



Title: Policy and Procedure for Dealing with Complaints

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POLICY AND PROCEDURE FOR DEALING WITH COMPLAINTS (By Parents/Guardians and Other Stakeholders in the School)

INTRODUCTION

From time to time parents and other stakeholders connected with the school may become aware of matters that cause them concern. The Governing Body of St Paul's Way Trust School has adopted this policy and procedure which sets out the way in which the school will aim to deal with complaints to encourage an effective resolution to such matters.

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.

It is in the interest of everyone that complaints and responses are dealt with promptly at all stages.

DEFINITION OF A COMPLAINT

A 'concern' maybe defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A complaint is an expression of significant dissatisfaction, however made, by a person or persons with a legitimate interest in the school about the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or about the standard of teaching.

Complaints may be made in person, by telephone or in writing. It is not always appropriate to for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in the complaint taking of a more defensive or entrenched position and making the conflict more difficult to resolve.

For a complaint to merit serious consideration, it should meet at least one of the following criteria:

- It is first hand.
- It relates to recent events and no longer than 3 months old.
- The events in question can be dated.
- There is independent corroboration of the allegations.

It is important to bear in mind that every expression of concern is not a complaint. Discretion needs to be applied in determining whether action over and above the normal day-to-day discussions on parental concerns is needed. All senior managers are expected to exercise such discretion before referring matters to the Executive Headteacher or Headteacher.

Problems and expressions of concerns should be dealt with as far as possible, at the point of contact. If it cannot be resolved at this level, then the teacher/support staff should refer the matter to the appropriate

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senior member of staff, including clearly documented details of the complaint and any informal discussions and actions taken.

RESPONSIBILITIES

The conduct of the school is under the direction of the Governing Body. The Executive Headteacher is responsible for the internal organization and management of the school.

- This makes the Executive Headteacher and or Headteacher responsible for investigating complaints in the first instance and, if appropriate, referring complaints to other members of staff to deal with.
- The Governing Body may be called upon to consider, resolve or adjudicate if complaints are referred to them by the Executive Hedateacher or by a complainant who is not satisfied with the result of the internal process.
- If the complaint is not resolved at the school level, the interested parties have recourse to the DfE or to the legal processes.

In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak with the Executive Heatdteacher or Headteacher, so that an attempt can be made to resolve the matter informally. Governors must not prejudice themselves by discussing the complaint, as this would prevent them from participating in a panel at a later stage. If at any point it appears that there are issues regarding school staff that may need to be dealt with under the disciplinary or other staff procedures, Human Resources advice will be sought.

REFERRAL STRUCTURE

In most cases referral will be as follows:

- Teacher/Support staff
- Head of Year/Department
- SLT
- Senior Deputy Headteacher/Deputy Headteacher
- Headteacher
- Executive Headteacher

On occasions it will be appropriate to by-pass levels in the referral structure.

- When a complaint is made to the Executive Headteacher or Headteacher, it may be referred to an appropriate level within the structure to deal with. The colleagues dealing with the complaint must feedback to the Executive Headteacher or Headteacher.
- Where a member of staff other than the Executive Heatdteacher or Headteacher receives a complaint (as opposed to an expression of concern) it must be passed on to the Executive Headteacher or Headteacher.

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- If all the informal channels have been exhausted and there is still dissatisfaction, the complainant should be made aware of how formal procedures can be initiated.

POSSIBLE OUTCOMES AT THE INFORMAL STAGE

- The matter is resolved.
- When the informal procedures have been exhausted, complainants should be informed clearly by the Executive Headteacher or Headteacher that the matter about which they have complained has been dealt with appropriately by staff within the context of the school policies and procedures.
- The complaint has been found to be valid by the Executive Headteacher or Headteacher and that within his/her responsibility for the overall internal management of the school, will take appropriate action.
- The Executive Headteacher or Headteacher or the complainant will refer the matter to the Governing Body for their consideration.

COMPLAINTS MADE TO THE GOVERNING BODY

In the event of a complaint being received directly by the Governing Body from a parent or other stakeholders in the school, governors will have regard to the following:

- Any complaint to the Governing Body or one of its members will be passed to the Executive Headteacher for investigation. The Executive Headteacher or Headteacher, if (s)he has not already done so, will follow the informal procedure outlines above to attempt to resolve the matter and report the outcome to the complainant and details taken to the Chair of Governors.
- If the Chair of the Governing body is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, (s)he may, after further discussions with the Executive Headteacher, decide to initiate the formal procedure.
- In the event of the complaint being against the Executive Headteacher, the Chair of the Governing Body will inform the Executive Headteacher of the complaint and then attempt, through an informal approach, to resolve the matter.
- The complainant will be advised of the Chair’s conclusions.
- A complaint about the Chair of the Governors or any individual governor should be made in writing to the Clerk to the Governing Body.

