



# Complaints Policy

Policy last adopted	October 2018
Policy due for review	September 2020

## 1 Purpose

The Headteacher and Governing Body are committed to providing the best educational experience they can for all pupils attending Colindale Primary School. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

## 2 General principles

This procedure is intended to allow a complainant to raise a concern or complaint relating to the school, or the services that it provides.

An anonymous concern or complaint will not be investigated under this procedure unless the Headteacher or Chair of the Governing Body believes that there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered.

Our complaints procedure:

- Encourages resolution of problems by **informal** means wherever possible;
- Is easily **accessible** and **publicised**;
- Is **simple** to understand and use;
- Is **impartial**;
- Is **non-adversarial**;
- Allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensures a full and **fair** investigation by an independent person where necessary;
- Respects people's desire for **confidentiality**;
- Addresses all the issues and provides an **effective** response and **appropriate** redress, where necessary;
- Provides **information** to the school's senior management team so that services can be improved.

## 3 Definition of complaint and complainant

### **3.1 What is a complaint?**

A school complaint is any communication received by a person or persons with a legitimate interest in the school, but not employed at the school, which expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

### **3.2 Who is a complainant?**

A complainant is someone:

- Who allegedly has been wronged
- Whose child(ren) allegedly has been wronged (i.e. parent or carers or other person with parental responsibility or
- Someone representing a person in one of the above groups, for example a Councillor or Member of Parliament.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent / carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

## **4 Confidentiality**

Concerns and complaints will be treated by the school with a high degree of confidentiality. The Headteacher and Governing Body respectfully ask the complainant to do likewise.

## **5 Types of complaints**

### **5.1 Statutory/established procedures**

Where there are established or statutory or other procedures for dealing with complaints, those will be followed. Areas to which this applies include:

- Admissions to schools
- Exclusions
- Special education provision
- School re-organisation
- Matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- Complaints by school staff or prospective staff
- Child protection
- Public examinations
- School records on individual pupils

### **5.2 Complaints to Ofsted**

Ofsted can consider complaints about maintained schools, if your concern affects the school as a whole. For example:

- The school is not providing a good enough education
- The pupils are not achieving as much as they should, or their different needs are not being met
- The school is not well led and managed, or is wasting money, or

- The pupils' personal development and well-being are being neglected.

Ofsted will not normally investigate cases to do with individual pupils. Further information and guidance is found at:

<http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents>

## **6 Raising a concern or complaint**

For concerns or complaints not covered by established or statutory procedures, the following stages must be followed.

Complainants are encouraged to informally settle the matter with the relevant member of staff, senior leader or Headteacher as quickly as possible. The majority of straightforward complaints and Complaints Procedure problems are likely to be resolved at this point. Where informal attempts to resolve a complaint have been unsuccessful, the complaint may be progressed to the Chair of Governors.

### **6.1 Stage 1 - Informal Stage**

#### **6.1.1 Stage 1a**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, email, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this first informal stage.

The member of staff will have a duty to inform the Deputy Headteacher if any issue is not resolved after discussion with the complainant.

The member of staff concerned collates associated records e.g. email, investigation notes, and records notes of the discussion and agreed actions.

If resolved at this stage, the record is kept in the Complaints file kept by the School Administrator, or if unresolved, is passed to the Deputy Headteacher.

#### **6.1.2 Stage 1b**

If concerns persist, or are not resolved to the satisfaction of the complainant, the complainant should escalate their concerns to the Deputy Headteacher. This may be by letter, email, telephone or in person by appointment, requested via the school office. The Deputy Headteacher should seek and work towards achieving the complainant's desired resolution. The Deputy Headteacher will inform the Headteacher if any issue is not resolved after discussion with the complainant.

The Deputy Headteacher collates associated records e.g. email, investigation notes, and records notes of the discussion and agreed actions. If resolved at this stage, the Deputy Headteacher informs colleagues on a need-to-know basis of the resolution and arranges for the records to be kept in the Complaints file. If unresolved, the Deputy Headteacher passes all information to the Headteacher.

#### **6.1.3 Stage 1c**

The Headteacher will review the concern or complaint and, where relevant, actions taken at Stages 1a and 1b. The Headteacher may investigate issues associated with the concern or complaint. The outcome of the Headteacher's involvement will be:

- Dismiss the complaint in whole or in part;

- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- Make the complainant aware of the school's policy for handling unreasonably persistent, harassing or abusive complainants.

