

Primrose Hill Primary School



Complaints Policy and Procedures

March 2018
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COMPLAINTS POLICY AND PROCEDURE

At Primrose Hill Primary School we have a strong commitment towards working in positive partnership with the whole school community. A school is a busy place where there are many interactions between pupils, parents, carers and staff as part of the every day life of the school. We have an ethos of respecting the rights of all members of the school community and, as part of our curriculum, we work to instil this in our children. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day-to-day communication between parents and the school staff. Where a parent may feel that an issue has not been dealt with appropriately, it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

I. OVERVIEW

I.1 The statutory requirement

I.1.1 Under section 29 of the Education Act 2002, governing bodies of all maintained schools and nursery schools are required to have in place a procedure to deal with complaints about services the school provides. The Freedom of Information Act 2000 also requires the procedure to be publicised.

I.2 Why do we need guidance and monitoring of school complaints?

I.2.1 Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – **even if all the response entails is an explanation of why something happens in the way that it does.**

I.3 What can a complaint be about?

I.3.1 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). Schools must not limit complaints to parents or carers of children that are registered at the school. Complaints being made may include:

- Staff conduct
- Teaching and learning
- Bullying
- The school environment
- Decisions about exam entries
- Discrimination

I.3.2 In each case the responsibility for action lies with the school in question. In some cases a complaint may lead to a disciplinary hearing or an appeal against a decision governed by another process in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

- I.3.3 Depending upon the nature of the complaint and/or who the complainant is, consent may be required from the individual or individuals who have parental responsibility of the child before any action is taken or information disclosed as per the Data Protection Act 1998.
- I.3.4 Anonymous complaints will be assessed on a case by case basis.
- I.3.5 Our complaints form can be used to assist you providing us with the key information required to process your complaint, however complaints can be considered without one.

I.4 What issues should the complaints procedure not deal with?

- I.4.1 Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:
- Complaints about statutory assessments undertaken by the local authority for children with special educational needs
 - Grievance or Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
 - Matters likely to require a Child Protection Investigation
 - Admissions and exclusions
 - Provision of collective worship and religious education
 - Curriculum complaints
 - Whistleblowing
 - Complaints about services provided by other providers who may use school premises or facilities.
- I.4.2 If at any stage of the process, the complainant starts legal action in relation to the matters under consideration, the complaints process will automatically cease and all further correspondence will be with the School's legal team.

I.5 Resolving issues and complaints

- I.5.1 Most issues and complaints can be successfully dealt with informally and an effective complaints procedure will encourage this. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. It will also provide the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.
- I.5.2 We see it as important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also 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 incident complained of will not recur – and an explanation of stages taken to ensure this
 - An undertaking to review school policies in light of the complaint

- Asking the complainant what they feel they would like to see happen, which may help resolve the situation at any stage.

1.5.3 However it may also be the case that the outcome, at any stage of the procedure, concludes that:

- There is insufficient evidence to reach a conclusion, so that that complaint can not be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full. Some details may then be given of action the school may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

1.5.4 When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what has happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach the interview with an open mind – and keep notes.

1.5.5 If we are unable to fully respond within the specified time scales, we will inform the complainant before the deadline, giving a reason and a new deadline for reply.

1.5.6 Copies of notes or statements made during interviews used to inform a complaint response are not routinely disclosed to a complainant.

1.6 Timing

1.6.1 It is in the interests of all parties that any concerns or complaints are raised as soon as is practicable after they occur.

1.6.2 It is reasonable for schools to consider complaints up to three months after the event or three months after the event became known to the complainant as Head Teachers and governors are better able to respond to complaints whilst events are relatively fresh. However, exceptions will be considered.

1.6.3 For complainant's whose child(ren) are no longer at the school may still follow the complaint procedure.

1.6.4 Parents wishing to make a complaint after their child has left the school should be aware that the child's pupil file will have been passed onto the next school if they are still of

statutory school age and therefore on these occasions the Head Teacher will have a very limited amount of information available on which to pursue their investigation.

- 1.6.5 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.

