



COMPLAINTS PROCEDURE

Related policy (if appropriate): Complaints Policy

Introduction

The Tynings School aims to work in partnership with mums, dads and carers in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

Actions Before Making Any Complaint

- Our complaints procedure is not intended to replace the normal informal discussions which take place between mums, dads and carers and staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.
- These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.
- **The first point of contact regarding concerns should always be the class teacher.** Appointments to see the class teacher are available after school and may be made via the office. Please bear in mind, though, that teachers require time immediately before school to prepare for the day, and may have involvement with clubs or staff meetings after school, so may not always be available at short notice.
- When meeting with the class teacher to raise your concerns, please be patient as the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Ensure you discuss desired actions for the school and mum, dad or carer, timescales, and further meetings during your appointment.
- If a mum, dad or carer feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The mum, dad or carer should indicate that the appointment is regarding a complaint.

Referral of Complaints

The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are six categories of complaint for which there are separate procedures and the Local Authority will usually become involved.

- Admission to the school
- Statutory Assessment of a child's special educational needs
- Exclusion of pupils from the school
- School transport
- Home tuition
- Concerns or allegations against staff or volunteers
- Child protection
- Any complaint about the action of the Governing Body

In any of these categories the school will advise you of the procedure for your complaint.

General Principles Regarding Any Complaint

The following principles will apply to any complaint

- The complaint will be handled with care and sensitivity.
 - All stages of the complaints procedure will be investigatory rather than adversarial
 - Confidentiality will be respected at all times
 - Responses to any complaint will be prompt (timescales are detailed below)
 - The Complainant will be given adequate feedback and kept informed of timescales
 - The Complainant will be kept informed of the options to appeal during the process
 - Any investigation will be thorough and fair
 - Any investigation will address all the points at issue
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- If any Governor is contacted directly by a mum, dad or carer regarding a complaint then that Governor will refer the mum, dad or carer to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the mum, dad or carer to the class teacher, the Headteacher or the Chair of Governors as appropriate.
 - If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 2 via a letter to the Chair of Governors as described below.
 - If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation, then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.
 - If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However, if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate. If an anonymous complaint raises child protection issues, then the complaint will be referred immediately to the Local Authority.
 - The Complainant should not attempt to bypass steps in the complaints procedure. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the school's procedure by those bodies.

Formal Stage 1 - Complaint handled by the Headteacher

If a mum, dad or carer feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The mum, dad or carer should indicate that the appointment is regarding a complaint.

If the Headteacher cannot resolve the complaint at the initial meeting, then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within 10 school days and a follow on meeting held with the mum, dad or carer to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Headteacher and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Headteacher will advise the Complainant that they may make a formal complaint to the Governing Body by putting the complaint in writing (using the Complaints Form) to the Chair of Governors within 15 school days.

Complaint about the Headteacher

The above procedures apply if the complaint is about the Headteacher, but the informal investigation will be undertaken by the Chair of Governors unless the Chair decides it is necessary to move straight to Stage 2.

Formal Stage 2 - Governing Body

When a Complainant remains dissatisfied with the outcome of stage 1, or if the complaint was about the Headteacher, it will be passed to the Chair of Governors as a formal complaint. A panel of two or three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the mums, dads and carers.

The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by a friend, who can speak on their behalf if necessary. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement

The meetings will be minuted. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the school secretary to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. It will also be reported back to the next meeting of the full governing body. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However, this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for written evidence will be sent to the Complainant within 10 school days. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Governors involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times.

Following the conclusion of the complaints meetings with all parties, the panel will provide a written response to the complaint within 15 school days.

N.B - Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

Formal Stage 3 - Appeal to the Local Authority

If the Complainant is not satisfied by the school's procedures, or they consider that the Governing Body has acted unreasonably, or not dealt with their case fairly and according to the published complaints policy then they may complain in writing to the Local Authority:

Director for Children, Adults and Health, Badminton Road Offices, Yate, South Gloucestershire, BS37 5AF

Formal Stage 4 - Appeal to the Secretary of State

Finally, a complaint may be made to the Secretary of State for Education if a person believes that a Governing Body or Local Authority is acting "unreasonably", or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the Governing Body or the Local Authority has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. 10.2 Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. 10.3 The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint. Any appeals should be made using the on-line form on the DfE website.

Monitoring and Review

The Governing Body will review this complaints policy on an annual basis. The Headteacher will log all formal complaints received by the school and will record how they were resolved.

Governors will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

Staff Disciplinary Procedures

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the Local Authorities Human Resources department will be sought.

The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However, the details of any disciplinary proceedings will not be released to the Complainant.

School Policy Regarding Harassment or Abusive Behaviour

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

Sometimes, however, mums, dads and carers or carers pursuing complaints or other issues may 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.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or making complaints in public or via social networking sites; or refusing to attend appointments to discuss the complaint.

We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, 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, without good cause;
- 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 disproportionately adverse effect on the school community.

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

- Treat all members of the school community with courtesy and respect;
- 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.

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 be unreasonable or unacceptable, and request a changed approach
- 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

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 action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy and procedures.

Vexatious Complaints

A complaint may become vexatious when it has been properly considered and dealt with, but the Complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. If the Chair of Governors judges that a complaint has become vexatious he/she will inform the Complainant in writing of this, stating that the matter is now closed.

Acknowledgements

The main text of these procedures is based upon a Complaints Policy from Charfield Primary School in South Gloucestershire. The Governors and Headteacher kindly agreed to share their work with all other South Gloucestershire Schools. Additional materials have been adapted from National Association of Head Teachers' guidance and South Gloucestershire Council's guidance.

Appendices

Appendix 1: Flowchart to summarise complaints procedures.

Appendix 2: Formal Complaint Form