at the time.

The Chair of Governors will keep a record of all interactions with you and any decisions made in reference to your complaint.

If the Chair of Governors has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the Chair of Governor's adherence to the Complaints Procedure.

### **3.3 Stage 3 – Governing Body Review Process**

If you are dissatisfied with the Chair of Governors' review of the way in which your complaint was handled by the Headteacher, you should write to the Clerk to Governors within **10 school days** explaining your concern regarding the review, and the steps that have resulted in you taking this action.

The Clerk to Governors will acknowledge receipt of your request within **5 school days**. A Complaint Review Panel meeting will usually be convened within **20 school days** of receiving the request for your complaint to be heard by the governing body. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically. Oral representations from the complainant and the school will be heard separately. Follow-up questions from the panel will also be asked separately.

Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the complaints panel will be to:

- a) ensure the complaint has been properly handled by the Headteacher and Chair of Governors
- b) ensure that a sufficient comprehensive investigation was carried out
- c) ensure that the correct procedure / policies were followed.

The panel will also review whether the Headteacher (and Chair of Governors) acted reasonably.

The Clerk to Governors will arrange and facilitate the meeting of the Complaint Review Panel. You are entitled to an independent panel to hear your complaint and this will consist of three governors who have no former knowledge or involvement in the matter being considered.

If there are insufficient numbers of the school's governing body who have no former knowledge or involvement in the matter being considered, members of the governing body of another Hampshire school may be appointed to the panel.

The chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy and procedure. The Clerk will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days** in advance.

The Clerk will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The Headteacher (and Chair of Governors) will also be requested to supply copies of their responses to the previous stages of the procedure, and any further paperwork they consider the panel will require to consider the complaint fully. Copies of all paperwork will be distributed to all parties by the Clerk at least **3 school days** in advance of the meeting.

No previously undisclosed evidence relating to the complaint should be introduced in your written submission.

The Clerk to Governors will inform you, the Headteacher and Chair of Governors in writing of the panel's decision within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcome. The panel may suggest you meet with the Headteacher and / or Chair of Governors again to agree a way forward.

The letter may set out recommendations which will be made to the Governing Body.

The panel's decision is the final stage in the school's Complaints Procedure. If you feel the school has acted unreasonably or has not followed the correct procedures in relation to your complaint, you may write to the Secretary of State using the following contact details:

School Complaints Unit, Department for Education,  
2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

## 4. Unreasonable Complaints

Kings Worthy Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. It takes an “investigatory” rather than “adversarial” approach to complaints. The contact complainants have with the school will not normally be limited. Operating from a position of mutual respect, 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.

Kings Worthy Primary School defines unreasonable complaints as “those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints”.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the school’s 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 comments 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 a complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence

- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss 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 Kings Worthy Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Kings Worthy Primary School.

## **5. Governing Body review and monitoring of complaints**

The Headteacher will report annually to the governing body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The governing body will review and evaluate all formal complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

## **6. Staff Complaints**

Staff who have a concern about a colleague or volunteer in school should refer to the **whistleblowing** policy which is available on the school website.

The procedure for dealing with any other staff complaint or employment grievance is set out in the school's **staff discipline, conduct and grievance** policies which are available from the school office.

## 7. Complaints Policy Review

The governing body of Kings Worthy Primary School will review this policy every 2 years, or sooner if there are any legislative changes. The governing body of Kings Worthy Primary School will also review this policy following a Complaint Review Panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.



### Kings Worthy Primary School Formal Complaint Form

Please complete this form and return it to the school office or to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

|                        |  |  |  |
|------------------------|--|--|--|
| Complaint referred to: |  |  |  |
| Date:                  |  |  |  |



### Kings Worthy Primary School Complaint Review Request Form

Please complete this form and return it to the school office, for the attention of the Chair of Governors, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

**School use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

|                      |  |  |  |
|----------------------|--|--|--|
| Request referred to: |  |  |  |
| Date:                |  |  |  |