

St Botolph's Church of England Primary School

POLICY AND PROCEDURE FOR DEALING WITH CONCERNS AND COMPLAINTS



**Celebrating Faith,
Learning and Success**

Date: December 2017
Review Date: Autumn 2019

St Botolph's Church of England Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment

1. Introduction

- 1.1 It is in everyone's interest that problems are resolved at the earliest possible stage and the school will make every effort to do so. Most issues can be resolved without the need to invoke formal procedures however there are occasions when complainants may wish to raise their concerns formally and this should be done in accordance with this policy and procedure.
- 1.2 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 (SEE APPENDIX 1). Additionally, some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures and will be dealt with under those procedures.
- 1.3 We will treat all concerns and complaints seriously and courteously. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
- 1.4 Definitions: A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction about actions taken or a lack of action*'. You can make a Complaint without having first expressed a Concern.
- 1.5 Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case.
- 1.6 We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

2. Informal stage – your initial contact with the school about a concern

- 2.1 Most concerns will be dealt with informally when you make them known to us. Matters raised more than three months after the event will not generally be investigated. Concerns or Complaints raised anonymously will not normally be investigated.
- 2.2 The first point of contact should be the member of staff concerned, your child's teacher or the school office. The person who deals with your concern will contact you as soon as possible, but in any case within five school days, to discuss your concern and agree any actions to resolve your concern. You can telephone the school (01733 231313) and ask for the member of staff or your child's teacher to ring you back, or you can make an appointment to see them. If the issue you are raising is serious, it may be appropriate to contact the Headteacher without involving the member of staff concerned
- 2.3 If you are dissatisfied following this informal approach, your concern will become a formal complaint and should be made in writing by using the form provided (SEE APPENDIX 2)

3. Formal Stages - Stage 1

- 3.1 Normally, your written complaint should be addressed to the head teacher. If, however, your complaint concerns the head teacher, it should be sent to the school marked "for the attention of the chair of governors".
- 3.2 We will acknowledge your complaint in writing as soon as possible after receiving it, but in any case within five school days.
- 3.3 Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
- 3.4 As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and provide any additional details if required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. The head teacher, or chair of governors (or a governor to whom the chair of governors has delegated the investigation) may also be accompanied.
- 3.5 Following the meeting, the head teacher or chair of governors (or a governor to whom the chair of governors has delegated the investigation) will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- 3.6 If the complaint is against a member of staff, it will be dealt with under the appropriate staff procedure.
- 3.7 Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors' (or a governor to whom the chair of governors has delegated the investigation) decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do.
- 3.8 The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
- 3.9 If you are dissatisfied with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below.

4. Formal Stages - Stage two

- 4.1 If the complaint has already been through stage one and you are dissatisfied with the way in which the complaint has been handled, you can take it to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.
- 4.2 The panel will be composed of three governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The purpose of a panel is not to rehear the complaint, it is to review how the complaint has been investigated and to determine whether this has been conducted appropriately and fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.
- 4.3 The governing body will convene a panel within 15 school days although in exceptional circumstances this may take longer.
- 4.4 Your complaint, together with the school's response and details of any action taken to resolve your complaint, will be provided to the panel. The panel can request additional information from other sources if necessary.
- 4.5 You will be informed, at least five school days in advance, of the date, time and place of the meeting. You may attend in person if you wish and may bring a companion to the meeting, however you may not appoint a proxy to attend in your place.
- 4.6 You will receive a copy of the information to be provided to the panel and will be asked whether you wish to submit further written evidence to the panel. Any evidence or submission not provided in advance may only be considered at the discretion of the chair of the panel. The chair's decision is final. Where the chair permits new evidence, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence
- 4.7 If it is necessary, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
- 4.8 The chair of the panel will ensure that the meeting is minuted. Any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. The minutes are the property of the governing body and since such minutes usually name individuals, they are understandably of a sensitive and confidential nature. Where you request a copy of the minutes the panel may choose to provide a full or redacted copy of the minutes as it feels appropriate.
- 4.9 The written outcome of the panel meeting will be sent to you within five school days.
- 4.10 This concludes the school's complaints process.

5. Closure of complaints

- 5.1 We will do all we can to help to resolve a complaint however it may not be possible to meet all of the complainant's wishes. Where we feel that we have taken all reasonable action to resolve the complaint or where the complaint has exhausted our complaints process, the complaint will be closed.
- 5.2 In exceptional circumstances, closure may occur before a complaint has reached stage two of the procedures if the chair of governors (or a governor to whom the chair of governors has delegated the investigation) decides that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

6. Unreasonable complainants / complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain however there will be occasions when, after completion of all stages of our complaints procedure, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, despite being informed that the complaint is closed, the correspondence may be viewed as 'serial' or 'persistent' and the school may choose to not respond or to limit communication. In doing so, we will follow DfE guidance (SEE APPENDIX 3)

7. Taking your complaint beyond the school

- 7.1 Where you have been through the school's complaints procedures (with or without recourse to a complaints review panel) and are still dissatisfied with the outcome or decision from the governing body, you may choose to complain to the Local Authority, Peterborough City Council, governor.development@peterborough.gov.uk, by telephoning 01733 863642 or in writing to the address below.

Governor Services
Peterborough City Council
Bayard Place
Broadway
Peterborough
PE1 1FY

- 7.2 You may wish to refer your complaint to the Secretary of State or Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaints not in scope of the procedure

Source: "Best Practice Advice for School Complaints Procedures 2016
Departmental advice for maintained schools, maintained nursery schools and local authorities January 2016"

The complaints procedure 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.

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA).

Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

The school has 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: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers have their own complaints procedure to deal with complaints about service. They should be contacted direct.

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

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

Signature

Date

Official use

Date acknowledgement sent

By whom

Complaint referred to

Date complaint referred

The form is designed to expand as needed when completed electronically. If this feature does not engage or you are using a pre-printed form, please attach any supplementary pages you require.

Serial and Persistent Complainants

Source: "Best Practice Advice for School Complaints Procedures 2016 - Departmental advice for maintained schools, maintained nursery schools and local authorities January 2016"

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they 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.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

Under no circumstances should an individual be marked as serial 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.

Is it time to stop responding?

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.