2. THE PROCEDURE

2.1 The stages for making a complaint

- 2.1.1 A good procedure will enable swift handling of the complaint with clear time scales and will also ensure a full and fair investigation that respects the confidentiality of the complainant whilst recognising the requirements of the Data Protection Act.
- 2.1.2 Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given. It also provides schools with a clear approach to complaint handling.
- 2.1.3 **Where the following procedure refers to Head Teacher, he may delegate any of these functions to a member of the senior leadership team if appropriate. The final decision will however rest with the Head Teacher.**
- 2.1.4 **In exceptional circumstances, the Head Teacher or Chair may commission an independent investigator to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the Local Authority on how to arrange this.**

2.2 Stage I - Informal complaint

- 2.2.1 This is when a parent or pupil or other person contacts the school because they are not happy about something that has happened, or is happening in school.
- 2.2.2 At this stage ideally a class teacher, Phase Leader, or other individual responsible for the service can resolve the concerns and this could be via a meeting if the complainant so wishes. The school will seek to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.
- 2.2.3 **The response will be provided within a maximum of 15 school days from the date of receipt.**
- 2.2.4 The response can be oral or in writing, as deemed appropriate to the situation however details of the complaint should be retained for monitoring purposes.
- 2.2.5 If we are unable to respond within the time scale, we will inform the complainant before the deadline, giving a reason for any delay and a new reasonable deadline for reply.

- 2.2.6 As part of the response, the complainant will be advised of the next stage of the procedure in case they are not satisfied with the outcome.
- 2.2.7 Should the complaint be about a class teacher, Phase Leader or other individual responsible for the service or if it is inappropriate for anyone below the role of Head Teacher to respond, it may be prudent for the Head Teacher or member of the senior leadership team to respond to a complaint directly under the Stage 2 guidelines in the first instance.
- 2.2.8 Also, the Head Teacher may escalate the complaint to any stage of the process if they feel that it is appropriate.

The complainant must always be given the opportunity to complete the complaints procedure in full. It may be necessary to offer the complainant a panel hearing with independent governors from another school if the relationship between the school and the complainant has deteriorated to such an extent that a satisfactory resolution is unlikely.

2.3 Stage 2 - Formal complaint to the Head Teacher

- 2.3.1 If the complainant is not satisfied with the response received from the class teacher or Phase Leader at Stage 1 or if it is not appropriate for the class teacher or Phase Leader to respond, the complainant should be given the opportunity to take the complaint directly to Stage 2 of the process in order for the Head Teacher to investigate. Equally, if the matter is considered to be of such concern, the Head Teacher may decide to undertake an investigation at Stage 2 immediately.
- 2.3.2 Stage 2 complaints should usually be made in writing (where possible) to the Head Teacher and should also include the complainant's desired outcome from the complaint – a proforma is at the end of this policy. However, the school is prepared to make reasonable adjustment to allow complaints to be made in other ways if required.
- 2.3.3 If the Stage 2 investigation is at the complainant's request, the complaint must be taken up by the complainant within **10 school working days** following the informal Stage 1 response. It is not appropriate for a complaint to be pursued after a long period of time has elapsed.
- 2.3.4 We will provide oral or written acknowledgement of a complaint **within 2 school days of receipt of the complaint** and include a target date for response. This will normally be **within 20 school days of receipt of your complaint**.
- 2.3.5 If it is not possible to resolve matters within this timescale an explanation will be given, with a revised target date.
- 2.3.6 Where appropriate, the Head Teacher will provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish.

- 2.3.7 The Head Teacher will interview any relevant pupils / witnesses as soon as possible. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable will be asked to attend. Written records will be kept of all meetings, telephone conversations and interviews etc.
- 2.3.8 Complaints need to be considered, and resolved, as quickly and efficiently as possible.
- 2.3.9 Following the completion of all appropriate investigations, the Head Teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s).
- 2.3.10 The response will also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.
- 2.3.11 Should the complaint be about a Head Teacher or if the Head Teacher has already had extensive involvement at this stage, it may be prudent to refer the complaint directly to the Chair of Governors to be dealt with at Stage 3. However it is obviously desirable for the Head Teacher to continue to attempt to resolve the issue at this stage if possible.
- 2.3.12 Unless the complaint relates to the Head Teacher, the Chair of Governors may ask the Head Teacher, member of the senior leadership team or other appropriate school governor to carry out any investigation on their behalf. This should be someone with no previous involvement in the complaint.

2.4 Further consideration at stage 2

- 2.4.1 If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the Head Teacher or member of the senior leadership team.
- 2.4.2 This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit, in writing, a complaint to the Chair of Governors in respect of the Head Teacher's investigation **within 10 school days of receiving the Head Teacher's written response.**
- 2.4.3 The Chair of Governors will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the Head Teacher and relevant members of school staff if the Chair of Governors requires additional evidence. However it would not usually be appropriate to question any children if they have been part of any previous investigation.
- 2.4.4 When the investigation has been concluded the complainant and the Head Teacher will be informed in writing of the outcome **within 20 school days of receiving the complaint.**
- 2.4.5 If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted

unreasonably, then the complainant may request that the Governing Body review the handling of the complaint.

2.5 Stage 3 – Formal complaint to the governing body

- 2.5.1 Complaints rarely reach Stage 3, but governing bodies should be prepared to deal with them if necessary.
- 2.5.2 If the Chair of the governing body receives a written complaint directly from a parent they should consult with the Head Teacher before taking any action. It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the ‘Further action at stage 2’ part of the procedure above.
- 2.5.3 Complainants will be advised that complaints at this stage should usually be made in writing and addressed to the Chair of School Governors **no later than 10 school days following receipt of a written outcome at Stage 2.**
- 2.5.4 It is important that the governors' complaint panel should not only be independent, but be seen to be so. **Individual complaints will not be considered by the full governing body** in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.
- 2.5.5 A governors' complaints panel consisting of three members of the governing body will be convened. **Written acknowledgement of the complaint will usually be made within 3 school days of receiving the complaint.**
- 2.5.6 The acknowledgement letter will inform the complainant that **their complaint is to be heard by the panel within 20 school days of receiving the complaint.**
- 2.5.7 The complaint panel meeting will be arranged, with enough notice given so that everyone, including the complainant, can make arrangements to attend. **This notice period is usually at least 5 school days prior to the date of the panel meeting.**
- 2.5.8 At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. The panel may also need to interview any persons involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.
- 2.5.9 **A written response to the complainant will be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.**

2.6 Appeal to the Department for Education – School Complaints Unit

2.6.1 If the complainant is still not happy by this stage, an appeal can be made to the Department for Education (DfE) on the following grounds:

- The governing body is acting or proposing to act unreasonably.

- The governing body has failed to discharge its duties under the 1996 Education Act. It should be noted that, in this sense, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing body could act in the circumstances.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school’s decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

3. COMPLAINT HANDLING

3.1 Monitoring complaints

3.1.1 The school will monitor complaints. Details to include in any monitoring records are:

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken

3.1.2 Complaints will be recorded in a manner which indicates which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either:-

- Upheld
- Not upheld or
- Partially upheld

3.1.3 One complaint can have several stages each with a different outcome. There will also be an indication as to what the response time scale is (dependent on the stage) and whether or not the response time scales have been met.

3.1.4 Gender, ethnicity and any disability of complainants will be monitored in order to address any possible equality issues.

3.1.5 As per the Data Protection Act 1998, the details of complaints and their resolution will not be shared beyond those individuals directly involved. This includes school governors.

3.2 Publicising our complaint procedure

3.2.1 Details of the complaint procedure will be publicised in:

- Information pack to parents / children
- As part of the Home School Agreement
- School bulletins / newsletters
- The school website
- Posters

3.3 Serial and Persistent complaints overview

- 3.3.1 A good complaints procedure can help limit the number of protracted complaints. This section, and section 3.4, set out how the school will deal with complaints on matters which have been settled via the above procedure, and complaints where the behaviour of the complainant is unreasonable.
- 3.3.2 If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.
- 3.3.3 If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis, then the school reserves the right to classify the complaint as serial and persistent and not to respond. This will generally apply when
- 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
 - The complainant is contacting the school repeatedly but making substantially the same points each time.

