



School Complaints Procedure

Rationale

The Education Act 2002 requires Governing Bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures.

The vast majority of concerns are dealt with immediately, satisfactorily and at an informal stage. Curdridge Primary School encourages this approach. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. An efficient and accessible complaints procedure will help ensure that all parties are aware of, and have confidence in, a clear process and challenge of communication.

This procedure does not cover complaints about issues for which there are specific statutory regulations and LEA appeal mechanisms, namely:

- The Local Authority's decisions on Special Educational Needs
- Assessments and school placements
- School admissions and transfer
- Exclusions
- Employment

Similarly, more specific procedures apply to staff disciplinary issues, financial impropriety or other criminal activities and alleged child abuse/child protection issues.

The Headteacher is solely responsible for making day to day decisions and is also responsible for the internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Governing Body has a largely strategic role, and is responsible for the School's strategic framework, including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives.

This complaints procedure is published on the website and hard copy is available from the School Office.

Objectives

We are committed to resolving concerns and complaints as quickly and effectively as possible. This procedure aims to:

1. Strengthen parent/guardian confidence and relationships between parents/guardians, the school and the wider community.
2. Respond to all concerns and complaints in an open and consistent manner.
3. Resolve concerns through informal discussions at the earliest stage.
4. Prevent concerns from developing into major complaints or litigation.
5. Be speedy, with well-defined time-scales and named contacts.
6. Focus on resolution and service review rather than blame.
7. Be accessible to people with disabilities, special needs or language barriers.
8. Promote confidentiality and discretion.
9. Include fair and transparent investigative processes for staff as well as complainants
10. Indicate other sources of advice, for example Citizens Advice Bureau, parent/partnership services <http://www3.hants.gov.uk/parentpartnership> (for those with additional needs only)
11. Be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.

The Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

General principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.

2. All stages of the complaints procedure should be investigatory rather than adversarial.

3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)

4. The responsibility for dealing with general complaints lies solely with the school. The procedures of the Local Authority and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.

5. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

6. In the event that a complainant believes that the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.

7. The school takes concerns seriously and actively seeks to resolve matters at the earliest opportunity. It is usually unhelpful for both parties if a complaint is broadcast to the school community. Therefore the school will treat the matter with a high degree of confidentiality and will ask the complainant to do likewise.

8. The head teacher and governing body are fully 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 might 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 towards any members of the school community.

What is meant by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons 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

An insistence on

- Pursuing unjustified complaints and/or
- Unrealistic outcomes to justified complaints
- Pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- Making complaints in public or via a social networking site such as Facebook; 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 to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted 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 undue distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

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

- Treat all members of the school community with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence, or 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;
- Follow the school's complaints procedure.

In the case of unreasonably persistent complaints or harassment, the school may take some or all of 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 therefore request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under 'unreasonably persistent complaints';
- 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 and that these may be required to be challenged through the Local Authority.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such 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.
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

The role of the Parent Governor

By its nature a Parent Governor could find themselves approached by another parent of the school regarding an issue that a parent has and wishes to progress. It is not the role of the parent Governor to become involved in any way with the issues raised but to simply refer the parent concerned to the Complaints Procedure. It is important that if approached, the Parent Governor does not obtain any information about the nature of the concerns as this may taint that Governor from becoming involved, if required, at a

later stage in the process. If a child of a Parent Governor is in any way concerned with a complaint or is a witness to an incident that subsequently becomes the subject of a complaint, that Governor should make the Headteacher and Chair of Governors aware and should not become involved in any way with the complaint process.

The following pages outline the procedure for raising a concern/making a complaint at Curdridge Primary School.

Procedure

It is intended that the following stages are sequential. It would not normally be appropriate for any stage to be omitted.

AN INFORMAL APPROACH

1. The Preliminary Stage

1.1. Curdridge Primary School places great emphasis on an informal approach to achieve a satisfactory resolution for all parties at the earliest opportunity.

1.2. We encourage parents/guardians to speak informally with an appropriate member of staff as soon as they have a concern. The first point of contact will normally be the class teacher. Communication may be by letter, by telephone or in person by appointment, requested via the school office.

1.3. If the concern is about the Headteacher, we encourage parents in the first instance to discuss their concerns with the Headteacher. However, depending on the circumstances, they may wish to directly approach the Chair of Governors. If the complaint is about the Clerk to the Governors it should be addressed to the Chair of Governors. If the complaint is about a member of the Governing Body it should be addressed to the Headteacher.

