



Complaints Procedure / Policy

Original policy written and approved September 2013
Reviewed and updated in line with DfE Best Practice Advice 2016
Reviewed November 2019

Chair of Governing Body: Date:

Introduction

Levendale Primary School staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school. However, the school is obliged to have procedures in place in case there are complaints by parents or legal guardians. This following policy sets out the procedures that the school and parents should follow in such cases.

Purpose of the Policy

This policy aims to reassure complainants that any complaint raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The school recognises a willingness to listen to questions and criticisms and to respond positively and in a way in which improvements can be made to school practices.

Concerns and Complaints

A concern is defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’*.

A complaint is defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*.

Who can make a Complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions). The right to complain is not limited to parents or carers of children registered at the school.

Stage One: Discussion with staff member

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The complainant should initially raise any concern directly with the class teacher or Deputy Headteacher informally at a mutually agreed time. Levendale will take all

informal concerns seriously and make every effort to resolve the matter as quickly as possible.

Stage Two: Referral to Headteacher

If the complainant is not satisfied with the response from the class teacher or other member of staff, they should:

- Raise any concerns that they have directly with the Headteacher, preferably in writing using the attached formal complaints form (Appendix 1).
- The Headteacher will investigate the complaint via discussions with the parent and those involved.
- Once all of the relevant facts have been established, the Headteacher will produce a written response to the complaint and / or may wish to speak to the parent to resolve the matter directly.
- The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take / has taken to resolve the complaint. (It is best practice for the Headteacher to include in the letter the right for the complainant to write to the Chair of Governors if not satisfied with the Headteacher's decision)
- As far as is reasonable this will take place within **10 school working days** of the initial complaint being received by the Headteacher.

Third Contact: Referral to Chair of Governors

If the complainant is not satisfied with the Headteacher's response then they have the option to put their complaint in writing within 10 school working days of the Headteacher's response, addressing their correspondence to the Chair of Governors c/o the school in a sealed envelope.

It is helpful at this point if the complainant can indicate in writing how they would like the matter to be resolved and what outcome they would like to see achieved.

If the complaint relates to the Headteacher, the complainant should write directly to the Chair of Governors, c/o the school, with their complaint. If the complaint relates to the Chair of Governors or any individual Governor, the complaints should make their complaint in writing to the Clerk of the Governing Body c/o the school.

The Chair of Governors will acknowledge the complaint in writing within five school days of receipt.

The Chair of Governors will conduct their own investigation (along with another Governor) into the complaint and may provide an opportunity for parents / carers to meet informally to discuss the complaint.

The Chair of Governors will make a decision, on the basis of the information gathered, and possible outcomes may include:

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

All decisions will be recorded in writing within **10 school working days** of the Chair of Governors completing their investigation, as far as is reasonably practical, and a copy provided to the complainant. The letter to the complainant will offer the right of appeal to the Governing Body Complaints Committee.

Fourth Contact: Referral to the Complaints Committee

If the complainant wishes to appeal they must do so in writing to the Chair of Governors, c/o the school, within **10 school working days** providing a clear explanation as to why they wish to lodge an appeal.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be offered the opportunity to attend a meeting where they will have the opportunity to discuss their complaint with the committee (minimum of three governors, not previously involved) and explain why they are not satisfied with the Chair of Governor's decision. Should the complainant or school intend to call witnesses to the Complaints Committee meeting, their name/s should be notified to the Clerk to the Committee prior to the meeting in order that appropriate accommodation can be sought. It is the responsibility of the complainant and school to ensure that witnesses are invited to the meeting. (A checklist for a Complaints Committee meeting is attached as Appendix 2)

The complaints committee will consider the issue and write to inform the complainant within **10 school working days** of their decision. Possible outcomes may include:

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

This is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions

Should the complainant not be satisfied with the outcome then they may complain to the Secretary of State for Education. Concerns, reasons why the complaint is being submitted and copies of all correspondence relevant to the complaint should be mailed to:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Anonymous Complaints

The Governing Body will not consider anonymous complaints.

Serial and Persistent (Vexatious) Complaints

There may be occasions when, *despite all stages of the procedures having been followed*, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Should the complainant contact the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school is under no obligation to respond. Levensdale School will not mark a complaint as 'serial' unless it fulfils the criteria above i.e. all avenues of the formal complaints procedure have been exhausted in the first investigation.

Where a complainant's behaviour is causing a significant level of disruption, the school reserves the right to implement a tailored communications strategy: this would involve limiting the complainant to a single point of contact via an e-mail address. This does not take away the right of a complainant to have any new complaint heard.

Where we find a complainant difficult to deal with due to unreasonable behaviour and the tailored communications strategy is not working, we will approach School and Governor Support within Stockton Borough Council to request assistance.

Complainants who have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf.

Ultimately, if a complainant persists to the point that we as a school consider it to constitute harassment, we will seek legal advice as to the next steps we should take.

Unreasonable Complainants

Levendale School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Levendale defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

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

- refuses to articulate their complaint or specify the grounds of a complaint or 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 adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as 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 the 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 Levensdale School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in

writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Levendale School will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints not in the scope of the Policy

This Policy covers all complaints about the provision of facilities or services by Levendale Primary School: there are exceptions to this (see below):

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of SEN • School reorganisation proposals • Matters likely to require a Child Protection investigation 	Concerns should be raised directly with Stockton Local Authority.
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: https://www.gov.uk/school-discipline-exclusions/exclusions
<ul style="list-style-type: none"> • Whistleblowing 	Levendale have an internal Confidential Reporting Policy for employees and voluntary staff. Other concerns can be raised direct with Ofsted on 0300 123 3155. The Department of Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	The school adopts the Local Authority model policy on Grievances and Disciplinary matters. Complainants will not be informed of the outcomes of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use the school premises or facilities. 	Providers should have their own procedure to deal with complaints about service. They should be contacted directly.

Monitoring the Policy

The Governing Body should review this policy within their cyclical policy review process.

**Initial adoption by Governing Body 19/03/2013
To be reviewed: June 2019 (or earlier if necessary)**

**Rewritten to incorporate DfE guidance: June 2016
Adopted by Governing Body: June 2016
Reviewed with minor amendments: June 2018**

Levendale Primary SchoolFormal Complaint Form

Name:	(parent / guardian)
Address	
Postcode:	
Pupil's Name (if applicable)	
Pupil's Class Teacher (if applicable)	
Telephone Number – Daytime	
Telephone Number – Evening	
Email Address:	

What is your complaint about?

Have you complained to the class teacher or other appropriate member of staff?	Yes	No
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When did you do this?	Date:
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What happened when you complained to the class teacher / team leader? If you did not complain to the class teacher / team leader, why not?

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What would you like us to do to put things right?

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Name: (please print)	
Signed:	
Date:	

Please return this form to the Headteacher

Checklist for a Committee Hearing

The Committee needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Committee decides on the issues.
- The Chair of the Committee explains that both parties will hear from the Committee within a set time scale.

