

**Ashmead Primary
School**

Concerns and Complaints Procedure

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Date of Policy Review: July 2018

1. INTRODUCTION

This policy has been produced by the governors of Ashmead Primary School. It sets out the way in which this school will deal with complaints.

It is in the interest of everyone that all parties involved in any complaint conduct themselves in a professional, courteous and respectful manner at all times. Complaints should be dealt with promptly, at all stages.

2. DEFINITION OF CONCERNS AND COMPLAINTS

The Department for Education defines a 'concern' as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. The DfE defines a 'complaint' as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is important to bear in mind that most expressions of concern do not constitute a complaint. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Most concerns can be resolved informally, without the need to invoke formal procedures. We always aim to take informal concerns seriously and make every effort to resolve the matter as quickly as possible – keeping the issue informal can often help the issue to be addressed more quickly than if the formal route is taken.

Complaints may be written or oral and can be made in person or via the telephone.

3. 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 a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

4. CONCERNS AND COMPLAINTS PROCEDURE STAGES

Informal Stage – All concerns and informal complaints

The majority of complaints/issues can be resolved informally by discussion with the member of staff concerned or the Headteacher. Complainants should make an appointment to discuss their concerns with the member of staff who knows about the issue or incident. If the complaint relates to a pupil, ideally the member of staff concerned should be directly involved with the pupil, in the first instance the class teacher or alternatively the Deputy Headteacher, or Inclusion Leader, depending on the nature of the concern. The member of staff may write notes during the meeting. A copy of these notes can be requested by the complainant.

Concerns and informal complaints can be escalated from the class teacher to the Deputy Head, Inclusion Leader or Headteacher – this escalation does not trigger the formal stage (unless the complainant chooses to do so).

Formal Stage

There are three school-based formal stages:

Stage 1

If a complainant is dissatisfied after the informal stage, they, or the member of staff can refer the matter to the Headteacher. This should be in writing (ideally using the form in Appendix B) as this will often make the situation clear to all involved parties but we will also hear complaints in person or via the telephone if necessary.

Although complainants can choose to go straight to the formal stage but at Ashmead we would expect the informal routes to be used in the first instance.

The Headteacher will offer a meeting with the complainant at a mutually convenient time to discuss and clarify what the issues are and what the complainant wants to achieve.

The Headteacher may need to speak to other staff and pupils to investigate the concerns. This should happen within 10 school days. If this timescale cannot be met the Headteacher should inform the complainant that this will take longer, explaining the reasons for this and giving a timescale for when the investigation will be completed.

Together all parties will agree an acceptable outcome that is to the satisfaction of all parties involved. This should be written down and agreed by all parties so there is no misunderstanding and all parties should receive a copy.

Stage 2

After meeting with the Headteacher, if the complaint is still not resolved to the complainant's satisfaction, the complaint can be referred to the Chair of

Governors. This should ideally be in writing to the Chair at the school address. The Headteacher can also refer the complaint to the Chair of Governors.

(If the Headteacher is the subject of the complaint, the complaint should go straight to the Chair of Governors and miss out Stage 1. If the complaint relates to a governor the complainant should write to our clerk to governors)

The Chair of Governors will offer to meet with the complainant at a mutually convenient time.

The Chair of Governors has 15 school days to investigate the complaint. If it cannot be resolved within this time, the Chair will inform the complainant explaining the reasons for the delay and when it is expected that the investigation will be completed. Reasons for the delay may be that the complaint is complex and needs more time or someone involved is absent through sickness or holidays.

Stage 3

If the complaint remains unresolved to the complainant's satisfaction, or the Chair of Governors feels that it is necessary, s/he can set up a Complaints Committee to consider the complaint. As far as possible it is recommended that Complaints Committees are a last resort.

The Chair of Governors will appoint a member of the Governing Body as an investigating officer to gather evidence and conduct preliminary interviews on the Chair's behalf. The investigating officer will provide a detailed report of his/her investigation of the complaint. This should happen within 20 school days of the referral to the Complaints Committee. Parents/carers will be given a copy of this report. It is important that the investigating officer is seen as impartial so s/he will not be a member of the associated Complaints Committee.

The Complaints Committee is made up of three members of the school's Governing Body. Sometimes Governors may need to be brought in from other schools' governing bodies to ensure impartiality. The complainant can also request the complaint be heard by an independent panel and the governing body will decide whether or not to grant this request.

The Complaints Committee will meet at a time convenient to all parties. The complainant, the Headteacher, the Chair of Governors and any member of staff the complaint is about will be invited to the meeting. Any person invited can bring a friend or supporter if they wish. The Complaints Committee will consider any written material, and also give the person making the complaint and the Headteacher, Chair of Governors and staff an opportunity to state their case and to question others present. The Committee will ensure that all present are treated fairly. The meeting will be recorded, e.g. by the local authority's clerking service, and everyone present will be given a copy of the minutes.

The Committee will give its decision, in writing, within five school days after the meeting, along with the reasons for its decision.

If after this school-based process the complaint is still not resolved to the complainant's satisfaction, they should write to the local authority.

(See Appendix D for graphical representation of the stages)

Appendix A - Complaints not in scope of this policy

This policy covers all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	Lewisham local authority
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for our employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	These matters will invoke our internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about service.

Appendix B - ASHMEAD PRIMARY SCHOOL COMPLAINTS FORM

Please complete this and return to the school office.

Your name:

Child's name and relationship to child:

Address:

Telephone number:

Our complaints policy requires that complaints are resolved informally if possible. Please give details of who you have spoken to in order to informally resolve this complaint:

Please explain your complaint (date, location, names of people involved if known. Please include as much detail as possible):

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

Signature:

Date:

APPENDIX C - SERIAL COMPLAINANTS

We do our best to be helpful to people who contact us with a complaint or concern. However, where we are contacted repeatedly by an individual making the same points we may need to make decisions to prevent the use of school resources on issues that have been resolved to the best of our ability.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for that we consider if we really have done everything we can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

Ashmead 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.

We define 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 us 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 premises.

If the complainant contacts us again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, we would not do this before the complainant has completed the procedure.

We would not, under any circumstances, consider an individual as a serial complainant for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant. Any such decision would be communicated with the complainant in writing.