THE FORMAL PROCEDURE

- If informal attempts to settle the complaint have failed to satisfy the complainant, (s)he should set out the complaint fully in writing and submit this to Chair of the Governing Body within 10 working

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days of the notification that the complaint has been dealt with. Where this is not possible because of a disability, learning difficulties or literacy or second language considerations, the complaint should be made in person, or by telephone and where necessary arrangements for interpretations, recording devices made.

- Receipt of complaint will be acknowledged in writing by the Chair of the Governing Body, the Vice Chair, if the Chair is not available or the Clerk to Governors. A copy of the Complaints Policy will be enclosed with the acknowledgement.
- The Governing Body will arrange for the complaint to be heard by a panel of three governors who have not had involvement with the matter at an earlier stage. This panel will, where possible reflect a cross section of the Governors, who have no direct interest or involvement in the case.
- Complainants have the right to request for an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately, the decision is made by the governors.
- The panel will be provided with copies of the complaint and all other relevant documentation.
- At least five working days notice of the hearing by the panel will be given to all concerned.
- All parties involved in the dispute may be accompanied, if desired, by a friend, an interpreter and may call witnesses.
- The Executive Headteacher (or Chair of Governors if the complaint is against the Executive Headteacher) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation. The :-
- The complainant will present his or her case and call any witnesses
- The panel and the Executive Headteacher will have an opportunity to question the complainant and witnesses.
- The Executive Headteacher will have the opportunity to respond to the complainant and call witnesses if appropriate.
- The panel and the complainant will have the opportunity to question the Executive Headteacher and witnesses.
- The Executive Headteacher, followed by the complainant, will summarise their positions.
- All but the members of the panel will withdraw while a panel decision is reached.

When the evidence has been fully considered and a decision made, the panel will notify, in writing, the complainant and the Executive Headteacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made to those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible, and within a maximum of five working days.

The Governing Body should be informed at their next meeting that a complaint has been received and dealt with. Confidentiality should be maintained at all times and details should not be divulged to the full Governing Body or to any other party not directly involved.

TAKING IT FURTHER/APPEAL

If the complainant remains dissatisfied following the outcome of the Governing Body Panel investigation, they have the right to refer their complaint to the Secretary of State, by writing to the School Complaints Unit (SCU).

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Appendix A

**POLICY AND PROCEDURE FOR DEALING WITH COMPLAINTS
(By Parents, Carers, Other Stakeholders in the School)**

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COMPLAINT

Details of complaint:

Action taken

Member of staff receiving the complaint: _____ Date: _____

Investigation /Any further action taken:

By whom: _____ Date: _____

Executive Headteacher

Date of the letter sent to complainants: _____ (Attach copy)

Appendix B

COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

The school's complaints procedure will cover all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
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<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For School admissions, it will depend on who is the admissions authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their 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: WHBL, 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 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Appendix C

DEALING WITH SERIAL, PERSISTENT OR UNREASONABLE COMPLAINTS

The school will endeavor its best efforts to be helpful to individuals contacting us with a concern, request for information or a complaint.

However, in cases where a school is contacted repeatedly by an individual making the same points, or asking the school to reconsider their position despite all stages of the complaint procedure being followed, the school will need to act appropriately in such circumstances.

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The school reserves the right to not respond to complaints that have been previously investigated and completed fully in accordance with the School's complaints procedure.

Should the school view the persistent and unreasonable contact of a complainant as constituting harassment and threatening behavior, we will take steps supported by legal action as appropriate to ensure the school can continue its work safely and securely.

St Pauls Way Trust School defines unreasonable complaints 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' (DfE January 2016).

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

- Refuses to articulate their complaint or specify the grounds of their complaint and outcomes sought, despite offers of assistance.
- Refuses to co-operate with the complaints investigation whilst still wishing for it to be resolved.
- Refuses to accept certain issues are not within the scope of the complaints procedure.
- Insists on the complaint being dealt with in ways which are not compatible with the complaints procedure and good practice.
- Introduces trivial or irrelevant information and expects these to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists these are answered fully and often immediately and to their own timescales.
- Makes unjustified complaints about staff dealing with the issued and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigation and outcome concluding the complaint is groundless).
- Refuses to accept the findings of the investigation into the complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthily, 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.

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Whenever possible, the Executive Headteacher or the Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking to a complaint.

If the behavior continues, the Executive Headteacher will write to the complainant explaining that their behavior 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 will be informed. This may also include banning individuals from school premises.

FURTHER INFORMATION

Useful resources and external organisations

- National Governors Association
- Information Commissioners Office

Other relevant departmental advice and statutory guidance

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility

Other departmental resources

- How to complain about a school - advice for complainants
- Parental Responsibility Guidance - non-statutory advice for schools

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