1.4 In order to resolve the concern, informal meetings may take place between the parent/guardian, class teacher, the Headteacher or the Chair of Governors (or other governors with expertise) or any combination of these.

1.5. Most concerns will be dealt with informally to everyone's satisfaction but, failing this, parents/guardians may wish to initiate a formal complaint.

THE FORMAL PROCESS

2. Stage 1: Complaining to the Headteacher

2.1. The vast majority of formal complaints will be directed to the Headteacher. Parents/guardians should write to the Headteacher, using the Complaint form at Appendix 1.

If the complaint is about the Headteacher it should be addressed to the Clerk to the Governors for the attention of the Chair of Governors. It would be particularly helpful for the complainant to clarify what they feel would put things right. The complaint can be submitted electronically or by hard copy to the School Office.

2.2. Depending on the nature of the complaint, the Headteacher, or designate, will respond to the parent/guardian in writing as soon as possible. Our standard practice is to acknowledge any complaint, or offer a full response, **within five school days of receipt**.

2.3 The Headteacher, or designate, will record the complaint along with any actions on the Complaint form.

2.4. If the complaint requires an in-depth investigation, the Headteacher will acknowledge this and let the complainant know that a full response will take longer. Our standard practice is to investigate the complaint and **prepare a response within 10 school days of receipt**. If, however, the complaint is about a strategic issue and needs to be considered by one of the Governing Body committees then **a response could take longer**. The complainant will be kept informed of progress.

2.5. In order to prevent any misunderstandings and ensure that all parties have a clear record of progress and/or agreements, the Headteacher or designate will, following any meeting with the complainant, summarise the main points in a follow up letter. During this formal process it is appropriate that all substantive issues will be discussed face to face rather than on the telephone.

2.6. If a complainant remains dissatisfied, the Headteacher will refer them to Stage 2 of the complaints procedure.

2.7. At any stage there is the opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward.

2.8. If the matter relates to the Headteacher's conduct, the Chair of Governors (or nominated Governor) 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 Complaints Advisor and/or Education Personnel services and/or governor Services. For matters that are the Headteacher's responsibility, The Chair Of Governors or nominated governor is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

2.9. In the rare circumstances that a parent is unhappy with the outcome, the complainant has a right of appeal to the Governing Body's Complaints Panel – see below.

3. Stage 2: Complaining to the Governing Body Complaints Panel

3.1. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber stamp the previous decisions. Individual complaints would not be heard by the whole Governing Body at any stage as this could compromise the impartiality.

3.2. Parents/guardians who wish to appeal to the Governors will be advised to request this in writing to the Clerk to the Governing Body using the form at Appendix 2. Parents/guardians should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.

3.2. The Clerk to Governors will acknowledge receipt of the complaint **within 5 school days** and will remind parents not to write to Governors individually, explaining that it would make it difficult to set up a Panel of three Governors who have had no prior involvement in the case.

3.3. The Clerk to Governors will remind parents of the extent of Governors' powers and provide information on the two forms of appeal available at this stage as follows:

3.4. RECONSIDERATION (CONSIDERING AFRESH)

3.4.1. When the issues relate to delegated responsibilities, the Governors' Complaints Panel can reconsider the matter. They may look at the matter afresh, with any new information of which the Headteacher may not have been aware at the time of the original response or action. In the light of additional information, the Panel may decide to write and ask the Headteacher to give the matter further consideration.

3.4.2. Complaints about a Governor will also be subject to a reconsideration of the issues.

3.5. REVIEW

3.5.1 If the matter falls within the Headteacher's decision-making remit, by virtue of the Terms and Conditions of Employment, then the Panel will have the power only to review the decision, not to consider the matter afresh. The Panel may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable Headteacher, properly aware of duties and properly taking into accounts the facts of the case, would make.

3.5.2. The Panel will need to consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher:

- Failed to take account of a relevant consideration; and/or
- Took into account an irrelevant consideration; and/or
- Made a 'perverse' decision in the light of the evidence available at the time.

3.5.3. If new evidence does come to light, the Panel will refer it back to the Headteacher, who may consider amending the decision in the light of that new information.

3.5.4. In deciding whether the Headteacher's decision was perverse, the Panel will judge whether the decision was one that, on the facts, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

3.6. The Clerk will arrange and facilitate the meeting of the Complaints Panel

3.7. The Complaints Panel will consist of three Governors with no prior involvement in the matter and the Chair will be chosen by the panel members and designated before the meeting. The meeting will be held in an informal atmosphere, but will follow a formal agenda and be clerked by an Independent Clerk from HCC Governor Services.

