

Overton CE Primary School Complaints Policy

We believe that our school provides a good education for all our children, and that the Head Teacher and other staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases.

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

General Principles:

- **This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.**
- **An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.**
- **To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.**

Summary of Procedure:

Stage 1 (Page 3):	Informal discussion with Head Teacher
Stage 2 (Page 4):	Formal complaint referred to Head Teacher
Stage 3 (Page 6):	Review by Governing Body Complaints Committee
Stage 4 (Page 10):	Complaint to Hampshire County Council
Stage 5 (Page 12):	Contacting the Secretary of State

Monitoring complaints

At all **formal** stages of the complaints procedure, the following information should be recorded:

- 1. The name of the complainant;**
- 2. The date and time at which complaint was made;**
- 3. The details of the complaint;**
- 4. The desired outcome of the complainant;**
- 5. How the complaint is investigated (including written records of interviews held);**
- 6. Results and conclusions of investigations;**
- 7. Any action taken;**
- 8. The complainant's response (satisfaction or further pursuit of complaint).**

Records should be retained for the periods specified in guidance on records retention (available separately).

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

Or

2 That the complaint is not upheld and reasons for this are clearly given. In the first instance, it may be appropriate to offer one or more of the following:

- an apology;**
- an explanation;**
- an admission that the situation could have been handled differently or better;**
- an assurance that the event complained of will not recur;**
- an explanation of the steps that have been taken to ensure that it will not happen again;**
- an undertaking to review school policies in light of the complaint.**

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

Vexatious Complaints

The Chair of governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

In both cases, the complainant has the right to take their complaint to Hampshire County Council (stage 4) who will, if appropriate, investigate the school's adherence to the complaints policy.

The Complaints Procedure

STAGE 1: Informal discussion

Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints. Refusing to attend a meeting to discuss the complaint may be seen as unreasonable and may effectively halt the process at this stage. An informal meeting must take place and the formal process cannot begin until this has happened (*see Annex 3*).

When a complaint is made directly against the school's Head Teacher, stage 2 is not required and the formal procedure begins at stage 3.

1.2 Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or Head Teacher depending on their wishes and the type of issues they want to discuss.

1.3 Monitoring

It is not necessary to record or monitor complaints at this level.

1.4 Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

1.5 Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

1.6 Options for complainant

Once this stage has been exhausted, if the individual is dissatisfied with the response they have been given and would like to take their complaint further they should be referred to the school's complaints procedure and told how to move on to the next stage.

STAGE 2: Referral to the Head Teacher

2.1 Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

2.2 Informal discussion with Head Teacher

Before proceeding with a formal investigation, the Head Teacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Head Teacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

2.3 Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and **must** be formally submitted in writing to the Head Teacher using the school **complaints form (CF1)**.

All complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

2.4 Acknowledgement and time scales

The Head Teacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

2.5 The investigation

The Head Teacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

All individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

2.6 Response

The Head Teacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

2.7 Options for complainant

Once this stage has been exhausted, if the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

Stage 3: Review by Governing Body Complaints Committee

3.1 Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor. If required, HCC will offer support and guidance to the clerk, the Chair of governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the Head Teacher will be dealt with.

3.2 The committee

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

3.3 Submitting a formal complaint

The complainant must submit a written request to the Chair of governors for their complaint to be considered by a complaints committee.

3.4 Acknowledgement and time scales

The Chair of governors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

3.5 Preparation

The Chair of governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the Head Teacher and any other relevant staff or witnesses and inform them:

- **Of the date, time and venue of the hearing;**
- **Of the aims and objectives of the hearing and how it will be conducted;**
- **That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;**
- **Of the rights of equal access, accompaniment and representation as set out within this document;**
- **How and when the committee will reach their decision.**

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

3.6 The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair of the panel will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Head Teacher and the complaints committee will be allowed to ask the complainant questions.
- The Head Teacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Head Teacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.

- The Head Teacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where Hampshire County Council, rather than the Head Teacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

3.7 After the hearing

The committee will then consider the complaint and all the evidence presented and:

- **Reach a unanimous, or at least a majority decision, on the complaint;**
- **Decide upon the appropriate action (if any) to be taken;**
- **Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.**

This information will be included in both the letters to the Head Teacher and the complainant.