The school will be more likely to exercise this right if it believe that the complainant is contacting them with the intention of causing disruption or inconvenience (or has stated as such), if the complainant's letters/emails/telephone calls are often or always abusive or aggressive or if they have been abusive or aggressive

- 3.3.4 The school may take steps to limit or in some way ration contact for example:
- directing the parent to a specific teacher or other member of staff as a contact point.
 - responding to the complainant at specific intervals.
 - informal or formal written warnings given as to future behaviour and the consequences of that behaviour.
- 3.3.5 In these instances, care will be taken not to dismiss any new complaints that have been raised alongside previous complaints. However, any new issues will be addressed separately under the relevant stage of the complaints procedure. A continued dialogue between the school and the complainant is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt will be given to parents / carers.
- 3.3.6 If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Head Teacher or chair of governors will consider informing the complainant that the complaints may be considered unreasonable.
- 3.3.7 If the complainant believes that the school has acted unreasonably in reaching its decision they may appeal to the Department for Education.

3.4 Unreasonable Complaints

- 3.4.1 It is not appropriate to make personal attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.
- 3.4.2 The school will not tolerate abuse towards staff, pupils or governors.
- 3.4.3 A policy for unreasonable complaints is included as Appendix 2. This policy defines what an unreasonable complaint is and how the school may respond to them. 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. Actions may include banning an individual from the school.
- 3.4.4 Unreasonable complaints include what is sometimes referred to as vexatious complaints. A vexatious complainant is recognised in law as someone who raises a complaint without grounds in order to cause annoyance

3.5 Getting help and advice

- 3.5.1 The schools may also wish to seek advice from any relevant authority such as the Local Authority.

3.6 Governor Complaints

3.6.1 Complaints about the Governing Body

Under Section 29 of the Education Act 2002, schools have a legal duty to establish procedures for dealing with all complaints relating to the school other than those for which there are separate statutory procedures. Any complaint about the Governing Body should be directed to the Clerk to the Governing Body. The clerk will ensure that complaints about the Governing Body in relation to governance, management and the discharging of any other duties are handled by Governor Services within Camden.

- 3.6.2 Complaints regarding individual Governors should be made in writing to the Clerk to the Governors. Complaints made in this way will normally be investigated by the Chair of Governors, or the Vice-Chair if the complaint is in relation to the Chair of Governors. The timescales for response will be as in 2.3.4. If the complainant is not satisfied with the response, a Stage 3 panel composed of Governors will be convened to consider their appeal. The timescales followed will be as in 3. In exceptional circumstances, the Chair or Vice Chair may commission an independent investigator or arrange for a panel of independent Governors to hear the Stage 3 complaint. Complaints regarding the conduct of a Governor in dealing with or investigating a separate complaint will not normally be considered as a separate complaint.

4. CURRICULUM COMPLAINTS PROCEDURE

4.1 When can the curriculum complaints procedure be used?

4.1.1 Complaints about the Local Authority's powers or functions need to be considered only by the Local Authority and should be addressed directly to the Local Authority; however

4.1.2 There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local Authority or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child
- To follow the law on charging for school activities
- To offer only approved qualifications or syllabuses
- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum,

or are acting unreasonably in any of the above cases. The procedure is as follows:

4.2 Phase 1 – Informal

4.2.1 Parents should be encouraged to take their concerns directly to the Head Teacher of a school in order to seek early resolution informally. A response should be given within a reasonable timescale. If the complaint cannot be resolved in this way, the following phase should be initiated:

4.3 Phase 2 – The Governing Body

4.3.1 A referral to the schools governing body should be made and if necessary a complaints panel should be convened and the complaint investigated in the same way as described in Stage 3 of the School Complaints Procedure above. It may be more prudent that the Chair carry out an investigation or review.

4.4 Phase 3 – The Department for Education

4.4.1 If the complainant is still not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Department for Education.

PART 2

6. PROCEDURE FOR A GOVERNORS' COMPLAINTS PANEL (Stage 3)

6.1 When should a complaints panel be convened?

- 6.1.1 A panel will be convened if a complainant makes an appeal against a decision made by the Head Teacher or the Chair of Governors at Stage 2 of the school complaints procedure.
- 6.1.2 The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like. The complainant should state why the response made at Stage 2 was not satisfactory and what would satisfy their complaint.

6.2 Acknowledgment

- 6.2.1 Written acknowledgement will usually be made within 3 school days of the complaint receipt date.
- 6.2.2 The acknowledgement will inform the complainant that the complaint is to be heard by three members of the school's governing body within 20 school days of the complaint receipt date.
- 6.2.3 **The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to and seen by the three panel members.** 3 days before the hearing would be appropriate.