3.8. The Independent Clerk will inform the complainant in writing of the Panel's decision, preferably within two school days following the meeting. The letter will include:

- A summary of the issues
- An outline of the main points of the discussion
- The reasons for the decision
- Proposed actions or outcomes (this may be provided by the Chair of the Complaints panel)

3.9. The Panel's letter may suggest that the parents meet the Headteacher again to agree a way forward.

3.10. For issues related to the National Curriculum or the provision of Religious Education, parents will be told that they can appeal further to the Local Authority.

3.11. For general complaints, this is the final stage of the School's Complaints Procedure. If a parent believes that the Headteacher's and Governors' actions have been unreasonable, or that the correct procedure has not been adhered to, the complainant can make further complaint to the Secretary of State and/or the Diocese. Where parents/guardians do remain dissatisfied, they will be advised to seek advice from the Local Authority's Complaints Adviser.

4. Role of the Local Authority

4.1. The Local Authority offers a further right of appeal for parents who have exhausted the School's procedures if the complaint is about a school failing to:

- Provide the National Curriculum for a particular child;
- Follow the law relating to charging for school activities such as school trips;
- Offer approved qualifications or syllabuses;
- Provide Collective Worship and Religious Education;
- Provide the information a parent may require;
- Carry out any other statutory duty in relation to the curriculum;
- Act reasonably in any of the above cases.

4.2. For general complaints about a school, the Local Authority has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints, which relate to internal school matters and have exhausted the School's own Complaints Procedure, there is no right of appeal to the Local Authority, because it has no powers to direct the school to change its decision.

4.3. If a complaint cannot be resolved complainants may seek advice from the Local Authority Complaints Adviser.

4.4. Governors and Headteachers may also seek advice from the Local Authority on developing their own Complaints Procedure, or setting up Governors' Complaints Panels.

5. Complaints to the Secretary of State

5.1. If a parent/guardian wishes to pursue a complaint because they feel the School has acted unreasonably, they can write to the Secretary of State.

5.2 The Secretary of State will contact the Governing Body and the Local Authority for more detailed information. The Secretary of State has the power to direct the School to revise an action using the same criteria as applied by the Governors.

6. Vexatious Complaints

6.1. In rare circumstances, a complainant might, having exhausted the Complaints Procedure, persist with the complaint. Complaints become vexatious when they are:

- Repeatedly and obsessively pursued; or
- Unreasonable or seeking unrealistic outcomes; or
- Reasonable, but pursued in an unreasonable manner.

6.2. Governors may need to decide whether all future contacts should be:

- Directed to, and only be dealt with by, a named individual.
- Restricted, for example, to letter only.

6.3. If a conclusion has been reached about a complaint, but a complainant continues to pursue it, the School may wish to consider writing:

- To re-iterate that the matter is concluded and that there will be no further correspondence;
- To say that, if correspondence continues, it will be read and filed but will receive no acknowledgement; or
- To give a short response referring to previous documents that have already dealt with the matter.

7. Abusive Complaints

7.1. Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Headteacher, who will consider:

- Writing to the complainant requesting that the behaviour cease;
- Setting restrictions for further contact with staff; and/or
- Reporting the incident to the police.

7.2. Consideration will be given to filing a Violent Incident Report form and seeking advice from the Local Authority.

7.3. If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidence.

7.4. Repeated abusive or aggressive contacts can be considered as harassment and the Headteacher will consider reporting them to the police.

7.5. The Headteacher may seek further advice from Legal Services in the Chief Executive's Department.

9. Anonymous Complaints

9.1. The School will not respond to anonymous complaints. Nonetheless, the Headteacher and/or Chair of Governors will investigate the complaint as fully as possible and will act on the information if appropriate in circumstances when:

- The issue and the fear of identification are genuine
- The issue is one of Child Protection.

10. Evaluation and Review

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 complainant or member of staff will be published.



Appendix 1 – Complaint Form

Please complete and return the form to the school office.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

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

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

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

Signature:

Date:

School use

Date acknowledgment sent:

By whom:

Complaint referred to:

Date:

Subsequent contacts/actions:

Date:

By whom:

Details:



Appendix 2 – Complaint Form for the Governing Body’s Complaints Panel

Please complete and return the form to the school office.

Your name:

Pupil’s name:

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

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

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

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

Signature:

Date:

School use

Date acknowledgment sent:

By whom:

Complaint referred to:

Date:

Subsequent contacts/actions:

Date:

By whom:

Details: