



Fladbury
Church of England First School

Complaints Policy

Reviewed by Head Teacher: Miss Julie Wilson June 2020

Approved by Governors: June 2020

This policy statement and every step taken to adhere to it will seek to demonstrate at all times, Christian values.

This policy relates to complaints other than those about the curriculum or religious worship for which a separate procedure has been established. Details of this procedure are available from school.

1. What is the difference between a concern and a complaint?

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 however made, about actions taken or a lack of action”.

2. How to make a complaint

It is hoped that any parent or member of the public would make initial contact with the class teacher, if such a complaint was something they could immediately respond to. This would be an informal stage and hopefully the issue would be easily resolved. Stage 2 which now becomes part of the formal process is when a parent or member of the public makes their complaint in the first instance either verbally or in writing to the Head Teacher. The complaint can be about any provision of facilities or services that our school provides, unless separate statutory procedure applies (such as exclusions or admissions). The school, if asked, will help anyone who would like assistance to set out their complaint including access to translation services where necessary.

3. How are complaints dealt with?

It is hoped that the majority of complaints can be resolved informally by raising them verbally, in person or on the telephone, or by putting them in writing, given or sent to the school, when they can be discussed there and then or at a mutually agreed time and a satisfactory explanation given or resolution speedily implemented. We would hope that all complaints are made as soon as possible after an incident arises.

Complaints that cannot be resolved informally will be dealt as follows, using the summary of steps (Appendix A):

- An acknowledgement (or final response where possible) will be sent to the complainant within three school working days.
- The complainant will be told the name and telephone number of the person dealing with the complaint.
- A full response will be sent within ten school working days, or if a complete answer still cannot be given, the complainant will be told what is being done to investigate the complaint and how long this will take.

- The complainant will be told if their complaint has to be dealt with under a separate procedure.

4. Where to go if not satisfied with the outcome?

- (i) Complainants not satisfied with the outcome of their complaint dealt with by the Head Teacher should write to: -

The clerk to the Governors – Mrs Alison Marlow, c/o The School Address who will arrange for the complaint to be looked into by the governing body's complaints committee. Even at this stage there is provision within the policy for the complaint to be tried to be resolved informally and the chair of governors may choose to try to do so in the first instance before formal referral to the complaints committee itself. An acknowledgement of receipt of the complaint will be sent within 5 school days of receiving it and a letter inviting the complainant to a meeting will be sent within 15 school days. Once a panel decision is made, the complainant will receive a letter confirming that decision within 5 school days.

- (ii) Thereafter, complainants still not satisfied with the outcome who want to take the matter further, beyond the school, can write to –

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

However, the LA's policy is that unless allegations relate to serious incidents of staff conduct, child protection issues or potential criminal activity it will not look into complaints about matters in schools until after the school's own complaints procedures have been fully exhausted and concerns still remain. The LA considers schools should have every opportunity to resolve complaints at local level in the first instance. The LA recognise that the majority of issues raised can only be effectively resolved at local level where, in most cases the power to take appropriate action is vested in the school rather than the LA.

5. What to do if the complaint is about the Head Teacher

Complaints about the Headteacher, that the complainant cannot or does not wish to raise directly with the Headteacher, should in the first instance be sent to the chair of governors who will arrange for the matter to be dealt with as set out in 4(i) above.

6. Monitoring of Complaints

Our school complies with obligations posed upon us under the Equality Act 2010. We accept complaints made in person, by telephone or in writing and in order to prevent any later challenge or disagreement over what is said, brief notes of meeting and telephone call are kept and a copy of any written response added to the record. Where there are communication difficulties we will provide alternative methods. We will record the progress of the complete and the final outcome. The Headteacher is responsible for these records which will be housed centrally. Under the Freedom of Information and Data Protection Acts, we are aware that complainants have a right to copies of these records.

7. Governing Body Review

An anonymous analysis of all formal complaints will be reported to the governing body regularly so that any necessary changes in the school's policies, practices or procedures can be considered and implemented. Good practice determines every two to three years is typical for a full complaints procedure review. The full governing body has delegated this responsibility to the Personnel Committee

8. Complaints not in scope of the procedure

Our complaints procedure covers all complaints about any provision of facilities or services. Below are a list of exceptions:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none">• Whistleblowing	Schools have 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.

<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

9. Serial and Persistent Complainants

We will always try to do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are repeatedly contacted by an individual making the same points, or who asks us to reconsider our position, then we will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts us again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and we may choose not to respond.

Is it time to stop responding?

The decision to stop responding is never taken lightly. We must 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.

We will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what we can refuse to respond to, not the correspondent. We will always 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 we 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. We will ensure that we are acting reasonably and that any genuine complaint can still be heard. If we find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, we may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants will 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 we consider it to constitute harassment, legal advice will 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.

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

Fladbury First 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.

Fladbury First 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 does so either face-to-face, by telephone or in writing or electronically:-

- 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Fladbury First School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. 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. This may include banning an individual from Fladbury First School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify

them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

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

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator/Headteacher

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding sharing third party information and any additional support which may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 2 and 3 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information
 - interviewing staff and children/young people and other people relevant to the complaint;

- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

APPENDIX TO COMPLAINTS PROCEDURE

Complaints relating to the Code of Practice on the English Language Requirement for Public Sector Workers

What is the requirement?

The school has a duty to ensure that all employees in roles requiring contact with members of the public (pupils, parents, etc.) as an integral part of their role, are able to converse fluently and accurately in English.

The recruitment process and performance management are designed to ensure that our employees meet the required standards.

If you feel that we have not met this duty you are able to make a complaint.

When can I make a complaint?

You can make a complaint if you feel that an employee in a customer-facing role has insufficient proficiency in spoken English for the performance of their role.

What is not covered in the Code of Practice?

Complaints about regional or international accents, dialect, manner or tone of communication, origin or nationality are not considered legitimate complaints under the fluency duty.

The school will also not take forward any vexatious, oppressive, threatening or abusive complaints in relation to this fluency duty. Complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint.

How do I make a complaint?

Please follow the School's Complaints Procedure – see above

All legitimate complaints will be investigated in accordance with the complaints procedure and the school will assess the merits of the complaint against the necessary standard of spoken English fluency required for the role in question.

Any member of staff who is the subject of the complaint has a right to be notified of the complaint and any action being taken in relation to it.

Where a complaint is upheld the school will consider what steps can be taken to meet the fluency duty.