If the complaint is about the actions of the Headteacher, a resolution should be sought directly with the Headteacher (Stage 1a) and / or with the involvement of a Deputy Headteacher (Stage 1b). If a complaint against the Headteacher remains unresolved, it is the Headteacher's duty to inform the Chair of Governors and refer the complainant to Stage 2.

The Headteacher collates associated records e.g. email, investigation notes, and records notes of the discussion and agreed actions. The record is added to the Complaints file. It may be requested if the complaint progresses to Stage 2

Concerns or complaints which are resolved at Stage 1 are not reported to the governing body.

## **6.2 Stage 2 - Chair of Governors**

The second stage is where the complainant is not satisfied with the outcome of Stage 1. They should be advised to take up the matter in writing with the Chair of Governors, using the school's Complaint Form. The Chair of Governors may investigate the complaint further. The outcome at this stage will be:

- Referral to the Headteacher, Stage 1c;
- No further action, with reasons given;
- Referral to the appropriate committee of the governing body for consideration. The Chair of the relevant committee may investigate the complaint further, with or without the involvement of the Chair of Governors. The outcome of the Chair of committee's involvement will be:
  - Dismiss the complaint in whole or in part;
  - Uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint;
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
  - Apply any of the schools' responses to unreasonably persistent, harassing or abusive complaints.

If the Chair of Governors or Chair of a committee undertakes the investigation at Stage 2, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to Stage 3.

Concerns of complaints which are resolved at Stage 2 are reported (anonymously) to the full governing body and recorded in confidential minutes.

### **6.3 Stage 3 - The Governing Body**

The third stage will be where the complainant is not satisfied with the outcome of the Stage 2 investigation and response. They should be advised to put their concerns in writing to the clerk to the Governing Body for consideration by a governors' Complaints Committee. The Committee would meet within 10 working school days of the complaint being received by the clerk.

A panel of three governors with delegated powers, would convene to hear the complaint at a meeting attended by the complainant, the Headteacher and witnesses. Written evidence is submitted in advance to all parties and verbal evidence given at the hearing.

The committee's decision is final will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

- Dismiss the complaint in whole or in part; Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- Apply any of the schools' responses to unreasonably persistent, harassing or abusive complainants.

Concerns of complaints which are resolved at Stage 3 are reported (anonymously) to the full governing body and recorded in confidential minutes.

## **7 Timescales**

The following limits will apply to all complaints handled under the schools complaints procedure:

**Stage 1:** It is reasonable that parents / carers seeking to resolve matters of concern to them will receive a response within **15 working school days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.

**Stage 2:** Will be responded to within **15 working school days** from receipt of complaint escalation.

**Stage 3:** Will be responded to within **20 working school days** from receipt of complaint escalation.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

## **8 Further Stages**

If the complaint remains unresolved after Stage 3, and the complainant thinks that the school, or school's governing body, is acting unreasonably, or is failing to carry out its statutory duties properly, the complainant may write to the Secretary of State for Education.

This should be a last resort and the complainant should highlight in the letter the steps that have already taken to resolve the problem and enclose all previous correspondence relevant to the complaint.

The Department for Education (DfE) will not usually be able to investigate the complaint if the child no longer goes to the school where the incident took place.

To complain to the DfE write to:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

## **9 Vexatious complaints: unreasonably persistent, harassing or abusive complainants**

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents / carers and will always try to resolve any concerns as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

### **9.1 What do we mean by ‘an unreasonably persistent complainant’?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include actions which are:

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted, or
- Personally harassing, or
- Unjustifiably repetitious;
- Pursuing unjustified complaints and / or
- Unrealistic outcomes to justified complaints;
- Pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- Making complaints in public or via a social media; or
- Refusing to attend appointments to discuss the complaint.

### **9.2 What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others;

- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.

### **9.3 What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect;
- Maintain a high degree of confidentiality;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Follow the school's complaints procedure.

### **9.4 School's responses to unreasonably persistent complaints or harassment**

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

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his / her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his / her behaviour to fall under the terms of the Unreasonably Persistent Complaints / Harassment Policy
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

### **9.5 Physical or verbal aggression**

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect;
- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

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

## Colindale Primary School Complaint Form (for use at Stage 2)

Please complete this form if attempts to resolve your concerns or complaints with a member of staff (Stage 1a- class teacher; Stage 1b- Deputy Headteacher, or Stage 1c-Headteacher) have not been successful.

Please return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to the pupil:
Your address:
Day time telephone:
Evening telephone:
Details of complaint

What actions, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?

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

Are you attaching any documents? If yes, please give details.

Signed / dated:

SCHOOL USE

Date acknowledgment sent:

By:

Referred to:

Date: