



Downview Primary School

Procedures for Dealing with School Complaints

At Downview Primary we undertake to provide a friendly and safe environment in which children will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.

Introduction

This policy relates to complaints made against those employed by or in a governance role at Downview Primary School. All academies must have a complaints procedure which meets the standards set out in the Education (Independent School Standards (England) Regulations 2010 Schedule 1, Part 7.

The main policy wording below is followed by appendices which support and summarise the policy. Appendix 1 provides a one-page overview of the school's complaints process.

The majority of issues raised by parents, the community or children, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of this policy is to resolve the complaint as fairly and speedily as possible. All complaints will be dealt with openly fairly, promptly and without prejudice. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures and such an investigation will remain confidential.

Procedure for dealing with complaints where children have left Downview

Where a complaints process has been started (but not completed) whilst parents have had children at Downview, but the children have since left, the Trust should continue to follow this policy. Where complaints have been started by parents of former pupils after they have left Downview, albeit about incidents that arose during the child's time at the school, the Trust may use the shorter complaints policy (included below).

Procedure for dealing with complaints from those who are not parents of pupils at Downview

For the avoidance of doubt this policy does not apply to those who are not parents of pupils at Downview. Complaints that fall in to this category will be dealt with as follows:

Complainants should first attempt to address their complaint to the school informally.

Only if this fails to resolve the situation should the complaint be submitted in writing to the Chair of Governors. The Chair of Governors will acknowledge receipt of the complaint before considering it and issuing a final written response.

This will conclude the procedure for dealing with complaints from those who are not parents of pupils at Downview.

The full policy below will be used to deal with complaints raised by persons who are not pupils or parents of pupils in school in respect of any community facilities or services the school provides.

The following details outline the stages that can be used to resolve complaints. This procedure is a staged process designed to ensure every effort is made to deal with complaints informally with the complainant if appropriate and escalated when necessary.

This policy applies to any matter which has been raised by parents of children attending Downview, as a matter of concern but which has not been capable of resolution informally and which the complainant or the school considers should be dealt with on a formal basis.

Matters relating to admissions and exclusions, statutory SEN assessments, matters involving child protection involvement, will not be considered as they have their own appeal or complaint processes. Where necessary the school and Trust will exercise its discretion. Whistleblowing, staff grievances and staff discipline matters will not be considered under this policy.

This policy will be made available to parents via the school website, as well as being made available to children, parents and other individuals or organisations on request.

The School Policy has four main stages.

Stage 1 – A concern is raised informally with a staff member.

Stage 2 – Formal complaint is heard by an appropriate senior member of staff. The formal procedures are only invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Stage 3 – Complaint is heard by Headteacher.

Stage 4 – Complaint is heard by Governing Body's Complaints Appeal Panel.

Stage 1 – Raising a concern

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the child's class teacher.

It is important for parents / carers to recognise that the school is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within ten *term time days and state what you would like the school to do. The school will then look at your complaint at the next stage.

Stage 2 – Complaint heard by an appropriate senior member of staff.

Formal complaints should be put in writing, preferably using the proforma in Appendix 2, and addressed to the Headteacher, Mrs. M. Williams, setting out briefly the facts and stating what the complainant considers should have been done or where the complainant considers the school has not met reasonable expectations. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within three term time days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue, however, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to 15 term time days. Alternatively, whenever reasonably possible, a meeting with the complainant may be convened to discuss the matter further, this will take place within 15 term time days of the written complaint being received. More complex complaints may require an extension to this time limit and agreement should be sought from the complainant. The complainant will be kept informed of progress at all times.

The investigator will put her/his findings in writing and will indicate what, if any, steps they recommend be taken to resolve the matter. Whenever reasonably possible, the findings will be sent to the complainant within 15 term time days of any meeting with the complainant. If no meeting is arranged written communication will be submitted to the complainant within 25 term time days of the written complaint being received. This communication should include any agreed actions and a record of these actions should be kept within the school.

If, following the investigation, issues arise relating to staff discipline or capability, details should remain confidential to the Headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action.

The aim will always be to resolve the matter as quickly as possible. However, if a complainant is not satisfied with the result at Stage 2 they may request that the complaint is dealt with at stage 3 by writing to the school, preferably using the proforma in Appendix 2, within 10 term time days of receiving the school's response. The request must include why the complainant is still not satisfied and what the complainant believes should have been done or where the school has not met reasonable expectations. If no further communication is received from the complainant within 10 term time days, the complaint will be deemed to have been resolved.

Stage 3 – Complaint heard by Headteacher

Stage 3 may only be used when all previous stages have been exhausted, unless the nature of the complaint is such that it is appropriate to initiate the complaint at Stage 3.

Details of the complaint should not be disclosed to the Full Governing Body at this stage.

The Headteacher will arrange for a further investigation. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 term time days of the written complaint being received.

Following the investigation, the Headteacher will normally give a written response within 15 term time days of the written complaint being received. Where the complainant remains dissatisfied he/she may request the complaint is dealt with at Stage 4. Any such request must be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and must be lodged within 10 term time days of the complainant receiving the findings in writing. The request must be addressed to the Chair of Governors. If no further communication is received from the complainant within 10 term time days, the complaint will be deemed to have been resolved.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors who will, if an informal resolution cannot be reached, designate a member of the Governing Body to investigate the complaint as per Stage 3.

Following the investigation, the Chair of Governors will normally give a written response within 15 term time days of the written complaint being received. Where the complainant remains dissatisfied he/she may request the complaint is dealt with at Stage 4. Any such request must be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and must be lodged within 10 term time days of the complainant receiving the findings in writing. The request must be addressed to the Chair of Governors. If no further communication is received from the complainant within 10 term time days, the complaint will be deemed to have been resolved.

Stage 4 – Complaint heard by the Governing Body's Complaints Appeal Panel

If the matter has still not been resolved at Stage 3, then the complainant will need to write to the Chair of Governors requesting the complaint is dealt with at Stage 4.

The Chair or a nominated Governor will convene a Complaints Appeal Panel, with at least one member who is independent of the management and running of the academy. The Chair will also elect a Chair of the Complaints Panel. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint. The hearing will normally take place within 15 term time days of the receipt of the written request for Stage 4 investigation.

The Chair of the Complaints Panel should notify the complainant and Headteacher or other representative of the academy school as to whether their attendance is required at the meeting. Neither party will attend in the absence of the other. Alternatively, the Panel may decide to consider written material only. If the attendance of parties is required, the complainant will be entitled to be accompanied by an interpreter or signer, as well as friend or relative. The friend or relative will attend for moral support only and will not play any part in the hearing unless invited to do so by the Panel if it appears to them that it will improve the quality of the complainant's representations. The Complaints Panel hearing is not a legal hearing and therefore legal representation will not be allowed by either the complainant or the school.

Whether or not parties are present, the Complaint Panel meeting will be held in private, and will be as informal as circumstances allow. A Clerk to the Complaints Panel will attend the meeting and keep a written record of the proceedings. The Clerk will usually be the Secretary to the Governing Body, however another suitable person may be appointed to this role if the Secretary to the Governing Body is not available.

If present, the complainant will have the opportunity to explain her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school representative will have the opportunity to explain the school's response and any actions taken. The panel members, complainant and school will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

The Complaints Panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. Any abusive behaviour at the hearing will not be tolerated and the Panel Chair may close the meeting in the light of any unacceptable behaviour.

Appendix 3 provides a suggested process that the Chair of the Complaints Panel may wish to follow in a hearing where parties and witnesses are present.

Wherever possible, the Panel will make a specific, measurable, achievable and timed written response which it will formulate as quickly as reasonably possible, aiming to do so within 10 term time days of the hearing, and the Chair of the Complaints Panel or the Secretary to Governors will notify all concerned. The letter will also contain what you need to do if you wish to take the matter further, although it should be noted that the decision of the Governor's Complaints Panel is final.

If the complaint relates to a staff disciplinary or capability issue about which the Headteacher is currently or has previously taken action, the Panel should beware of prejudicing any on-going disciplinary or capability procedures. If, following the hearing, issues arise relating to staff discipline or capability, details should remain confidential to the Headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action.

The complainant and Headteacher will usually be informed of the Panel's decision in writing within 10 term time days.

This concludes the complaints procedure. Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a Stage 3 request within the time stated in the policy) the matter is closed.

As Downview Primary School is an Academy, following the outcome of Stage 4 of this procedure, complaints regarding Academies may be considered by the Education and Skills Funding Agency (ESFA) only in specific circumstances shown next.

The ESFA can only look at complaints about academies that fall into the following areas:-

a) undue delay or non-compliance with an academy's own complaints procedure

The ESFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The ESFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the ESFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the ESFA will ensure this is put right.

- b) an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State**
- c) an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter**

ESFA will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction, complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- In dealing with complaints the ESFA will take account of its public sector equality duty (under the Equalities Act 2010)

NOTE

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately.

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the School and Trust will not respond to any further correspondence on this issue or a closely related issue. Complainants must be aware of the policies on Unacceptable Behaviour and Unreasonably Persistent Complainants (see Appendix 4).

Complaints relating to matters covered by other policies

Those wishing to raise a complaint against the school should also be aware of other policies that may relate to their complaint. These may include: Admissions, Safeguarding and Child Protection and Data Protection and Freedom of Information Policies.

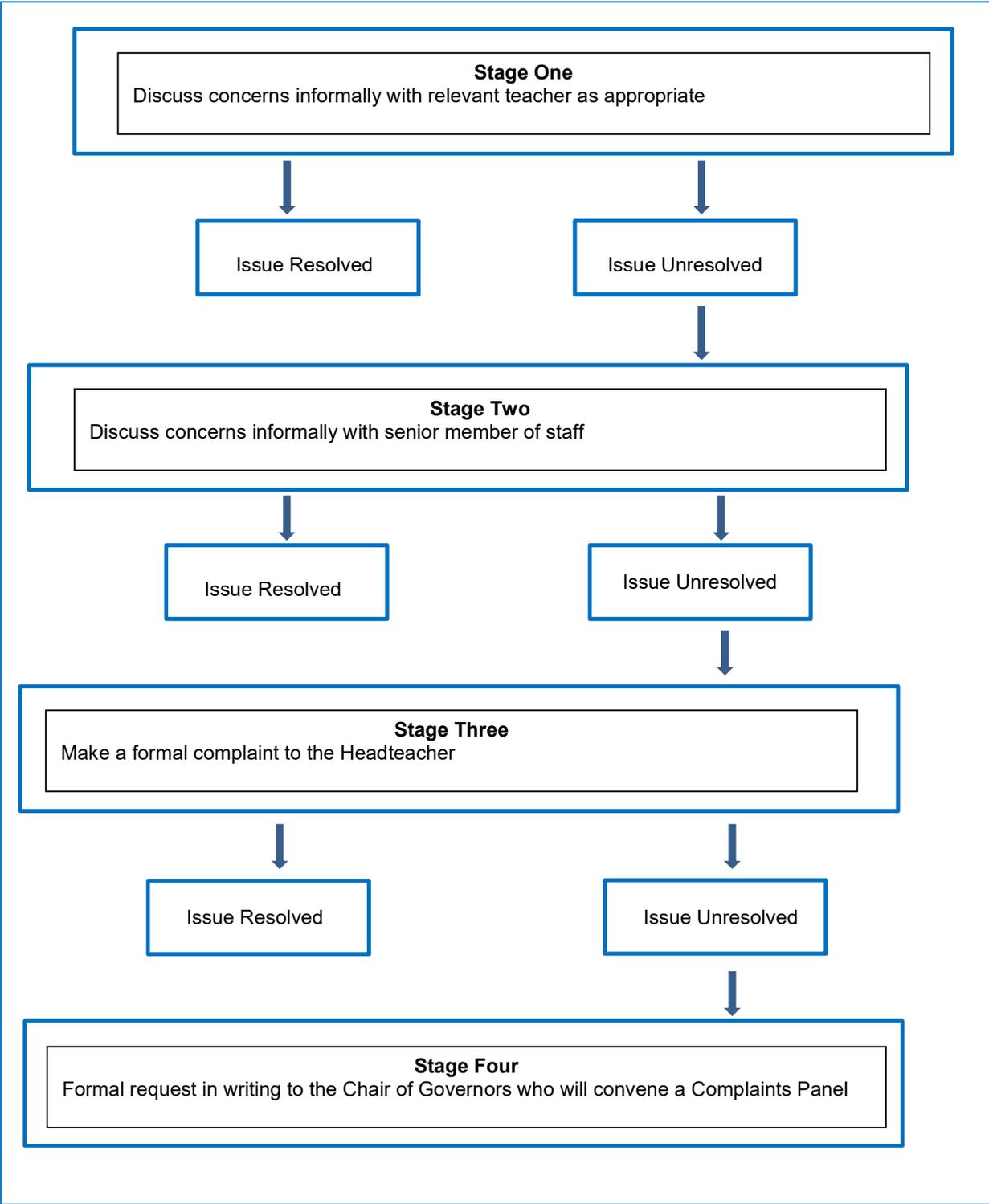
Confidentiality

The School will keep all correspondence, statements and records relating to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.

Review

The Governing Body will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the School

Appendix 1 Overview of Complaints Procedure



Appendix 2: Complaint Form (Stage 2 or Stage 3)



Downview Primary School – COMPLAINT FORM

Please complete and return to the school via the Headteacher or the Chair of Governors who will acknowledge receipt and explain the complaints process.

Your name _____

Child's name _____

Your relationship to the child (if relevant) _____

Address _____

Telephone number (day) _____

Telephone number (evening) _____

Please give brief details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response?)

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

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

Signature _____ (complainant)

Date _____

Appendix 3: Suggested process for Stage 4 Complaints Panel Hearing where parties are invited to attend

(*Headteacher or Chair of Governors if the complaint is about the Headteacher)

- The hearing will be as informal as possible
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The Chairman of the Panel will welcome the complainant, introduce the Panel members and explain the procedure.
- The complainant will be invited to explain their complaint, and be followed by any witnesses
- The *Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher will then be invited to explain the school's actions and be followed by any school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The Panel may ask questions at any point
- The complainant will then be invited to sum up their complaint
- The Headteacher will then be invited to sum up the school's actions and response to the complaint
- The Chair of the Complaint Panel will explain that both parties will hear the decision of the Panel within a set time-scale
- Both parties will leave together while the Panel decides on the complaint
The Committee will then consider the complaint and all the evidence presented and;
 - i. Reach a decision on the complaint and the reasons for it.
 - ii. Decide upon the appropriate action to be taken to resolve the complaint.

The Governors sitting on the Panel must be aware of the complaints procedure before the meeting.

Appendix 4: Policy on Unacceptable Behaviour

Downview Trust and Downview Primary School recognises that it has a duty to fully hear and to seek to resolve complaints. The School also has a duty of care to ensure the safety and welfare of pupils, parents and staff.

The Trust and School are committed to dealing with all complaints fairly and impartially and to provide a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Trust and School do not expect its staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the playgrounds and car park.

If the Headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher will take action to restrict the complainant's contact with the school.

Unacceptable actions and behaviours of unreasonable and unreasonably persistent complainants

- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Undermining school policies by actively encouraging children to ignore staff requests.

Aggression, verbal and or physical abuse towards members of school staff or the wider school community are unacceptable no matter what the circumstances are. Examples of behaviour that are considered serious and unacceptable and will not be tolerated include:

- shouting at members of the school community, either in person or to school staff over the telephone;
- physically intimidating members of the school community, e.g. standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, e.g. slapping, punching and kicking;
- spitting;
- breaching the school's security procedures;

These are some of the actions and behaviours which the Trust and the School will not tolerate. It is by no means an exhaustive list and local factors may vary.

The decision to restrict access to the school will be taken by the Headteacher. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Trust and the School will seek to limit any detriment to any children who attend the school, as far as is reasonable within these circumstances, e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, other options will be considered, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.