



GENERAL COMPLAINT PROCEDURE

In line with 'Best Practice Advice for School Complaints Procedures 2016' (DfE) a 'concern' will be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint will generally be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action.'

The person responsible for managing complaints (Complaints Co-ordinator) is the head teacher.

STAGE 1 - THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

There is an expectation that every effort will have been made to resolve a concern/complaint informally before escalation to Stage 2 can be considered.

If anyone has a concern/complaint it may be registered either verbally or in writing. If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. It is good practice to agree the written note of the complaint with the complainant. This information will be passed to the Complaints Co-ordinator at the earliest opportunity and recorded in the school's log.

An opportunity will be given to the complainant to discuss the concern/complaint with an appropriate member of staff, who will clarify the nature of the concern/complaint and how the complainant wants the complaint to be resolved (for example by an apology from the school; an explanation; assurances that there won't be a reoccurrence; details of measures that will be taken to ensure that there isn't a reoccurrence).

The complainant will be asked what they think might resolve the issue.

The Complaints Co-ordinator will identify the appropriate procedure and either conduct the investigation themselves, or nominate an appropriate colleague to do so. The Co-ordinator will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, only putting this in writing if this seems the best way to make things clear.

STAGE TWO - FORMAL REFERRAL TO THE HEAD TEACHER

If the matter cannot be resolved informally then the complaint should be submitted in writing to the Head Teacher. (The attached complaint form may be used – Appendix 1)

If the complaint is about the Head teacher, or the Head teacher has been so involved as not to be impartial, the complaint must be put in writing and addressed to the Chair of the Governing Body and sent to the school address.

Help and guidance for the investigating officer can be obtained from the Education and Learning Service; contact the nominated Education Improvement Adviser in the first instance.

Where the Head Teacher has acted as Complaint Co-ordinator at Stage One, another senior member of staff may be designated to collect some of the information from the parties involved, or another senior member of staff may be nominated to be the Investigator.

The complaint will be acknowledged in writing within **five school days**, giving the name of the person who will conduct the investigation and a target date for providing a response, usually within **10 school days**.

The investigator may ask the complainant to meet with them to give extra information or to explain any information provided previously. Once all the relevant facts have been established, the Head teacher or designate will provide a written response.

The written response will include:

- a full explanation of the decision reached and the reasons for it.
- where applicable, what action the school will take to address the complaint and prevent recurrence.
- information on how and the timescale to request a review by the governing body, if not satisfied with the outcome.

STAGE THREE - GOVERNING BODY REVIEW OF HEAD TEACHER'S OR CHAIR'S INVESTIGATION

A request to review a complaint investigation should be made in writing to the Chair of the Governing Body within **20 school days of the date of the outcome letter** and should give the reasons for requesting a review. The circumstances under which a review would be conducted include those where there is:-

- a claim that material information was not taken into account in investigating the complaint
- a claim that procedures have not been properly applied in handling the complaint

- a claim that there has been an incorrect interpretation of Council or school policy

Disagreeing with the outcome at Stage Two **IS NOT** sufficient grounds for undertaking a review under this part of the procedure.

As much detail as possible should be provided when requesting a review. Where insufficient detail is given this may result in a delay, or a request being made for further clarification.

The Governing Body will then nominate three members to form a Complaint Panel to review the complaint and any further documents submitted by the complainant. These must be governors who have had no prior involvement with the complaint.

The Clerk to the Governing Body will convene the Complaints Panel hearing within **20 school days of receipt of the review request** and at the same time provide panel members with copies of all relevant correspondence and documentation.

The Complaints Panel can set time limits for both sides to present their case and for the length of the hearing overall. These will be communicated to everyone involved by the Clerk.

The complainant, the Head teacher and other witnesses will be given a minimum of **5 school days** notice of the hearing. The complainant will be advised of their right to bring a friend, or to be represented by someone of their choice (at their own expense). Where possible the clerk will seek to arrange a convenient time and date for the review hearing. However, where two attempts have been made to schedule a convenient hearing and it has not been possible to accommodate the complainant, the Complaints Panel reserves the right to conduct the hearing in the absence of the complainant and on the basis of the written evidence submitted by him/ her. This is intended to ensure that complaints are considered promptly and to avoid unnecessary delays.

All parties should be notified of the proposed witnesses. Parties are requested to notify the clerk of the name of any witness who they intend to bring to the hearing at the earliest opportunity.

The Outcome of a Review may include:

- upholding the result of the original investigation.
- upholding the result of the original investigation, but making recommendations for improving practices.
- finding the complaint was justified and overturning the original decision.

The Chair of the Panel will notify the complainant in writing of the outcome of the review and of any action to be taken, within **7 school days** after

concluding the review. The complainant will also be advised of their right of further appeal to the Secretary of State for Education.

The Chair will ensure that any required action is put in place.

Unreasonable Behaviour by Complainants

If a complainant acts in an unreasonable manner, for example:

- by insisting on moving to later stages of the procedure before earlier stages have been completed
- taking actions that are out of proportion to the nature of the complaint
- pursuing a complaint in an unacceptable manner by using threatening, intimidating or abusive language or behaviour
- continuing to pursue a complaint once the complaints procedure has been exhausted

The Head teacher/ Chair of the Governing Body may inform the complainant that their behaviour is unacceptable and take any action appropriate to limit the impact of the complainant's behaviour on the School, its staff and its representatives. This could ultimately include limiting the complainant's contact with the School to written communication with a named individual unless in an emergency. (for further information see Appendix 2 – Policy for Unreasonable Complaints.)

Further information and guidance can be found in 'Best Practice Advice for School Complaints Procedures 2016' (DfE).



Complaints Procedure Complaint Form

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to the head teacher (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

(Mr/Mrs/Miss/ Ms/Other)

First Name:

Last Name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

If the complaint relates to a pupil, please give:

Pupil's name:

And relationship to the pupil:

Please give details of your complaint.

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

What would you like us to do to make improvements or put things right?

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

Signature:

Date:

Policy for Unreasonable Complainants

Earlsdon 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 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.

Earlsdon Primary School 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 Earlsdon 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 the school site.