



HOBBAYNE PRIMARY SCHOOL COMPLAINTS POLICY

Purpose

The Headteacher, staff and Governing Body are committed to providing the best educational experience they can for all pupils attending Hobbayne Primary School. They recognise the value to all concerned of dealing fairly, speedily and effectively with any concern, 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.

In accordance with Section 29 of the Education Act 2002, all local authority maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

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.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible.

Anonymous complainants or matters raised more than 3 months after the event being complained about will not be investigated under this procedure unless the Headteacher or Chair of the Governing Body believes that there are exceptional circumstances.

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 leadership team so that services can be improved.

Definitions

Types of complaints

Our complaints procedure covers all complaints about any provision of facilities or services that we provide with the **exceptions** listed below, for which there are separate, sometimes statutory, procedures.

Exceptions	Who to contact
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 directly to Ealing Council, the local authority (LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
Exclusion of a child from school	Further information about raising concerns

	about exclusion can be found at: www.gov.uk/schooldisciplineexclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly 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.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

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'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined below.

What is a complaint?

A school complaint is any communication received by the school when 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.

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.

Confidentiality

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

Ofsted can consider complaints about maintained schools (a school that is funded by the local education authority), if your concern affects the school as a whole. For example:

- the school as a whole 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>

Raising a concern or complaint

Complainants are encouraged to settle the matter informally with the relevant member of staff, senior leader or Headteacher as quickly as possible. The majority of straightforward concerns and complaints 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.

Stage 1 - Informal Stage

Stage 1a- Informal Discussion

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 may involve others who are better placed to resolve the issue, including Phase Leader, SENDCo, or Deputy Head depending on the nature of the complaint.

The member of staff will inform the 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 pupil's file or if unresolved, is passed to the senior member of staff at Stage 1b.

Stage 1b- Written Complaint

In the case of persistent, unresolved or more serious concerns, these should be in writing either in a letter or by completing the form attached in the appendix to the Deputy Head or Headteacher.

The Deputy Head or Headteacher will review the concern or complaint and, where relevant, actions taken to resolve the concern. The Deputy Head or Headteacher may investigate issues associated with the concern or complaint. The outcome of the Deputy Headteacher's involvement will be:

- resolve the complaint, deciding on appropriate action to be taken within the scope of their role and responsibilities;
- refer the complaint to the Headteacher for consideration.

The Headteacher will review the concern or complaint and, where relevant, actions taken at Stages 1a and/or actions taken by the Deputy Headteacher to resolve the concern. 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 serial, unreasonable or persistent complaints.

If the complaint is about the actions of the Headteacher, a resolution should be sought directly with the Headteacher (Stage 1a). 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 Deputy or Headteacher collates associated records e.g. email, investigation notes, and records notes of the discussion and agreed actions. The record is added to the pupil's file. It may be requested if the complaint progresses to Stage 2.

The complainant will receive a written response to the outcome of their complaint. Concerns or complaints which are resolved at Stage 1 are not usually reported to the Governing Board.

Stage 2 – Formal Stage, 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 1b;
- if the complaint is about the Headteacher, the Chair may refer the complaint to the Deputy Headteacher, Stage 1b;
- 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 serial, unreasonable or persistent 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.

The complainant will receive a written response to the outcome of their complaint.

Concerns of complaints which are resolved at Stage 2 are reported (anonymously) to the full Governing Body through the Headteacher's report.

Stage 3 – Formal Stage, 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 6 school weeks 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 at least ten school days in advance to all parties and verbal evidence given at the hearing.

The committee's decision is final and will be notified to all parties as soon as possible after the meeting, in writing from the Clerk to the governing board – 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 serial, unreasonable or persistent complaints.

Concerns of complaints which are resolved at Stage 3 are reported (anonymously) to the full Governing Body.

Timescales

The following limits should 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 should 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: Should be responded to within **15 working school days** from receipt of complaint escalation.

Stage 3: Should be responded to within **35 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.

Further Stages

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.

Further information can be obtained from the SCU:

- by calling the National Helpline, 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

Serial, unreasonable or persistent complaints

We are 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.

We define serial, unreasonable or persistent 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 serial, unreasonable or persistent 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 a 'serial, unreasonable or persistent' 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 causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan, for example:

- 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.

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 barring an individual from the Hobbayne Primary School site.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to making previous serial, unreasonable or persistent complaints. The Headteacher and/or Chair of Governors nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Barring from the school site

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 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. Parents are always given 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.

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 Headteacher (complaints co-ordinator)

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, 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;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 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 (Clerk to the Governors)

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;
- 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.

Policy Adopted on: _____

Signed Chair of Governors: _____

**Appendix
Complaint Form**

Please complete this form if attempts to resolve your concern or complaint informally with a member of staff 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 your 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?

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

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

Signed:	Date:
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Official use	
Date acknowledge sent:	By who:
Complaint referred to:	Date: