

Federation of Eileen Wade and Milton Ernest C of E Primary Schools

Complaints Policy

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| Governors Committee: | Full Governing Board |
| Ratified: | 5th December 2024 |
| Next date of Review: | Autumn 2025 |

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Complaints Policy

Rationale

Both schools within the Federation value the ethos of meeting the needs of pupils, parents and others who have a stake in the school. This includes the staff, members of the local community and the LA. The Governing Board values the views and opinions of all stakeholders and uses these to inform our self-improvement and to raise standards.

We also acknowledge that there may be occasions when an individual has a concern which they need to bring to the attention of the school for resolution. People, whether they be pupils or adults, who have concerns, or complaints should feel that they can voice them, and they will be considered seriously.

From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

Complaints should always be referred to the school in the first instance. Most complaints can be dealt with informally. Where this proves unsuccessful the following procedure should ensure that each complaint is responded to promptly and effectively. Most complaints will be dealt with by the Headteacher and staff, and only rarely will they come to the governing body. Complainants should always address their complaint to the school in the first instance. All complainants have the right to be accompanied when making the complaint, and pupils may be accompanied by a parent or another adult.

Status of This Policy

Statutory

Purpose and Principles

There are various principles behind this policy:

- There is a difference between a concern and a complaint. A concern is likely to require discussion between teacher, pupil and parent. If the concern is not resolved by that means, then it could become a complaint. "A complaint is an expression of dissatisfaction which needs a response from the school." (*North Tyneside LEA*)
- A complaint is likely to arise when there are issues of physical or emotional well-being and security or when the school's stated values or aims are being ignored.
- A breach of the law will always constitute a complaint.
- We will seek to resolve complaints by informal means wherever possible.

- Investigations will be full, fair and swift.
- People will be kept informed of progress and the decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from pupils and parents in order to minimise complaints and maximise accountability.

Relationship to other policies

This policy should be read in conjunction with all other school policies.

Roles and responsibilities

The **headteacher** will ensure that:

- all complaints are dealt with in the first instance by the headteacher or a member of the leadership team, who will document the complaint (names, dates, times, events), acknowledge in writing within three days of receipt, and consult with all those directly concerned
- the complainant receives a written explanation of the action taken within ten working days following the complaint.

Staff are expected to encourage pupils and parents who have concerns to follow the complaints procedure.

The **Governing Board** will ensure the following:

- If a complainant is not satisfied with the action taken by the headteacher, then the Chair of Governors will hear the complaint. On receipt of the complaint the Chair of Governors will inform the headteacher, investigate the complaint, and write to the complainant within ten working days, explaining the action taken.
- Where the complaint is against the headteacher, the complainant may wish to contact the Chair of Governors first.
- If the complainant is not satisfied with the decision of the Chair of Governors, then a formal complaint may be made to the governing body through the Clerk to the Governors. Within 15 working days of receiving the written complaint a Complaints Committee will meet to consider it. The complainant will be given seven working days' notice of the meeting, and may take a friend or other person to provide support at the meeting. Within seven days of that meeting the complainant will be informed of the decision, the reasons for it, and any action to be taken by the school. The decision of the complaints committee is final.
- Where a complainant considers that the school is not complying with the legal requirements of council policy in respect of a pupil's education then the LA can provide the complainant, the governors or the headteacher with further advice.
- Where a complaint is about the Governing Board this can be referred to the LA. If that fails to produce a satisfactory response it can then be referred to the Secretary of State. If the

complaint is upheld and the governing body fails to follow the directions of the Secretary of State, the judgement may be legally enforced.

Arrangements for monitoring and evaluation

All complaints and the action taken will be documented and a summary included in the headteacher's termly report to the governors, with advice on any implications for policies.

COMPLAINTS AGAINST THE CURRICULUM

Parents may complain if they consider that the school is not doing one or more of the following:

- providing a curriculum to meet the needs of their child
- complying with the law on charging for school activities
- providing religious education and daily collective worship
- providing statutory information
- carrying out a statutory duty
- acting reasonably.

Parents will often seek advice from the LA or other bodies before referring a complaint to the school. If they are not satisfied with the response of the headteacher they can refer it to the governing body. If they are still not satisfied they can put the complaint to the LA, which will hear the complaint within 15 working days. The LA must inform the complainants and the Governing Board of the decision and required action. The decision of the LA is final.

Status

Statutory

Purpose

The aims of the school emphasise that the curriculum should meet the needs of each pupil. Where parents consider that this is not the case they have the right to make a complaint to members of the governing body. They will consult with the headteacher on how to resolve the complaint.

Relationship to other policies

This policy should be read in conjunction with the policies on the school curriculum, collective worship and assessment and recording and reporting.

Roles and responsibilities

The **headteacher** will:

- take all complaints seriously and deal with them sensitively
- request that the complaint is put in writing so that it can be investigated
- respond to the complaint personally or delegate it to an experienced member of the senior management team
- involve other members of staff as appropriate
- where necessary, explain the legal position with regard to the National Curriculum, and the scope available to the school to make changes
- advise the complainant of their right to pursue the matter with the governing body
- ensure the governing body is advised of any complaints and provided with guidance to assist the decision-making process.

The **governing body** will:

- ensure that a complaints committee consisting of three governors is established with delegated responsibility to hear complaints
- advise the head on the action/decision required,
- write to the complainant within two weeks, explaining the action taken.
- inform the complainant of their right to appeal to the LA If the complaint is not upheld.

Arrangements for monitoring and evaluation

The governing body will receive a report as appropriate from the panel that has heard any complaints, indicating the number and nature of complaints, the recommended action or decisions taken and the outcomes of those decisions.

Managing relationships with parents

We need to ensure that relationships with parents remain positive during any complaint process. The school encourages close links with parents and the community. We believe that pupils benefit when the relationship between home and school is a positive one. The vast majority of parents, carers and others visiting the school are keen to work with us and are supportive of the school. However, occasionally, a parent may have a negative attitude towards the school and sometimes, this can result in aggression, verbal and/or physical abuse towards school staff. The school expects its staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all staff have the right to work without fear of violence and abuse and the right, in extreme cases, to take appropriate self-defence; indeed, the school has a duty to consider the welfare of its staff and aggressive behaviour will not be tolerated. The school expects parents and other visitors to behave in a reasonable way towards school staff. This policy outlines the steps that will be taken where parents' behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated.
This is not an exhaustive list but seeks to provide illustrations of unacceptable behaviour.

- Vexatious communication, such as constant streams of letters or emails
- Threats involving third party experts (e.g. social workers, education 'experts')
- Shouting at school staff, either in person or over the telephone.
- Physically intimidating a member of staff eg standing very close or the use of aggressive hand gestures
- Threatening school staff
- Being abusive or sarcastic
- Accusing staff of telling lies
- Not letting a member of staff respond
- Persistent repetition where an answer has already been given
- Comments posted on social media
- Regular or repeated criticizing, undermining and intimidating of staff so that it affects their health and well-being
- Physical assault including pushing, hitting, slapping, punching or kicking or spitting
- Racist or sexist comments
- Breaking the school's security procedures

Some forms of unacceptable behaviour may result in Bedford Borough Council and the Police being informed of the incident.

PROCEDURE

When a parent or member of the public behaves in such unacceptable ways towards a member of the school staff, the head teacher or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the school may have to deviate from the complaints procedure.

Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour

There are rare circumstances where the federation will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the federation Governing Board is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the school, the complainant is hindering the consideration of their or other people's complaints, and/or proper running of the school;
- where the complainant's complaint is clearly vexatious and/or patently insufficient grounds;
- where the complainant's complaint is the same, similar to, or based on the same facts of a complaint that has already been considered in full by the federation.
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with the complaint procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and time frames set out;
- Seeks unrealistic outcomes, or a solution that lacks purpose of value.

In these circumstances, the federation may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specific days and times, or banning the complainant from the school's premises
- conduct the Complaints Panel on the papers only, i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to the Department of Education (DFE).

In all cases, the federation will write to advise the complainant why their behavior is believed to be unacceptable or unreasonably persistent, what action the federation are taking, and the duration of the action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff the Headteacher/Senior Leadership team members will consider other options, for example, reporting the manner to the police or taking legal action. In such cases, the federation may not give the complainant prior warning of that action.

CONCLUSION

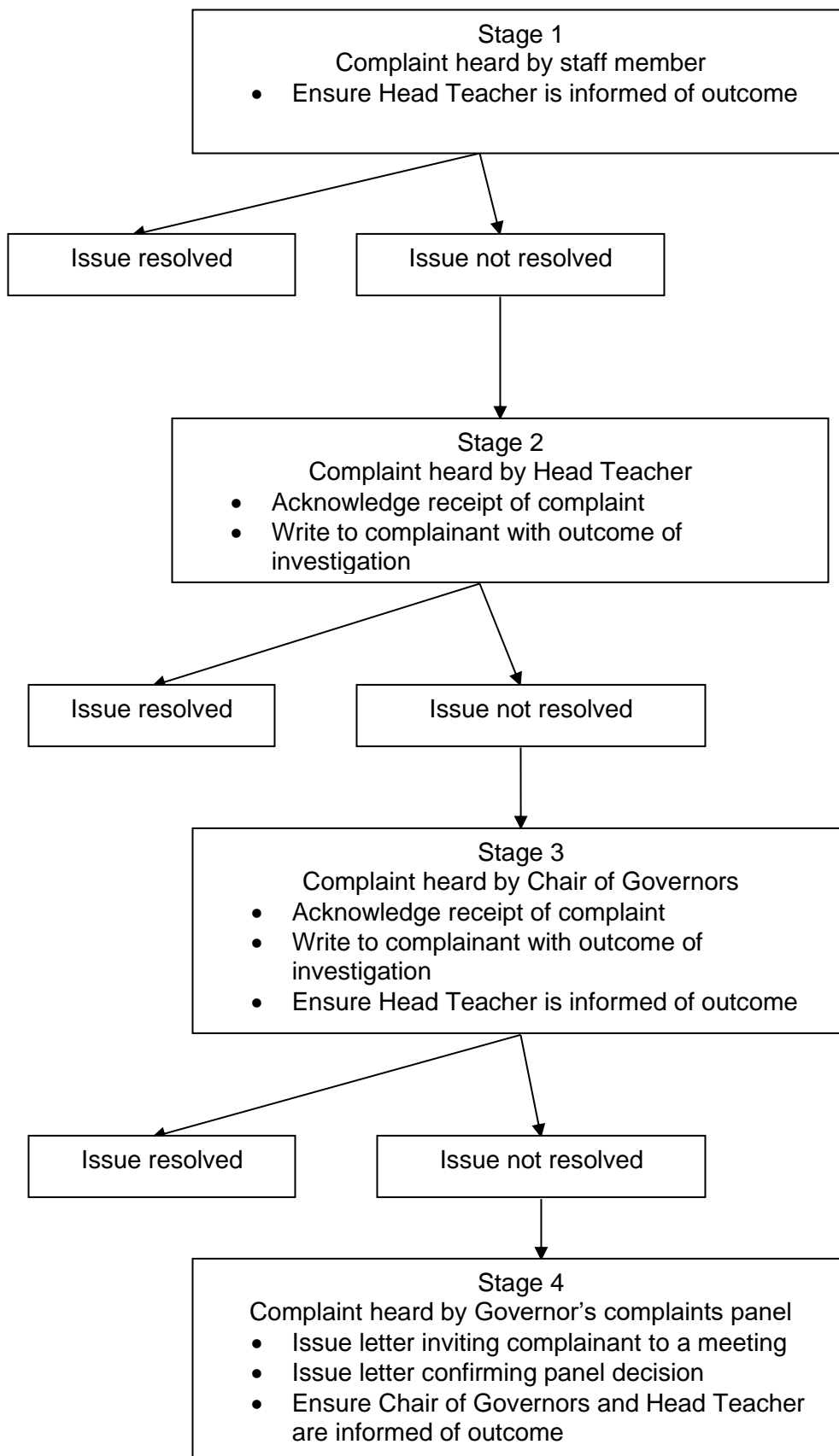
Pupils learn best when there is a positive partnership between home and school. Whilst every effort will be made to work with parents, this will only be possible where parents behave in an acceptable way.

Unfortunately, where a parent's behaviour is either unacceptable or serious it will not be possible to continue working with him/her and, as a final resort, legal action may be taken.

The school will take action where behaviour is unacceptable, serious or breaches health and safety legislation.

This Policy will be reviewed annually.

Appendix A



Appendix B – Guidance for Staff for Dealing with Concerns

Staff who are approached by parents or carers, students or others with matters of concern must assess the seriousness of the issue and if subject to specific Federation policies (for example over a child protection issue), follow those policies.

If a parent or carer of a child or someone else expresses a concern that is within the remit of that member of staff the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different and staff members should do all they can to:

- allay the other persons' fears;
- take the concerns seriously;
- remain calm and composed at all times;
- be fair, open and honest when dealing with any concern or questions;
- give careful consideration to all concerns and deal with as swiftly as possible;
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues;
- respect peoples' desire for confidentiality.

Written confirmation should be sent of the outcome to the complainant as soon as possible but not later than 15 school days (should this not be possible due to the complexity of the complaint, the complainant should be notified of a revised timeframe within which they should be able to expect a response).

If the matter has not been resolved amicably by these means, the member of staff should advise the complainant to make a formal complaint.

Appendix C: Panel Hearing Guidance

The Panel will not investigate any new complaints or consider evidence unrelated to the initial complaint. New complaints will be dealt with separately, and the full complaints procedure followed starting with Stage 1 of the procedure.

The Federation will appoint a clerk to support the panel.

The Panel will consist of three members. None of the Panel members will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint at stage 2 or have any detailed prior knowledge of the complaint. The panel will appoint a Chair from amongst their members.

The clerk, on behalf of the panel, will contact the person who investigated the complaint at stage 2 to establish who will need to be invited to the Hearing in advance, and with enough notice to invite support or representation as appropriate. We will aim to convene a panel hearing meeting within 28 school days of receipt of the stage 3 request, if this is not possible the complainant will be advised in writing and will be provided with an anticipated date. Confirmation of the date, time and venue of the hearing will be sent to all parties at least 10 school days before the meeting. Remote access is a possibility and any request will be considered by the panel, but this must not compromise fairness and transparency.

If the complainant rejects three proposed dates, without good reason, the Clerk will decide the date of the hearing. It will then proceed in the complainant's absence, if necessary, on the basis of written submissions from all parties.

Preparation for, and attendance at, the panel hearing

The complainant may ask for the complaint to be heard in their absence. If a meeting is convened in the absence of the complainant, the panel will proceed on the basis of written submissions from both parties to ensure fairness.

Any material additional to that relevant to Stage 2 should be provided to the Clerk no later than seven school days before the panel hearing for distribution to relevant parties. The papers for the Hearing will be circulated by the Clerk at least five school days prior to the Panel Hearing. These papers will include, where appropriate an agenda, a list of attendees and all relevant records such as the original complaint, witness statements, decisions made with rationales at previous stages and correspondence between the complainant and the school.

A complainant may bring someone along to the panel hearing to provide support.

This can be a relative or friend (or in the case of a staff witness, a Union representative). Generally, we do not encourage either party to bring legal representatives to the Panel hearing although exceptionally there may be occasions when legal representation is appropriate. The panel may seek legal representation depending on the subject matter of the complaint.

Representatives from the media are not permitted to attend.

Parties who are the subject of the complaint can also attend but are not required to (this is a matter for them to decide). Where they do not attend, the panel should consider how they could contribute effectively, for example by using a written statement, ensuring they still respond to any questions the complainant wishes to ask them.

The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (notably the person who investigated it).

Where the complaint relates to a pupil at the school and their attendance is requested by the panel, parental permission must be sought if they are under the age of 18. The panel will consider how the pupil could be supported to attend, for example by being accompanied by an unconnected staff member.

Procedure for the hearing

The panel's role is to give fresh scrutiny of the complaint and the previous stages of the process. This will lead to the panel deciding whether the complaint should be upheld, upheld in part or dismissed, as well as recommending remedial action as appropriate.

The hearing provides the panel with the opportunity to look at the evidence, establish facts and hear from relevant parties through the following procedure:

1. Complainant and school's representative enter the room together, chair introduces all parties and outlines the process.
2. Complainant explains their complaint and answers questions from the panel, including any further questions from the school's representative (usually the headteacher).
3. Any witnesses for the complaint give their account and answer questions.
4. School's representative makes their case and answers questions from the panel, including any further questions from the complainant.
5. Any witnesses for the school give their account and answer questions.
6. Complainant sums up their case.
7. School's representative sums up their case.
8. Parties leave for the panel to deliberate and make its decision. The clerk remains with the panel during its deliberations to clarify and issues and to take notes that will be used to draft the decision letter.

While the procedure is structured to ensure fairness, the approach taken will be informal and non-adversarial. Sufficient times will be given for all parties to speak. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned.

During deliberation, (point 8 above) the panel will revisit what was discussed and the responses to questions asked, where appropriate referring back to notes taken by the clerk to reach conclusions and inform their decision.

Having reached a decision, the panel will consider carefully and seek the advice of the clerk on the wording of the letter to the complainant and relevant parties, notifying them of the decision and the basis upon which it was reached. If the complaint is upheld in whole or in part, then the letter should set appropriate action/s recommended by the panel to resolve the complaint and or prevent similar issues in the future – for example, changes to relevant policies or practices. Note that recognising issues and apologising is not an admission of liability in a legal sense and panels are not required to engage with legal arguments.

The final decision letter will also include details of how the complainant can contact the DFE if they are unhappy with the way the complaint has been handled.