3.8 Options for complainant

Once this stage has been exhausted, if the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

Please note

Stage 3 concludes the school's internal complaints procedure and, for stage 4, that the LA no longer investigates complaints about the curriculum, sex education and religious worship in maintained schools and that these complaints, if not resolved by the school, should be addressed to the Secretary of State

STAGE 4: Complaint to Hampshire County Council

4.1 Introduction

Complainants are entitled to complain to Hampshire County Council (HCC) Local Authority (LA) if they believe that their complaint was not handled fairly and in accordance to the school's complaints policy. Complaints can only be considered once the school's procedures have been completed in full.

Complaints very rarely reach this level. However, it is important that the LA, the school are ready to deal with them if necessary and that the complainant is fully informed of how and when they can complain at this level.

4.2 Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Children Services, John Coughlan, The Castle, Winchester, Hampshire
SO23 8UG

This written complaint must include the following information:

- **Details of the original complaint;**
- **The judgement and action taken by the governing body;**
- **Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaint's procedure;**
- **The expected or desired outcome.**

4.3 Acknowledgement and time scales

HCC will write to the complainant and formally acknowledge their complaint within 3 working days of receipt.

HCC will also write to the school's Head Teacher and Chair of governors to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

4.4 The investigation

HCC will examine all relevant documentation considered by the school in their original investigation as well as the records and correspondence produced at each stage.

4.5 The response

HCC will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the Head Teacher and Chair of governors.

4.6 Possible outcomes

If HCC decides that the school has failed to handle the original complaint fairly and according to its complaints policy the matter will be referred back to the governing body.

The governing body will then be requested to reinvestigate the complaint at stage 3 (review by governing body complaints committee). The governing body will need to re-appoint a new complaints committee.

Again, HCC Governor Services will be able to offer support to the governing body in their investigations.

4.7 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 5: The Secretary of State

5.1 Introduction

Individuals have the right to contact to the Secretary of State for Education with regards to the way their complaint has been handled.

Usually, they will not take any action until both the school and the Council's procedures have been exhausted.

5.2 Complaining to the Secretary of State

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the Department for Education has the power to require the LA to take certain actions including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

5.3 Contacting the Secretary of State

The DfE National Enquiry Line can be contacted on:

Telephone: 0870 000 2288

Fax: 01928 79 4248

Web site: www.education.gov.uk

If you wish to write to the Secretary of State for Education by post:

Rt. Hon Michael Gove MP Secretary of State for Education Sanctuary Buildings Great Smith Street London SW1P 3BT

Overton CE Primary School Formal Complaint Form (CF1)

Please complete this form and return it, via the school office, to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: _____

Relationship with school (e.g. parent of a pupil on the school roll): _____

Pupil's name (if relevant to your complaint): _____

Your Address:

Telephone numbers

Daytime: _____ Evening: _____

E-mail address: _____

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

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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?

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Overton CE Primary School Complaint Review Request Form (CF2)

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: _____

Your Address:

Telephone numbers:

Daytime: _____ Evening: _____

E-mail address: _____

Dear Sir/Madam

I submitted a formal complaint to the school on and am dissatisfied by the response/procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

Annex 3: Leaflet that could be sent to persons who make spurious/vexatious or abusive complaints, if the policy is adopted by the Governing Body

Overton CE Primary School Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

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 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.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean 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.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases 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 request a changed approach;

- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- 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 channelled 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.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Annex 4: Model Paragraph for Inclusion in School Prospectus

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure".

The procedure is devised with the intention that it will:

- **Usually be possible to resolve problems by informal means**
- **Be simple to use and understand**
- **Be non-adversarial**
- **Provide confidentiality**
- **Allow problems to be handled swiftly through the correct procedure**
- **Address all the points at issue**
- **Inform future practice so that the problem is unlikely to recur.**

Full details of the procedure may be obtained from the School Office, website or from the Clerk to the Governing Body.