6.3 The panel

- 6.3.1 The Chair of the governing body will arrange to convene a governors' complaints panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.
- 6.3.2 The panel members will be governors who have had no prior involvement with the complaint. The Chair of the governing body may be a member of the panel unless they have been previously involved in the complaint.
- 6.3.3 It is not appropriate for the Head Teacher to have a place on the panel. It may be helpful to have a governor who is also a parent on the panel, though if they know the complainant this could be counterproductive. Governors will be sensitive to issues of race, gender and religious affiliation.
- 6.3.4 The panel Chair will ensure that the panel will hear the complaint within 20 school days of receiving the request to move to Stage 3 as indicated in the acknowledgement letter however should the complainant be unable to attend the

date offered and ask for the panel meeting to be deferred, it may be necessary to arrange for a later date. .

- 6.3.5 All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.
- 6.3.6 The Chair will write and inform the complainant, Head Teacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done as soon as possible and will be done at least 5 school days in advance of the panel date.
- 6.3.7 The notification to the complainant will also inform them of their right to be accompanied to the meeting by a friend / advocate / interpreter. The complainant may not be accompanied by a solicitor acting in a legal capacity.
- 6.3.8 The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

6.4 Who should attend?

- 6.4.1 The Chair will invite the Head Teacher and/or Governor who carried out the Stage 2.2 investigation to attend the panel meeting and they will prepare a written report for the panel in response to the complaint.
- 6.4.2 The Head Teacher may also invite members of staff directly involved with matters raised in the complaint to respond to the complainant directly either in writing or in person at the panel.
- 6.4.3 Any relevant documents for consideration at the panel (this includes the Head Teacher's report), should be submitted in order to be received by all concerned – including the complainant – at least 5 school days prior to the meeting.
- 6.4.4 The involvement of staff other than the Head Teacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that minutes of the meeting are properly recorded. Minutes will normally be taken by the clerk to the panel.

6.5 The meeting

- 6.5.1 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that their complaint has at least been taken seriously.

- 6.5.2 The panel should take into account that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair will therefore ensure that the proceedings are as informal as possible.
- 6.5.3 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 6.5.4 If the conduct of one of the parties is such that the hearing cannot proceed, the panel will adjourn. The panel may restart the hearing following the adjournment. However, if the conduct continues, it may decide to reach its decision based on written submissions, and will inform the parties of this in writing.

6.6 The process

- 6.6.1 Any party have the right to call witnesses if applicable (subject to the approval of the Chair) and all parties have the right to question all the witnesses. However, **witnesses are only required to attend for the part of the hearing for which they give their evidence.**

Whilst **the panel may ask clarifying questions of either party at any point**, the process of the complaint panel is as follows:-

- a. Welcome and introductions from the Chair
- b. The Chair explains the purpose of the meeting, the procedure and that all written evidence has been made available to all parties
- c. Complainant is invited to explain their complaint, followed by any witnesses they wish to call. Witnesses should only attend that part of the meeting
- d. The Head Teacher and/or the Governor who carried out the Stage 2.2 Investigation may then question both the complainant and the witnesses
- e. The panel may then question both the complainant and the witnesses
- f. Head Teacher is invited to explain the school's actions, including those taken to address the complaint at Stage 1 and 2 of the procedure, followed by any witnesses for the school.
- g. The complainant may question both the Head Teacher and any witnesses the school wishes to call
- h. The panel may then question both the Head Teacher and any witnesses the school wishes to call
- i. Any remaining witnesses to leave
- j. The Head Teacher is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.

- k. The complainant is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.
- l. The Chair of the Panel explains to the complainant and Head Teacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days
- m. The complainant and the Head Teacher leave together
- n. Panel deliberations and decisions

6.7 The decision

6.7.1 The panel will then consider the complaint and all the evidence presented. They will:

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

6.7.2 A written statement outlining the decision of the panel will be sent to the complainant within 15 school days. The letter to the complainant will explain whether a further appeal can be made and, if so, to whom (ordinarily, the Department for Education). A copy will be provided to the Head Teacher.

6.7.3 Generally this would be the end of the governing body's involvement in the complaint process. However, the governing body might also consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

6.7.4 The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records will be kept separately from the pupil's personal records.

6.8 Summary of complaint panel timescales

6.8.1 A summation of the timescales in a Governors' Complaints Panel is as follows:

- i. Written acknowledgement of the Stage 3 request sent within 3 school days of the complaint receipt date
- ii. The written acknowledgement should inform the complainant that the complaint is to be heard by / within 20 school days of the complaint receipt date

- iii. Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and this should be done at least 5 school days in advance of the panel date
- iv. Any relevant and / or additional documents for consideration at the panel, including the Head Teacher's report, should be received by all concerned – including the complainant – 5 school days prior to the meeting
- v. The panel Chair will send a written decision to both Head Teacher and complainant within 15 school days of the panel date

Your name:

Pupil's name:

Your relationship to pupil:

Your address and postcode:

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Your daytime telephone number:

Your evening telephone number:

Your complaint is: (include details of any actions taken to try to resolve the situation)

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(If you run out of space, please use extra paper)

What do you think we should do? _____

Are you attaching any paperwork? If so, please give details: _____

Your signature: _____ Date: _____

Monitoring

Are you: Male Female

Do you have a disability? yes no

White

- British
- Irish
- Greek or Greek Cypriot
- Turkish or Turkish Cypriot
- Albanian (excluding Kosovan)
- Kosovan
- Any other White background

specify if you wish _____

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

specify if you wish _____

Chinese

- Chinese

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background

specify if you wish _____

Black or Black British

- Caribbean

African:

- Nigerian
- Somali
- Congolese
- Any other African background

specify if you wish _____

Any other ethnic category

- Any other group

specify if you wish _____

Policy for Unreasonable Complainants

Primrose Hill 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.

Primrose Hill Primary School defines 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 either face-to-face, by telephone or in writing or electronically does so:-

- 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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school specify methods of communication and limit the number of contacts in a communication plan. These may include the following steps

- directing the parent to a specific teacher or other member of staff as a contact point.
- requiring all contact through a single e-mail address
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

This will usually be reviewed after 6 months.

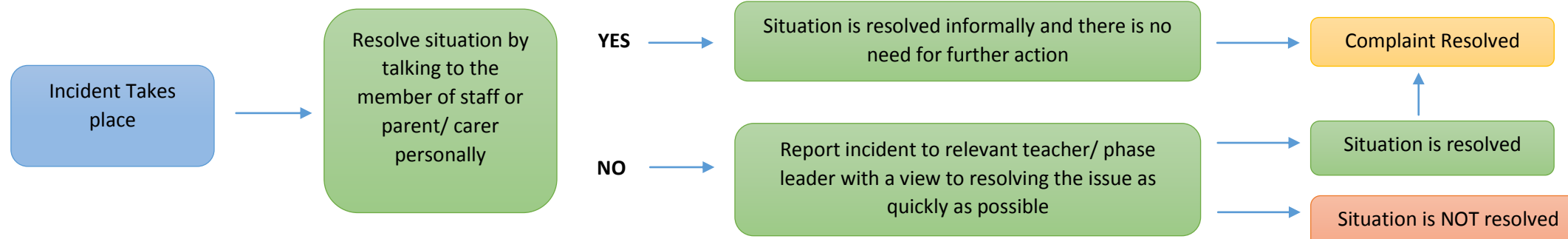
In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.

Primrose Hill Primary School

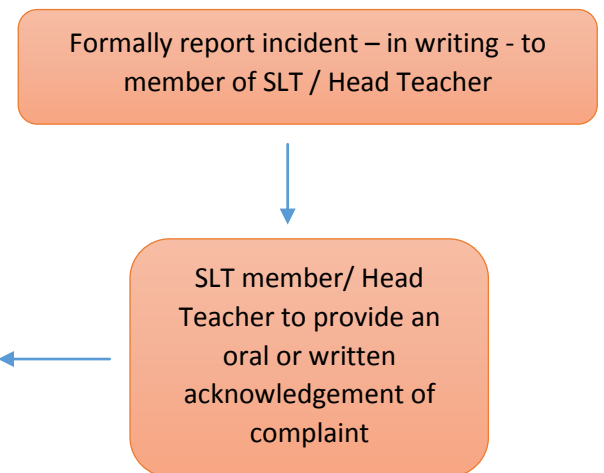
Complaints Procedure – Flowchart



Stage 1 Informal Stage



Stage 2 Formal Stage



Stage 3 Formal Stage

