

HAYFIELD LANE PRIMARY



COMPLAINTS POLICY

Hayfield Lane Primary School

Complaints Policy

Purpose:

To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope:

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, statutory assessments of Special Educational needs, admissions etc] which are subject to separate procedures.

General Principles:

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances (eg Safeguarding). To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, except in exceptional circumstances. Investigation of any complaint or review request will begin within 5 school days of receipt of the same, except in exceptional circumstances. Any complaint made outside of term time will be considered to have been received on the first school day after the holiday period. The investigation will be completed as soon as is reasonably practicable.

The difference between a concern and a complaint:

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher, will refer you to another staff member. Similarly, if the

member of staff directly involved feels unable to deal with a concern, the head teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Part A : Complaining about the actions of a member of staff other than the Headteacher.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Headteacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the "reasonableness" may be determined through the review process.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- o There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- o The concern is not substantiated by the evidence
- o The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released]
- o The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B : Complaining about the actions of the Headteacher

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Headteacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further

meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C Review Process

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- o There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- o The concern is not substantiated by the evidence.
- o The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- o The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]
- o Parents/Guardians are able to make a formal complaint to OFSTED. Contact details are : www.ofsted.gov.uk

A model letter is included in this policy.

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.

Superscripts

- 1 - or other designated post-holder/middle manager, such as a Phase Leader.
- 2 - or other designated member of staff on behalf of the Headteacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same].
- 3 - alternatively the complainant may be referred back to the informal stage of the procedure.
- 4 - if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.
- 5 - it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.
- 6 - for the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

Managing Serial and Unreasonable Complaints

Hayfield Lane Primary 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 our 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.

Hayfield Lane Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Hayfield Lane 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hayfield Lane Primary School.

Model Letters

SCHOOL COMPLAINT FORM

Please complete this form and return it to Headteacher / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

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

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?

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

Signature: Date:

School use:

o Date Form received:

o Received by:

o Date acknowledgement sent:

o Acknowledgement sent by:

o Complaint referred to:

o Date:

Model Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the *Governing Body's General Complaints Procedure* as: [please select appropriate wording from the following]

- o You have not identified any specific actions of which you might complain
- o Your concerns are presented as conclusions rather than specific actions of which you complain.
 - o The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- o The substance of your complaint has been addressed under this procedure already.
- o The concerns that you raise do not fall within the scope of this procedure.
- o You have not identified any potential sources of evidence which might allow the matter to be investigated.
- o The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.
- o If you wish my decision to be reviewed then you may take advantage of the procedure outlined in the complaints procedure, by writing to the Clerk to the *Governing Body*.

Yours sincerely,

Headteacher or Chair of *Governing Body*

Model letter of Notification of Decision Regarding General Parental Complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

o There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

o The concern is not substantiated by the evidence in that

OR

o The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

o In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely Headteacher / Chair of Governing Body

Model Review Outcome Notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher/Chair of Governors followed the General Complaints Procedure except Therefore, the following action will be taken.....Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher/Chair of Governors followed the General Complaints Procedure except that We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely

Chair of Complaints Review Panel

c.c. Headteacher Chair of Governors